

Reference:	17/00398/FUL	
Ward:	Milton	
Proposal:	Demolish existing servicing enclosure to rear, form new servicing enclosure and layout loading layby on to Chichester Road	
Address:	British Home Stores, 36 - 44 High Street, Southend-on-Sea, Essex, SS1 1JG	
Applicant:	Glanville Consultants	
Agent:	Glanville Consultants	
Consultation Expiry:	03/04/17	
Expiry Date:	01/05/17	
Case Officer:	Ian Harrison	
Plan No's:	55232-T-01 (Rev A), 8161075/6100 C, 8161075/6201 A, Dra TTG UKPL23 AR 101 1.1 8161075/6002 and 8161075/6001.	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission for works to the existing building at the application site comprising of the demolition of an existing, enclosed service bay at the east elevation of the site and the erection of a replacement service enclosure with a new loading bay at the site and associated alterations to the public highway.
- 1.2 The existing service enclosure measures approximately 34 square metres, projects from the rear elevation of the existing building by 2.8 metres and measures a maximum of 13.5 metres wide. The projection features flat roof built to a height of 3.3 metres.
- 1.3 The replacement service enclosure would project from the rear of the building by 1.6 metres with a maximum width of 6.9 metres and a minimum width of 3.7 metres. The enclosure would be built to flat roof height of 3.3 metres and would feature a security shutter to the north east elevation.
- 1.4 The other works proposed by this application would see the modification of the public highway to enable the provision of a new delivery layby. At present dropped kerbs exist directly to the south of the service enclosure and to the north east of the service enclosure. All land surrounding the service bay, between the existing buildings and the adjacent carriageways is used as public footpath with a minimum width of 2.6 metres. All land to the east of the main part of the building, including the service areas is part of the public highway.
- 1.5 The proposed layby would be served by a new access to the east of the proposed service enclosure and a new access to the north of the site. The total length of the layby would measure 32.8 metres and would include land a maximum of 6 metres from the existing carriageway. The public footpath would be reduced to a width of 2 metres for a length of 19.2 metres, aligned with the east elevation of the building, but would increase to a maximum width of 5 metres on the land to the east of the service enclosure. The proposed layby would be operated as a one-way system, entered from the south and existed to the north. A traffic island would be located between part of the layby and the highway.
- 1.6 The applicant's submissions state that the building was previously serviced by one rigid lorry per day with up to five other servicing vehicles using the layby per week, giving an average of two vehicle visits per day. It is proposed to service the site by up to three, 12 metre long rigid delivery lorries (26 ton) per day which will take between 30 minutes and 45 minutes to unload, with additional deliveries potentially occurring at peak times (Christmas for example). In addition, the layby would be used for refuse collection and 'sanitary collection' once a day. It is therefore assumed that the total number of vehicle visits will average five per day.

2 Site and Surroundings

- 2.1 The application site is located to the north of Heygate Avenue, to the west of Southend Travel centre and to the rear of the existing retail premises that was formerly occupied by British Home Stores. The existing content of the application site is discussed in detail above.
- 2.2 The site is allocated as part of the Southend Town Centre and is within the Southend Central Area.
- 2.3 The Council's emerging Southend Central Area Action Plan Document (SCAAP) includes the application site within a 'Visually Active Frontage.' The carriageway to the east of the application site is also designated as an area for 'New/Improved Pedestrian Links.'

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, the impact of the proposals on the character and appearance of the site and the surrounding area, parking and highway safety and any impact on neighbouring properties.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1, CP2, CP3 and CP4, Development Management DPD Policies DM1, DM3 and DM15 and Emerging Southend Central Area Action Plan policy DS5.

- 4.1 The proposed development is ancillary to the use of a building that has established a use falling within Use Class A1 within the Southend Town Centre. Policy CP2 makes it clear that the town centre is the preferred location for retail development and therefore it is considered that developments ancillary to retail uses within the town centre can be supported in principle.
- 4.2 The National Planning Policy Framework also sets out that planning should support the vitality and viability of the town centre as well as encourage economic growth. It is stated that *"Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing."*
- 4.3 In this regard it is noted that the site currently contains a vacant retail unit and the applicant's submissions indicate that the proposals are connected to the potential occupation of the building by a different company which has increased requirements. As opposed to a large vacant building, the reinstated use of the building would be likely to generate economic activity and employment within Southend Town Centre.

These factors can be given weight in favour of the proposals for ancillary development that will make occupation of the building more attractive.

- 4.4 In this case it is considered that the proposals will have impacts in a number of other regards which are assessed in turn below.

Design

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM3, SPD1, Emerging Southend Central Area Action Plan policy DS5.

- 4.5 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.6 The emerging SCAAP policy document has been submitted to the Planning Inspectorate and is due to be examined and can therefore be afforded some weight in the assessment of this application. As set out above, the site is designated as part of a Visually Active Frontage and it is therefore relevant to note that emerging policy DS5 states that the Council will *“Encourage visually active frontages through the installation of public art, green walls, well detailed signage, and appropriately placed windows and entranceways to enliven blank frontages, as defined on the Policies Map.”* The policy also states that the Council will, *“In order to promote and reinforce local distinctiveness, ensure all public realm improvement works seek to provide a coordinated palette of materials, facilitate a reduction in street clutter, consider the needs of all users, including vulnerable and disabled users, the provision of additional seating where appropriate to provide resting places.”*
- 4.7 The proposed demolition and extension of the existing service enclosure would result in a smaller single storey projection being provided at the rear of the building. The rear elevation of the existing building is a blank elevation with a service area that is required for functional purposes, but does not contribute positively to the character or appearance of the site and the surrounding area. The removal of the structure and its replacement with a smaller structure of comparable appearance is therefore considered to cause no additional harm to the character and appearance of the site and the surrounding area.
- 4.8 The proposals would result in highways and the layby having a more dominant visual impact on the general character of the area. At present footpaths, highways and the surrounding buildings dominate the character of the area and it is considered that the layby would become a feature of visual significance. Noting that the rear of the existing site has a functional appearance and that there would be no external storage at the site, on balance, it is considered that the visual impact of providing a layby at the site can be found acceptable.

Therefore, on balance and notwithstanding the content of the emerging SCAAP policies, it is considered that the visual harm of the proposed development would not be materially worse than the visual impact of the existing situation or comparable service areas along Chichester Road and therefore the application should not be refused on visual grounds. Design as it relates to highway safety is assessed in subsequent sections of this report.

Impact on Neighbouring Properties

NPPF; DPD 1 (Core Strategy) Policies KP1, KP2 and CP4; Development Management DPD Policy DM1 and DM3 and SPD 1 (Design & Townscape Guide (2009))

- 4.9 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.10 The site is located within an area of commercial uses with the nearest residential properties 45 metres to the east of the site. The proposals would therefore have no impact on the light, privacy or outlook of those properties and it is considered that any noise from deliveries would not be materially worse or different to the comparable noises that occur within the area as a result of the use of other service areas, the public highways and the bus station. No objection should therefore be raised to the application on the grounds of amenity.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15, the Design and Townscape Guide and Emerging Southend Central Area Action Plan policy DS5.

- 4.11 Core Strategy policy KP2 states that development should “secure improvements to transport networks, infrastructure and facilities and promote improved and sustainable modes of travel” and policy CP3 states that development should “provide for the development of high quality transport interchanges at Southend Travel centre” and “improve road safety, quality of life and equality of access for all.”
- 4.12 Development Management DPD Policy DM15 states that “development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.” It also states that “access to the proposed development and any traffic generated must not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way.” Moreover development should be required “to prioritise and promote viable alternatives to private vehicle use development proposals must prioritise the needs of pedestrians, including disabled persons and those with impaired mobility.”

- 4.13 Similarly, paragraph 35 of the NPPF states the developments should be designed to:
- *“accommodate the efficient delivery of goods and supplies;*
 - *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
 - *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter*
 - *consider the needs of people with disabilities by all modes of transport.”*
- 4.14 Emerging SCAAP policy DS5 is discussed at paragraph 4.6 above which highlights the importance of improving the public domain. In addition the policy also states that the Council will:
- *“Seek to better manage demand on the road network leading to, from and within the SCAAP area safely, and balance this with the needs of other modes, particularly where this would give greater reliability to road users and priority to pedestrians, cyclists, public transport users and other vulnerable road users*
 - *“Improve the quality of existing and promote the creation of new pedestrian and cycle priority routes to improve access to the SCAAP area, considering the potential for mixed-mode or segregated priority routes where appropriate”*
 - *“Encourage businesses to provide appropriate service and delivery arrangements and minimise their environmental impact; working with the freight industry and logistics to implement more efficient use of vehicles in terms of guidance, zoning and delivery timetables and this can be set out in a freight management plan”*
- 4.15 The submitted plans propose a layby that would enable deliveries to occur without interfering with the freeflow of traffic within the carriageways of Heygate Avenue and Chichester Road. Delivery vehicles would be able to serve the site without having to use parts of the highway that are the subject of parking restrictions or the adjacent taxi rank which would be the only alternative options that currently exist. The applicant makes it clear that the building could be lawfully occupied, used and the take deliveries without any specific provisions being made for deliveries and as such the provision of a designated service layby would be of benefit in line with the first bullet point at paragraph 4.13 above and the third bullet point at paragraph 4.14.
- 4.16 It is noted that the applicant has provided a Road Safety Audit which concludes that the proposed access can be safely used provided that an extended and refreshed north bound cycle lane is provided and an existing lamp column is relocated.

4.17 Conversely, the Local Planning Authority has received a third party objection which has been accompanied with an objection from a recognised Highway and Transport Consultant which should be given weight. This raises concerns on the following grounds:

- Even allowing for the extension of the cycle lane, the visibility of north-bound cyclists will still be restricted which will pose a threat to cyclist safety.
- A travel count they have undertaken demonstrates that an average of three cyclists an hour use the adjacent highway during the daytime period, reaching a peak of nine cyclists. This relatively low cycle count makes it likely that drivers will look for cyclists less.
- The proposal will cause the significant reduction of the width of the footway and detract from pedestrian amenity.
- A travel count they have undertaken demonstrates that an average of 561 two-way pedestrian movements occur during the daytime period and therefore the reduction of pedestrian amenity would have a significant impact.
- Deliveries from the service area into the building would be likely to affect pedestrian safety.
- The applicant would not be able to guarantee that the service bay would not be used by other local retailers. This could lead to queuing and vehicles waiting for others to leave the service area.

4.18 The Officer of the Highway Authority has raised concerns in relation to the potential for conflict with pedestrians from servicing vehicles and the loading/unloading activities, the close proximity of the development to a puffin crossing and the adequacy of guard railing. It is therefore considered that the safety audit is insufficient and lacking in detail. Concerns are also raised about the potential for other vehicles to use the layby which could prevent the layby being accessible and cause obstruction to the free-flow of traffic within the surrounding area and prevent free use of the puffin crossing.

4.19 It is considered that Heygate Avenue and Chichester Road are the subject of a high level of pedestrian footfall due to the location of the site between the retail areas to the north, south and west of the site and the Southend Travel Centre to the east. In line with the abovementioned policies, it is considered that the safety of pedestrians is of paramount importance and that the priority of pedestrians throughout the area is also very important. In this regard it is noted that the existing pedestrian crossings would be retained and footpaths would be provided so that it would remain possible for pedestrians to continue to use the area and it is noted that movements to the Southend Travel Centre along Heygate Avenue would not be materially affected.

- 4.20 However, the proposal would result in the reduction of the width of the footpath to 2 metres. The Highway Authority have advised that guard rails would be required at the edge of the footpath, which would be expected to be set in by 0.5 metres, thereby reducing the width of the footpath along Chichester Road to 1.5 metres. The 'vehicle tracking' plans that have been provided demonstrate that large delivery vehicles would pass in very close proximity to the edge of the footpath and therefore it is considered that the erection of guard rails would be a necessary and reasonable requirement of the Highway Authority. This is confirmed by the applicant's Road Safety Audit.
- 4.21 The applicant states that five vehicles would use the site per day, three of which would be 26 ton delivery vehicles. The applicant states that the contents of each of these lorries, presumably roll cages, would take up to 45 minutes to unload and therefore for approximately two hours a day, such cages and other delivery items would have to be moved across the public footpath into the proposed service enclosure. For this time, there would be a chance of conflict between pedestrians and the delivery process and pedestrians would not be likely to be the priority for this time. This would be true for any former delivery arrangements that were required to utilise the public footpath, but given the reduction of the width of the pedestrian footpath at that point it is considered that the proposal would represent a reduction of the pedestrian environment.
- 4.22 It is noted that the applicant has provided details of a lease that exists at the site which sets out that the occupant of the building at the site has the ability to make deliveries to the service enclosure at the rear of the site. It is however considered that this is of limited relevance to this proposal which is for a materially different access arrangement. It appears that the delivery arrangements shown within that document have not been used for an extensive period of time and may not now be possible given changes that have occurred to the arrangement of the public highways around the site.
- 4.23 As set out above, there are positives and negatives caused by the proposed development. Overall, it is considered that the concerns that have been raised by the Highway Authority and the implications for the pedestrian environment cannot be outweighed by the positive aspects that have been set out within the appellant's submissions and above.

Community Infrastructure Levy

- 4.24 As the development represents a reduction of floorspace at the application site, the development is not CIL liable.

5 Conclusion

- 5.1 On balance, notwithstanding the benefits of supporting the proposals that have been set out above, it is considered that the impacts of the proposals on highway safety and the reduction of the environment and priority of pedestrians is unacceptable and contrary to the abovementioned policies of the Development Plan.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework 2012.
- 6.2 Southend-on-Sea Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 6.3 Southend-on-Sea Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Highway Authority

- 7.1 A new loading lay-by is to be created for vehicles to unload which incorporates a reduced pedestrian footway.

Within the transport statement provided by the applicant it states that 5 servicing vehicles per day typically will visit the site per day. This includes up to 3, 12m long, rigid up to 26 ton vehicles which take 30-45mins to unload.

A safety audit has been provided by the applicant which has only identified 2 issues, concerns relating to potential cycle conflict with serving vehicles and a relocation of a lamp column. I am quite surprised that reference has not been made to the obvious pedestrian conflict in an area of high pedestrian movement from servicing vehicles and the close proximity to a puffin crossing, reduced footway width with no guard rail to protect pedestrians of any potential over sailing of the highway from delivery vehicles and no reference of conflict with pedestrians whilst unloading is being undertaken for 30-45 minutes across the reduced footway. It is not considered that the safety audit provided is sufficient and is lacking in a number of areas as mentioned above.

Concerns are also raised that the proposed lay-by could also attract other service vehicles from commercial premises within the local area this could potentially increase the number of service vehicles using the lay-by. Should the service lay-by become blocked this could potentially obstruct the free flow of traffic in a very traffic sensitive area not to mention blocking the existing puffin crossing preventing pedestrian from using the crossing safely.

A highway objection is raised due in the intensification of service deliveries in an area of high pedestrian and vehicular movement, reduction in footway width which reduces the priority of pedestrians which could have a detrimental impact upon the public highway.

Concerns relating to pedestrian and vehicle conflict which have not been addressed satisfactorily.

Public Notification

- 7.2 Nine neighbouring properties were notified of the proposal and a site notice was posted at the site.
- 7.3 One letter has been received which states that the access and pedestrian arrangements appear to have been considered and asks who the tenant of the unit will be and if they will take action in relation to vermin and animal waste at the site.
- 7.4 One letter of objection has been submitted on behalf of the owners of The Royals Shopping Centre which has been accompanied with a report from a third party highway consultant that is discussed above. The letter of objection includes the following grounds of objection:
- The proposal would be detrimental to highway safety, pedestrian facilities and pedestrian amenity as set out at paragraph 4.17 above.
 - The existing bay at the rear of the site encloses the operations at the site and ensures that they have no visual impact, which is in-keeping with most other service areas of the surrounding area that are screened from the public domain. However, the proposed development would lead to cluttering and operations occurring in the open area to the detriment of visual amenity.
 - The blank façade of the existing building should be improved in line with the emerging SCAAP policies and not harmed by the proposed service area which is not respectful of the townscape.
 - The Highway Authority should have been served notice of the application. [Officer Note – Officers asked the applicant to ensure that notice was correctly served and we have no reason to dispute the submissions of the applicant. The Highway Authority have had opportunity to comment on the application and therefore, even if they should have had a notice served on them, it has not prejudiced their ability to be involved in the application process.]

The application was called-in to the Council's Development Control Committee by Councillor Assenheim.

8 Relevant Planning History

- 8.1 No planning history at the site is considered to be of relevance to this proposal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reason:

- 01 The proposed development would create a vehicle access that would be likely to cause a reduction of highway safety, prejudice the free flow of traffic and result in the reduction of the quality of the pedestrian environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, polices KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), policies DM1 and DM15 of the Southend-on-Sea Development Management Document (2015), Emerging Southend Central Area Action Plan (2017) policy DS5 and the advice contained within the Council's Design and Townscape Guidance (2007).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

You are advised that as the proposed extensions to the property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL