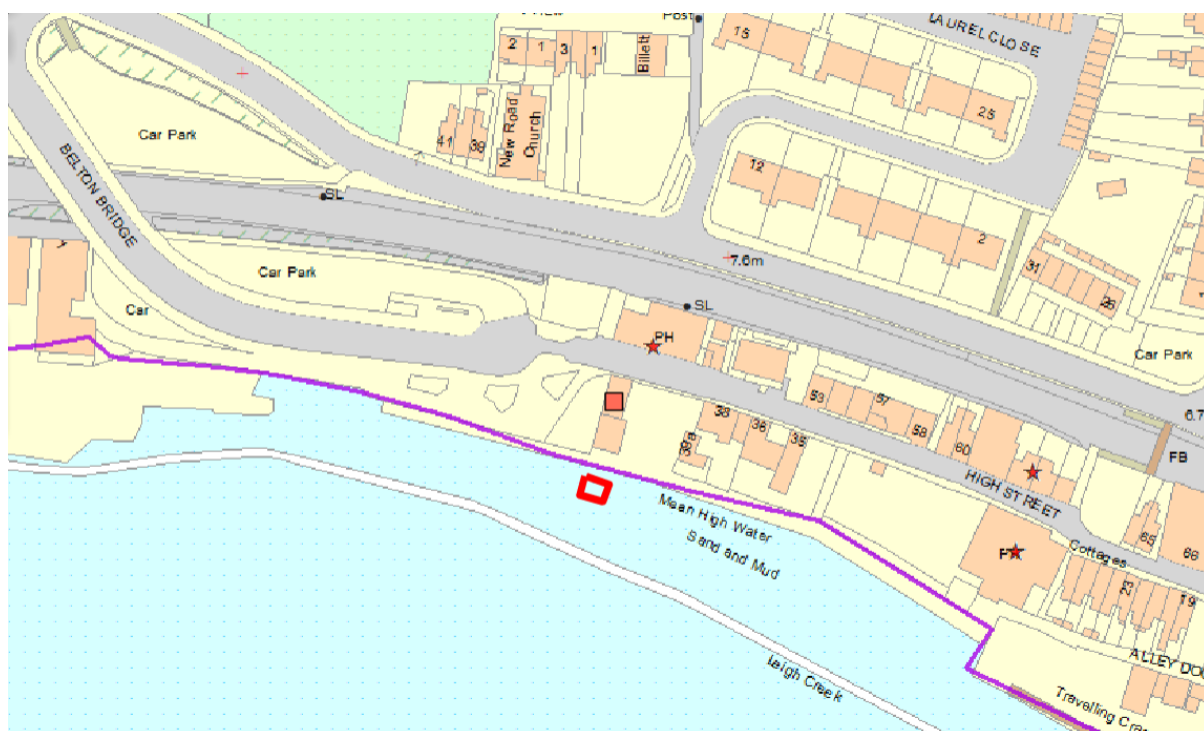


<b>Reference:</b>	17/01648/FUL	
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Erect mooring structure with ramp and metal balustrade (retrospective)	
<b>Address:</b>	Billet Wharf, High Street, Leigh-on-Sea	
<b>Applicant:</b>	Osborne & Sons (Shellfish) Ltd	
<b>Agent:</b>	GL Hearn	
<b>Consultation Expiry:</b>	21.11.2017	
<b>Expiry Date:</b>	18.12.2017	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	Location Plan, 840.200.00, 840.201.00, 840.202.00	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 The Proposal**

- 1.1 Retrospective planning permission is sought for the mooring structure with ramp and metal balustrade at Billet Wharf in Leigh Old Town. The structure has been in place since March 2016 and replaced a former smaller mooring structure which had been in place since 1993. The previous structure was approximately 56m<sup>2</sup>. The existing structure, including ramp, measures approximately 60m<sup>2</sup>.
- 1.2 The structure is irregular in shape but extends to a maximum of approximately 4m x 6m (12.6 metres deep, with a maximum width of 7.54 metres including ramp). The structure consists of a concrete raised platform with a height of 1.5 metres above water level. The height to the top of the metal balustrading from the water level is 2.4 metres, 1.88 metres from ground level. Two tyre bollards are located at the edge of the platform to protect the vessels which moor at the structure and reach a total height of 9.6 metres (approximately).
- 1.3 The applicant describes that the structure provides an enhanced structure for health and safety purposes and provides improved access to Leigh Creek for larger fishing vessels to meet current and on-going operations of the Osborne & Sons (Shellfish) business. A single vessel can be moored at one time. The structure and ramp allow for the loading and unloading of the vessel to transport the catch along the foreshore to the Osborne & Sons Ltd Factory located at 9 Cockleshed; approximately 230 metres to the west of the structure.
- 1.4 The application site is located within the Old Leigh Conservation Area, the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), RAMSAR site and is within a Special Protection Area (SPA). The application site is also located within Seafront Character Zone 2, as defined within the Development Management Document (Policy DM6).
- 1.5 The application falls to be considered by the Development Control Committee at the request of Cllr Bernard Arscott.

## **2 Site and Surroundings**

- 2.1 The application site relates to an existing mooring structure with ramp and metal balustrade at Billet Wharf in Leigh Old Town as described in the former section of this report, located within Leigh Old Town, a historic compact settlement at the base of steep cliffs, segregated from the rest of Leigh on Sea by the railway line that runs along the northern boundary of the conservation area.
- 2.2 The application site is located within the Old Leigh Conservation Area as well as being located within the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI).

### **3 Planning Considerations**

- 3.1 The main planning considerations for this application are the principle of development, environmental issues, its impact upon the character and appearance of the area and the conservation area, impact on residential amenity and CIL implications.

### **4 Appraisal**

#### **Principle of the Development**

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, CP1, CP4; Development Management Document (2015) Policies DM1, DM3, DM5, DM6 and the Design and Townscape Guide (2009).**

- 4.1 In its broad strategic aims, Policy KP1 of the Core Strategy states that appropriate regeneration and growth will be focussed upon the Seafront in order to enhance its role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore. CP1 of the Core Strategy also states that in order to promote economic regeneration, development will be expected to support the future potential of the regeneration of Leigh Port.
- 4.2 The Development Management Document Policy DM6 (The Seafront) specifically identifies that development within the Leigh Port and Old Town Character Zone must;
- i. maintain thriving fisheries and working port by resisting the loss of existing marine industrial activities;
  - ii. enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town;
  - iii. preserve and enhance the special character of Leigh Old Town Conservation Area and;
  - iv. maintain an appropriate balance between the working port and leisure and tourism activities, when considered in conjunction with points (i), (ii) and (iii).
- 4.3 Additionally, development within or near the Seafront Area must not detrimentally impact upon the Thames Estuary's openness or views across and backdrops to the River Thames and Southend's beaches. The mooring structure, whilst utilitarian in appearance and of no particular design merit, is not considered to result in demonstrable harm upon openness or views across and backdrops to the River Thames and Southend's beaches. Further acceptability of the development upon the character and appearance of the area, including the special character of the Conservation Area is located below.
- 4.4 The development is considered to support the historic fishing industry which not only contributes to economic vitality but also to the special character of Leigh Old Town.

- 4.5 Furthermore, the development replaced a former mooring structure. It is therefore considered that there is no objection to the development in principle. Determining material considerations are discussed below.

### **Environmental Issues**

#### **National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 and CP4; Policies DM1 and DM3 of the Development Management Document (2015)**

- 4.6 The application site is located on the Benfleet and Southend Marshes Site of Special Scientific Interest, Special Protection Area and RAMSAR. The assessment of any likely effects of the development upon the pre-development base line condition of the habitat and or species in question can only be made accurately prior to the commencement of the development. Due to the retrospective nature of the application this is not possible.
- 4.7 However, Natural England have been consulted and are satisfied that the development is not likely to have a significant effect on the interest features of the special sites and further assessment of the implications on the site's conservation objectives is not required in this instance. Furthermore, Natural England is satisfied that the development does not damage or destroy the interest features of the designated sites.
- 4.8 In addition, considering the development replaces a former mooring structure of similar size and taking into consideration the Standing Advice of Natural England, it is considered that the proposed development does not result in greater impacts upon the designated protected areas or natural habitats.
- 4.9 Any impacts upon biodiversity resulting from the development are likely to be negligible and it is not considered that the development has a significant effect on the European and international site. It is considered that the structure is acceptable and compliant with the objectives of the development plan policies and wider regulations in relation to its environmental impacts.

#### **Design and Impact on the Character of the area and Leigh Old Town Conservation Area**

#### **National Planning Policy Framework; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3, DM5, DM6; and advice contained within the Design and Townscape Guide (2009).**

- 4.10 The site is located within the Leigh Old Town Conservation Area. The Council has a duty to ensure that any new development or alterations within a conservation area preserves or enhances their special historic and architectural character. This requirement is reinforced by Development Management Policy DM5 which states:
- 1. All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.*

2. *Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.*

- 4.11 The Development Management Document Policy DM6 (The Seafront) specifically identifies that development within the Leigh Port and Old Town Character Zone must;
- i. *maintain thriving fisheries and working port by resisting the loss of existing marine industrial activities;*
  - ii. *enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town;*
  - iii. *preserve and enhance the special character of Leigh Old Town Conservation Area and;*
  - iv. *maintain an appropriate balance between the working port and leisure and tourism activities, when considered in conjunction with points (i), (ii) and (iii).*
- 4.12 Leigh's Old Town has its own unique character as a working marine village owing to the fishing, boat building and repair, sailing, fishing, cockle processing and retailing operations which are key characteristics of the Conservation Area. The Council's Conservation Area Appraisal for Leigh Old Town states that the area's industrial nature is, "...the defining aspect of its character today."
- 4.13 As stated above, the development consisting of a replacement concrete mooring structure with ramp and metal balustrading is of no particular design merit and is utilitarian in appearance. The structure is larger than that of the former but is considered to appear as a typical structure observed within such foreshore locations. In terms of its effect upon the character and appearance of the area and in particular the special character of the Conservation Area in which it is set, it is considered that on balance, the development does not result in significant material harm to justify refusal.
- 4.14 In particular, the benefits of the development in supporting the historic and important fishing industry of Old Leigh, which contributes to not only its economic vitality but is the overarching character feature of the area, are considered to outweigh any visual harm from the development.

### **Impact on Neighbouring Occupiers**

**National Planning Policy Framework; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).**

- 4.15 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should not have an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area.
- 4.16 Policy DM1 requires that all 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;”*
- 4.17 There are no residential properties in close proximity to the site that are affected by the proposed development and the proposal is found to be acceptable in terms of its neighbour amenity impacts.

### **Community Infrastructure Levy**

- 4.18 As the development equates to less than 100sqm of 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.

### **Conclusion**

- 4.19 Having taken all material planning considerations into account, it is found that, on balance, the development is acceptable and compliant with the objectives of the relevant development plan policies and guidance. The development has an acceptable impact on the foreshore and biodiversity, provides an improved facility in support of the historic and important fishing economy of Leigh Old Town and will not harm the amenities of neighbouring occupiers, foreshore views or the special character of the character and appearance of the Conservation Area. The application is therefore recommended for approval. Due to its retrospective nature, no conditions are necessary.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (2012)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Management Document (2015) Policies: DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Efficient and Effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management)

- 5.4 Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Charging Schedule
- 5.6 Leigh Old Town Conservation Area Appraisal (2009)

## **6 Representation Summary**

### **Leigh Town Council**

- 6.1 No objection

### **Natural England**

- 6.2 No objection.
  - Natural England has assessed this application using the Impact Risk Zones data (IRZs) and considers that is not likely to have a significant effect on the interest features for which Benfleet and Southend Marshes SPA and Ramsar.
  - Natural England advises that an Appropriate Assessment to assess the implications of the proposal on the site's conservation objectives is not required in this instance.
  - In addition, Natural England is satisfied that the development will not damage or destroy the interest features for which the Benfleet and Southend Marshes SSSI has been notified.
  - Standing Advice should be used to assess impacts upon protected species.

### **Pier and Foreshore Officer**

- 6.3 No response received.

### **Leigh Society**

- 6.4 No objection

### **Corporate Property & Asset Management**

- 6.5 Objects;
  - The structure in-situ is detrimental to amenity;
  - Potential proliferation of similar structures on the shoreline;
  - It is accepted moorings are within the area however the subject structure in-situ is an overbearing massing/mooring standing in isolation and out of scale to its immediate surroundings.

Officer comment: Please refer to paragraphs 4.11 – 4.15 with regard to the visual impact of the development. With regard to setting a precedent, it should be noted that each application is considered on its own merits.

## **Public Consultation**

6.7 A site notice was displayed on site and six neighbours were notified of the proposal. No letters of representation were received.

## **7 Relevant Planning History**

7.1 No relevant planning history.

## **8 Recommendation**

**8.1 It is recommended that planning permission be GRANTED**

### **Informative**

1 **You are advised that as the development 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](http://www.southend.gov.uk/cil) for further details about CIL.**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**