

<b>Reference:</b>	<ol style="list-style-type: none"> <li>17/02074/FUL</li> <li>17/02075/LBC</li> </ol>
<b>Ward:</b>	Milton
<b>Proposal:</b>	<ol style="list-style-type: none"> <li>1. Change of use of ground floor shop (Class A1) to community hub for age concern (Class D1), change of use of first floor from shop (Class A1) to Assembly and Leisure use (Class D2) and replace external staircase to rear, infill window to rear, install 2 rooflights and 2 roof lanterns to single storey flat roof to rear.</li> <li>2. Various internal changes to ground, first and second floor, reinstate two letters to the signage on the front elevation, replace external staircase to rear, infill window to rear and install 2 rooflights and 2 roof lanterns to single storey flat roof to rear (Listed Building Consent)</li> </ol>
<b>Address:</b>	138 - 140 Hamlet Court Road Westcliff-On-Sea Essex SS0 7LN
<b>Applicant:</b>	Age Concern Southend CIO
<b>Agent:</b>	Metson Architects Ltd
<b>Consultation Expiry:</b>	20 <sup>th</sup> March 2018
<b>Expiry Date:</b>	11 <sup>th</sup> June 2018
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	<ol style="list-style-type: none"> <li>TP-X01B, TP-X02, TP-01D, TP-02, TP-03</li> <li>TP-X01B, TP-X02, TP-01D, TP-02, TP-03, TP-04, TP-05D, TP-07, TP-08, TP-09, TP-10A, TP-11A, TP-12A, TP-13, TP-14, TP-15A</li> </ol>
<b>Recommendation:</b>	<ol style="list-style-type: none"> <li><b>GRANT PLANNING PERMISSION</b></li> <li><b>GRANT LISTED BUILDING CONSENT</b></li> </ol>



## 1 The Proposal

1.1 Planning permission is sought to change the use of the ground and first floors of the former Havens Store in Hamlet Court Road from a retail shop to a community use. The ground floor will change from class A1 to class D1 of the Town and Country Planning (Use Classes Order) and will house Age Concern which will relocate from a nearby premises in Hamlet Court Road. The facilities associated with this use include support services for the over 50s such as bereavement counselling, public health facilities and advocacy, the provision of hairdressing and chiropody services, meeting spaces, craft / hobby area and a public café. The first floor will change from class A1 to class D2 and will house Club 50+ which will relocate from Queens Road in Southend. This area will be used for more leisure based activities for over 50's including a keep fit area, carpet bowls, snooker, table tennis, darts and computer area. The Havens online retail function will remain in the 2nd floor offices. These uses would work together using shared services, staircases and the lift and represent a sui generis use for the site.

1.2 The proposal will require a number of physical changes to the building. These are the subject of an application for planning permission and listed building consent and are summarised below:

### External

- reinstatement of the damaged sign to front
- replacement of the rear escape stair
- installation of 2 conservation rooflights and 2 roof lanterns to the existing single storey addition to the rear
- infill window to rear

### Ground Floor

- Alteration of the main display windows to remove backing enabling views

into the premises

- Removal of 1980s style shop fittings including wall cabinets within the front area and restoration of panelling behind
- Installation of fitted reception counter
- Installation of café servery counter
- Installation of reversible partitions within the central area to create meeting rooms, counselling rooms and other facilities such as hairdressing and chiropody
- Subdivision of the single storey rear section of the ground floor area to create a commercial kitchen, craft workshop and toilet facilities

#### First Floor

- Erection of glazed fire proof lobby around staircase
- Removal of 1980s wall cabinets and restore original timber panelling behind
- Installation of tea servery
- Part demolition of wall to storage cupboards on northern side of building to enable an area for the provision of carpet bowls

#### Second floor

- Installation of fire proof lobby around the staircase

## **2 Site and Surroundings**

- 2.1 The building was constructed in 1935 as a purpose built retail store for the shopping centre of Westcliff which was a fashionable shopping destination at this time. It is one of the largest and most important long-served stores in Hamlet Court Road. The building has an attractive faience (ceramic) façade and large distinctive steel framed display windows facing the street. Internally the building retains many of its original features including decorative rooflights, parquet flooring, a pair of grand staircases, the original concertina shuttered lift and some historic shop floor fittings. It is understood that the original timber panelling hides behind the later 1970/1980s wall display units. The building is mainly open plan to the first and second floors. A single storey extension was added in the 1950s to provide an additional sales area to the ground floor.
- 2.2 There have been a number of changes to the building over the years including the replacement of the ground floor shop display windows in the 1970s and the removal of the internal viewing gallery at first floor which once enabled views from the ground floor up to the decorative lantern above. An extension to the rear to infill the area between the store and the rear warehouse was also added. These changes can clearly be seen but overall the building has retained much of its original structure and historic character. The premises were grade II listed in 2016 and the building also sits within a Frontage of Townscape Merit.
- 2.3 The shop is located within the district centre of Hamlet Court Road and is a landmark for the shopping centre. The wider streetscene is characterised by a variety of buildings, many of which are historic and were constructed before

Havens, some of which have extensive decoration. The past grandeur of the street is evident but many of the buildings are in a poor state of repair or have been poorly altered and this has had an impact on their historic character. The street has a mix of uses, principally retail to ground floor with residential above. Much of the road including the site is designated as primary shopping frontage.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to the planning application are, impact of the change of use on the primary shopping frontage and district centre, the design and impact on the character and appearance of the site and wider area, impact on the heritage assets, the impact on neighbours amenities and any transport, highway and access issues. The only consideration in relation to the application for listed building consent is the impact on the architectural and historic character and significance of the listed building as a heritage asset.

### **4 Appraisal**

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

**National Planning Policy Framework (NPPF) (2012) Core Strategy (2007) policies KP1, KP2, CP1, CP3, CP4, CP6 and CP7; Development Management Document (2015) Policies DM1, DM3 and DM5, DM13, DM15**

- 4.1 The National Planning Policy Framework (NPPF) and local planning policies noted above promote sustainable development including the adaptation of listed buildings provided that the proposal has due regard for the impact of the works on the special historic character and significance of the listed building. This is discussed in detail below, along with the impact on neighbours amenity, wider design and character points, transport and highways and accessibility issues. The main issue for the principle of the change of use of the building is the impact this may have on the vitality and viability of the primary shopping frontage and wider district centre.
- 4.2 The key policy in relation to this is DM13 which seeks to protect the vitality of primary shopping frontages. Policy DM13 states that:

*1. Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.*

*2.....Within each of the identified primary shopping frontage areas, proposals for Class A1 retail use will be supported and its loss will be resisted. The change of use of ground floor Class A1 units to other uses of the Use Classes Order 1987 (as amended) or 'sui generis' uses of a retail nature will only be considered if:*

- i. The proposed use will not result in the proportion of frontage (measured in terms of length of frontage) remaining in retail use (class A1) falling below 60% within each centre as a whole. Where retail use (class A1) already falls below 60% of the primary shopping frontage length, no further loss of Class A1 will be allowed unless it can be demonstrated to the satisfaction of the Council that the A1 use is no longer viable*

*through an effective 2 year marketing exercise where the vacant property has been offered for sale or letting on the open market at a realistic price and no reasonable offers have been refused\*;* and

- ii. It can be demonstrated that the proposed change of use would enhance the vitality and viability of the centre and would not lead to the isolation of A1 retail uses; and*
- iii. An active frontage is retained or provided with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.*

- 4.3 The most recent survey data for this area showed that 58% of the Hamlet Court Road Primary Shopping Frontage was in A1 (retail) use, however, it is noted that within the block that contains the application site, the percentage of A1 uses was in fact much higher at 75%. The impact of the proposal would be to reduce these figures to 56% and 60% respectively.
- 4.4 The applicant has not provided a 2 year marketing assessment but the Havens owner has provided an assessment of his business during its 80 year history and an evaluation of the trends of retail stores of a similar nature across the country. This comments on how the retail business has adapted in light of the changing nature of shopping including the switch to online retailing. This report states that over the past 20 years the footfall in Hamlet Court Road has been in decline and the centre as a whole is losing custom to the modern shopping centres such as Lakeside and Bluewater and more recently the internet. In relation to the Havens business itself it comments that in 2005/6 only around 20% of Havens business was via the internet. This figure is now nearer to 70% and the business has been forced to diversify and move online to survive. The report also comments that of a group of 30 independent retailers of a similar size and nature across the country, Havens has survived the longest. It is the opinion of the owner that the building is no longer viable as an independent retail unit due to its scale and arrangement over 2 floors.
- 4.5 The application currently proposed seeks to retain the online Havens business in the space on the 2<sup>nd</sup> floor. No change to this use is proposed under the current application. This business will have close links to the other users in the building in particular links with the window displays and reception counter. As such, a presence of a town centre nature will be maintained in the building and contribute to the activity at the site. It is also noted that the application proposes to remove the backs of the ground floor display windows so that the café behind can be seen from the street. This will ensure that an active and attractive frontage is maintained to the street. The café will be open to the public as well as the centre's users.
- 4.6 Whilst the figures show that the level of A1 is already below the 60% threshold, it is important to note that the objective of this policy is to protect the vitality and viability of the retail centre. By opening up views into the building of a retail function and continuing window displays the building will be able to maintain an active frontage to the street. It is therefore considered that the proposal is consistent with the essence of this policy and will not appear out of character within the parade as a whole. It is also considered that the proposed new use as a community hub will bring substantial footfall to the street as well as providing a valuable service to the older population of the Borough who would be expected to make linked trips to other parts of the centre. It is considered that, in this instance, the proposal to

change from A1 to the D1 use proposed is consistent with the objectives of policy DM13 and that the development will not harm the vitality of the district centre. In fact it is considered that it would be likely to enhance the vitality and viability of this stretch of the district centre. The proposed use also has many other public benefits including social, health and wellbeing and economic benefits which help to justify an exception to the letter of this policy as well as securing, in principle, a future use which can integrate satisfactorily with the building's listed status (assessed in detail below). The principle of the development is therefore considered to be acceptable subject to the detailed considerations discussed below including assessing the impact on the significance of the historic asset.

## **Design and Impact on the Listed Building and Frontage of Townscape Merit**

### **National Planning Policy Framework (2012) Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM5**

4.7 In relation to proposals affecting listed buildings, paragraph 128-134 of the NPPF states that:

*129 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal.'*

*131. In determining planning applications, local planning authorities should take account of:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.*

*133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership*

- *is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

*134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

- 4.8 Policy KP2 of the Core Strategy requires that “*all new development contributes to economic, social, physical and environmental regeneration in a sustainable way*”.

And that development should:

*“Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.*

- 4.9 Policy CP4 states that:

*Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend. This will be achieved by:*

*7. safeguarding and enhancing the historic environment, heritage and archaeological assets, including Listed Buildings, Conservation Areas and Ancient Monuments*

- 4.10 Policy DM1 states:

*‘In order to reinforce local distinctiveness all development should:*

- (i) Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable;*

- 4.11 In relation to development affecting a listed building and Frontage of Townscape Merit Policy DM5 states:

*‘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. Development proposals, including replacement shopfronts, that impact upon the 'Frontages of Townscape Merit' will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function.'*

- 4.12 The proposed changes to the listed building are noted in Section 1 above. The alterations are discussed in detail below.

#### *Proposed External Alterations*

- 4.13 In relation to the external elevations the proposal seeks to repair the distinctive signage to the front including reinstating one letter which has fallen off and replicating another which has been lost. It is also proposed to infill one window to the rear with matching brickwork, replace the metal fire escape stair with one of the same design and install 2 conservation style rooflights and two pyramid style aluminium framed roof lanterns to the roof of the existing single storey extension.
- 4.14 It is pleasing to see that the Havens branding, which is so much a part of the character of the frontage, is to be maintained. This is specifically mentioned in the list description for the building and therefore the proposal to repair the letter signage to the front is welcomed. The applicant has confirmed that it is their intention for discrete signage within the window displays in relation to the change of use and this is considered appropriate and is welcomed. This will be considered under a separate application. The works to the frontage will help to preserve the frontage for the future and this accords with Policy DM5 in relation to Frontages of Townscape Merit.
- 4.15 The other external changes are confined to the roof of the single storey section to the rear which has no public impact. It should be noted that this part of the building has no historic merit and has been specifically excluded from the list description. The alterations here are minor and will not impact on the significance of the listed building. Crucially, therefore, the building will retain its existing character and former branding to the street and the proposed external alterations are considered to be acceptable and former branding.

#### *Internal Alterations*

##### *Ground Floor*

- 4.16 The ground floor of the building will be used by Age Concern to provide a variety of services for older people and members of the public including counselling and bereavement services, plus other small scale public health services such as flu jabs and blood tests as required as well as meeting rooms, a hobby room and public café. New shared toilet facilities for all uses will also be located at ground floor.
- 4.17 At the front of the building it is proposed to open up views into the building by removing the backs of the display windows. A reception counter, public café and a small servery will be located in this area. The modern 1980s fitted wall cabinet will also be removed and the panelling behind restored. The enclosure of the staircase at this level, which was initially proposed, has now been omitted from the scheme following a review of fire safety requirements.
- 4.18 There is no objection in principle to the removal of the backs of the display windows as these were added in a more recent refurbishment of the building so are not part of the historic fabric. Their removal will allow views into the building from the street



helping to maintain an active frontage and contribute to the vitality of the shopping parade. Similarly the removal of the 1980s fitted wall cabinets will reveal the original wall panelling and this is seen to be a positive aspect of the proposal. These elements are therefore considered to be acceptable.

- 4.19 There is a need to provide a reception for Age Concern at the front of the building. The initial proposal submitted was for a full partition of the frontage to create a separate room with a counter but concerns were raised in respect of the sub division of this area and the impact this would have on the historic layout and the overall character of the building. This element of the proposal has been amended to be a more open plan arrangement. Reception facilities are now proposed to be provided at a custom designed low level counter which will be detailed to reference the historic character of the building by using the same materials and style as the historic shop fittings. This will enable the front section of the building, which is the most visible from the street, to be maintained as one open space. The use of matching materials and retail counter style design will help this element of the proposal fit in with the overall character of the building. This is a significant improvement over the initial proposal. The same design ethos will be applied to the proposed tea servery in this area which will provide a counter for the public café that is to be located at the front of the building. The amended proposal here is considered to be acceptable subject to the agreement of the design details and materials for the counters, which can be controlled by condition.
- 4.20 It is proposed to introduce some sub division in the central area of the ground floor to provide meeting rooms and local services provided by Age Concern and associated agencies. The nature of these services, which include bereavement counselling, public health and advocacy, means that there is often a need for privacy both visually and audibly and this has necessitated the installation of floor to ceiling partitions in this area. In order to mitigate the impact on the historic fabric, these are designed as reversible partitions (i.e. they can easily be removed at a later date without materially affecting the building fabric) and will be set back from the historic shelving units. Ventilation will be incorporated into the partitions dividing the rooms and will feed into ducts within the existing false ceiling and link to the existing air conditioning units on the roof of the single storey rear addition.
- 4.21 The central area is currently an open retail space although it is understood that there was originally a partition on the northern side of the area which provided access to the rear service yard. This has long since been removed and the area is now characterised by the fitted shelving units which link with the structural iron columns in this part of the building. These units have distinctive curved ends, oak trims and soffit lighting.
- 4.22 It is recognised that the open retail space is significant to the shop and its original function as a department store. This scale of open plan space was only possible due to the construction methods used here, which revolutionised the shopping experience, changing it from the narrow shops seen in the older retail units nearby, to the large open sales areas as shown in Havens. This structure is recognised as being important to the significance of the building as a heritage asset and is evident in the structural columns in this area and the exposed steel beams at first floor. Similar beams are hidden by the false ceiling which has been installed at ground floor.

- 4.23 While it would be preferable ideally to not have this subdivision it is noted that without the ability to provide private meeting rooms the proposed community use cannot function. The proposal therefore includes the subdivision of this area with lightweight reversible partitions. The design of these have been amended to ensure that they are fit for purpose but also that they are subservient to the historic shelving units enabling them to be maintained as a feature in the remaining central open plan area. The retention of a large open space in the centre of the ground floor will help to maintain a sense of openness for this area which will be apparent from the street and from within the front café area.
- 4.24 The detailing of the partitions has been altered to increase the amount of glazing and to ensure that a symmetrical layout, which is a key characteristic of the existing store in this area, is maintained. The glazing for the screens will be set in timber frames which have been designed to reference the detailing of the adjacent historic shelving. All these changes have significantly improved the proposal in relation to the initial submission which was for basic partitions on the south side and a large kitchen on the north side in this area.
- 4.25 It should be noted that if the building were, as an alternative to the current proposal, converted to another use it is likely that there would also be an element of subdivision within the building which may be more extensive than that currently proposed.
- 4.26 On balance it is considered that, in this particular instance, given the design of the partitions and their reversibility and improved detailing, the alterations in this area can be considered acceptable in terms of their impact on the significance of the heritage asset.
- 4.27 The kitchen has now been relocated to the rear section of the building along with the new toilet facilities and craft workshop. This section of the building was a later addition and, as noted above, has no historic merit. It is therefore appropriate that the more intrusive 'messy' uses are located in this area where there is an opportunity for a more flexible layout and the installation of associated plant and services. There is therefore no objection to the proposed alterations in this area subject to the agreement of the details of the kitchen plant and any associated housing. The wider implications of the plant will be discussed in more detail below.

### *First Floor*

- 4.28 The first floor of the building will be used by Club 50+ and will run in conjunction with the services provided by Age Concern at ground floor enabling the building to act as a community hub for older persons. The club will provide a variety of social activities for older people including a small tea servery, keep fit area, carpet bowls, table tennis, snooker and darts. This will require some alterations to the historic fabric including the installation of a fire proof lobby to the staircase, the demolition of part of an internal wall on the northern side to the rear to make the space more useable and some alterations to the rear back of house rooms and fire access area.
- 4.29 The fire proof lobby is required to ensure that users of the building are safe. The building has not been altered for many years and is currently considered to be substandard in terms of fire protection.

- 4.30 The heritage report submitted with the application confirms that a number of options were considered to address this issue including sprinklers and a drop down fire curtain but these were considered to be too intrusive on the historic fabric. The proposal has opted therefore for a 'light touch' glazed screen which will be constructed in fire proof frameless glass. This will enable the staircase to be fully visible from the first floor area and still be a key feature of this space. Fire safety matters would be fully addressed under a subsequent application for the relevant building regulations consent.
- 4.31 It is worth noting that any conversion of the building will require alterations to address this issue and other uses, such as a bar, may require a higher level of protection as the perceived risks are greater.
- 4.32 On balance it is considered that whilst the installation of a lobby will impact on the open plan layout of the staircase to a degree, the need for some form of fire protection has been justified and this 'light touch' honest approach is acceptable on heritage impact grounds in this instance.
- 4.33 The other main alteration at first floor is the demolition of part of an internal wall to create an opening into back of house area.
- 4.34 The layout of the first floor has store rooms on each side towards the rear which are arranged in an octagonal plan around the feature roof light. There is a clear distinction between the high quality finishes in the shop floor area and those within the store rooms where a more basic approach has been taken to the walls, ceiling and floor and ironmongery. The store rooms also include some rustic slatted timber shelving for the storage of china and glassware and the northern store room has a section of glass block flooring. There is also a smaller original decorative roof lantern to the back of house area to the south side of the building.
- 4.35 It is considered that the arrangement of the rooms forming a central octagonal space is an important aspect of the historic layout of the building and that the change of detailing and features in the back of house area showcases the operational side of the retail store. The demolition of part of the dividing wall to create an opening to the northern storeroom area which will be used for carpet bowls. This element of the proposal has been reduced to the removal of a lower section of one wall only, leaving the octagonal layout and the upper section of wall in place to enable the original structure and layout to be understood and appreciated. The agent has also confirmed that the glass block floor in this area will be retained under the bowls mat and that the finishes in this location will remain as their original simplistic and honest forms. It is noted that the slatted timber shelving will be removed from the northern area but the applicant has agreed to retain an element of this shelving in the southern rooms which are proposed to be used as an office and computer area. Overall this is seen as an acceptable approach and will meet the needs of the intended users whilst still enabling the original legacy of the layout and historic uses of this area to be appreciated as a heritage asset.
- 4.36 As with the ground floor a small tea servery counter is proposed at first floor which will be detailed in a similar fashion.

### *Third Floor*

- 4.37 The only alteration to the third floor is the installation of a fire lobby around the staircase. This area is noted in the list description as being of little historic importance so the proposal here is a more basic design. There is no objection to this element of the proposal on design and heritage grounds.

#### *Conclusion*

- 4.38 As with any scheme affecting a listed building, a careful balance needs to be achieved between the preservation of its historic significance and ensuring that the building has a use which secures its future. As noted above the proposed scheme will have some impact on the historic fabric inside the building, most notably some changes to the historic layout, but the original character will still be evident in the changes and these aspects of the proposal could be reversed at a later date. The relevant details of the key alterations have been submitted with this application and this shows that the alterations have been carefully considered and can be achieved in a way which is sensitive to and compatible with the historic character of the building and the wider area. Without these details the scheme would not be considered acceptable.
- 4.39 It is also important to consider that whilst the proposed use does require a change in the function of the building, it is unlikely that the building has a future as a department store and alternative uses may require an even greater level of alteration including greater compartmentalisation of the spaces and more stringent fire standards as well as the proposed branding of the new venture competing for prominence against features such as Haven's historic signage. On balance, it is considered that the alterations proposed will have a less than substantial impact on the heritage asset and are justified in this instance by the public benefits of the scheme. This proposal is found to be acceptable and compliant with the objectives of development plan policies as they relate to design, character and heritage matters.
- 4.40 Whilst it is not determinative in its own right and officers position has been set out above members are advised that independent expert heritage advice has been sought on the proposal. The conclusion of which is as follows: *'In conclusion, while the proposed change of use is highly regrettable in historic buildings terms it is acknowledged that the nature of high street retailing has changed considerably in recent years, and it may be that a change of use is unavoidable. If that is so, the council should consider carefully whether the proposed use represents the optimum viable use of the listed building. If it does, then I would agree with the broad conclusion of the Heritage Statement that the current proposals would result in harm which was less than substantial, to be weighed against the public benefits. In my opinion the degree of harm has been satisfactorily ameliorated and/or justified, and the scheme should now be regarded as acceptable in historic buildings terms.'*

#### **Impact on Residential Amenity**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1 and DM3 and the Southend Design and Townscape Guide (2009).**

- 4.41 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.42 No extensions are proposed however the scheme will include a new commercial kitchen which will require roof top plant. This is to be sited on the flat roof of the existing single storey addition to the rear of the store. This section of the building backs onto the rear gardens in properties in St Helen’s Road and St John’s Road. There would be approximately 15-20m between the proposed plant and the nearest residential property to the east and approximately 5m to the end of their rear gardens. It is also noted that there are some flats above shops adjacent to the site on Hamlet Court Road. These will be screened from the proposed plant area by the main part of the Havens building.
- 4.43 No details have been provided for the plant that will be required in this area but it is noted that the area of flat roof here is substantial and, given the distances involved, it is considered that the details of the plant, including ensuring acceptable noise levels, could in this case be agreed by condition. This is consistent with advice provided by Environmental Health.

### **Traffic and Transportation**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2, CP3 and CP4; Development Management Document (2015) policy DM15, and the Design and Townscape Guide (2009).**

- 4.44 The site has no off street parking associated with the exiting retail use and none is proposed as part of the development. This is typical for all the commercial premises in Hamlet Court Road.
- 4.45 The site is in a very sustainable location close to a variety of forms of public transport, including a bus layby directly outside the building which can be used for drop offs, and is near to public car parks and Westcliff railway station. Given the sustainability of the site, the Council’s Highways Officer has not raised any objections to the lack of parking.

### **Servicing and Waste Management**

- 4.46 The site has a right of way to the rear across the back of neighbouring properties to St Helens Road. This is currently used for deliveries and refuse collection and it is proposed that this will continue in the proposed development.
- 4.47 The plans show that the waste and recycling facilities are located in this area. Four 110 litre euro bins are proposed. These are tucked away in a small section of open land behind the rear of 15 St Helens Road. This is the same location as the refuse storage for the existing store. The location is 27m from St Helens Road. It is considered that a management plan in relation to the servicing of these refuse facilities could be agreed by condition.

## Accessibility for Users

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3, DM13 and DM15, and the Design and Townscape Guide (2009).**

- 4.48 It is recognised that the conversion of listed buildings can place restrictions on the ability of the building to be made adaptable for all users including the less mobile and those in wheelchairs.
- 4.49 As the proposal is for a conversion of a historic building with statutory listing not a new build, the Building Regulation requirements in this regard can apply a level of flexibility, however, the proposal should look to make the scheme as accessible as possible for users and staff within the constraints of the historic building from planning and building regulation perspectives.
- 4.50 Age Concern and Club 50+ have confirmed that they are committed to ensuring that their services are available to all older people living within the Borough of Southend and the surrounding area. In relation to the adaptation of the building, the proposal will ensure that all new internal doors go beyond the minimum requirements of Part M of the Building Regulations, that the building has fully accessible corridors and toilets including disabled facilities at ground floor and that all new sockets and services and the reception counter will be at an appropriate height for all.
- 4.51 The constraints of the existing building relate to the existing main entrance doors, lift and staircase which are all considered to be historic features which are important to the character of the building.
- 4.52 The existing entrance doors are double width with a level threshold and are located directly adjacent to the proposed reception desk. The agent has commented that it will be difficult to adapt these for automated opening; however, he has confirmed that staff at the adjacent reception counter will adopt a management plan for assistance with these doors where it is required.
- 4.53 The building has an old historic lift which is an important feature of the building and cannot be adapted; however, the agent has confirmed that the size of the lift is virtually compliant with the regulations already. As with the doors, assistance will be ensured through a management plan where required. The configuration of the building is such that it would not be possible to install another lift core without causing significant harm to the historic fabric and character of the building and this has not been proposed.
- 4.54 Similarly the existing staircases are important historic features but these already have handrails and anti-slip flooring. The new enclosure to the staircase at first floor will be glazed but will have manifestations (stickers) for visibility on the glass as appropriate.
- 4.55 In regard to this issue it is also noted that Club 50+, in their submission, comment that their existing premises in Queen Road Southend are located at first floor and so users are used to accessing the club via lift or stairs. It is also noted that this

facility is at capacity and they are not able to take any new members at present.

- 4.56 In relation to the adaptation of historic buildings Part M of the Building Regulations states:

*'The need to conserve the special characteristics of historic buildings must be recognised. They are a finite resource with cultural importance. In such work the aim should be to improve accessibility where possible, always provided that the work does not prejudice the character of the historic building or increase the risk of long term deterioration to the building fabric or fittings.'*

- 4.57 Overall it is considered that the applicant has satisfactorily demonstrated that the building will be made as reasonably and practicably accessible as possible within the constraints of the historic fabric and that it will be appropriately useable for the intended purpose. It is therefore compliant with the objectives of development plan policies in this regard with the recommended conditions. However, this issue will also be considered fully and separately under the building regulations application.

### **Sustainability**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM2 and DM3 and the Design and Townscape Guide (2009).**

- 4.58 The overarching theme of the NPPF is to achieve sustainable development and this is supported in the policies noted above. Therefore all proposals should seek to embrace the principles of sustainable development. The current scheme relates to the conversion of a listed building with no extensions so there is limited scope to include sustainable measures in the proposal, however, it is considered that that the new kitchen and wc facilities to the ground floor rear should include water efficiency measures which can be secured by condition.

### **Community Infrastructure Levy (CIL)**

- 4.59 As this application does not include the conversion to residential use or any new floorspace, the proposal is not CIL liable.

### **Conclusion**

- 4.60 The retail experience has changed over recent years, with the internet having a substantial impact on our shopping habits and behaviours. This has resulted in many high streets and main shopping areas suffering from empty shops or conversion into domestic uses or office space. The proposed scheme is deemed to have a limited impact on the significance of the listed building due to the change in the layouts at ground and first floor and does result in the change of use, however, the building remains open to for the public to enjoy and use and the significant majority of historic features are retained. The proposed works are considered reversible where appropriate, with only a limited amount of loss of historic fabric. It is also recognised that the proposal would also give the building a medium to long term viable use for the future and in providing a number of public and community benefits is a worthy addition to the area. The proposed use and associated public benefits are therefore deemed to outweigh the limited loss of historic fabric and

impact on the significance to this Grade II listed building and the frontage of townscape merit.

- 4.61 In relation to the other issues the principle of the change of use in this particular case is found to support the vitality and viability of the primary shopping frontage including having regard to the scale and nature of the potential footfall. It is considered that the proposal would have an acceptable impact on the amenities of neighbouring occupiers subject to the use of appropriate conditions and that the proposal would meet the objectives of development plan policies on accessibility. The highways impacts of the proposal are also acceptable.
- 4.62 Having taken all material planning considerations and other relevant matters into account, it is found that subject to compliance with the attached conditions, the proposals would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The applications for planning and listed building consent are therefore recommended for approval subject to conditions.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (2012)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) CP1(Employment Generating Development), CP2(Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment), DM15 (Sustainable Transport Management)
- 5.4 The Southend Design and Townscape Guide (2009)

## **6 Representation Summary**

### **Historic England**

- 6.1 On the basis of information available to date, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation advisor and other consultees.

### **Environmental Health**

- 6.2 The application is proposing to change the use of the premises, with the ground floor making reference to a cafe serving hot and cold food/drink and a workshop providing a space to carry out woodwork and metal work. The first floor is to accommodate an area providing dance/keep fit sessions also. The premises is located within a shopping parade but also has residential property located within the surrounding vicinity.



Details of mechanical extract system to the cafe for the proposed hot food business and the work shop providing metal/wood work were not provided. These could have the potential to cause odour and noise nuisance. Therefore a suitable mechanical extract ventilation system would be necessary to prevent this. There is also no reference to any air condition/handling plant or acoustic attenuation for the first floor.

During the construction phase noise issues may also arise which could lead to the hours of work being restricted.

Conditions are suggested in relation to the following

1. Details of proposed plant
2. Noise restrictions in relation to plant and exhaust systems
3. Noise in relation to construction

### **Highways**

- 6.3 There are no highway objections to this proposal the site benefits from being in a sustainable location with regard to public transport with bus and rail services in close proximity. Public car parks are also available within the local area.

It is not considered that the proposal will have a detrimental impact upon the public highway.

### **Twentieth Century Society**

- 6.4 Havens is a striking example of the department store architecture of the interwar period, and an unusually intact survivor, retaining both shop fronts and internal features. Havens was listed at Grade II in 2016 for the architectural interest of its façade, intactness of its internal shopfloor furnishings and as a historic record of interwar shopping habits.

The Twentieth Century Society notes the proposed change of use of this department store and supports any use for this building that is compatible with its special interest and allows the building to be available to the public and appreciated. We note that no alterations are to be made to the exterior of the shop and welcome the restoration of the vertical signage. However, the Society considers it regrettable that, although retained to a great extent, the highly significant original and unaltered internal shop fittings will no longer be visible and the open interior of the ground floor compromised. Historic England highlight the significance of these elements in their list description and reasons for listing stating 'internally Havens retains distinctive elements of its mid-1930s design, not least its many original shopfloor furnishings, the pair of grand staircases...'

The Society objects to the boxing in of the swept wooden staircase which is a key feature of the listed building. The Society urges that an alternative solution be found to the boxing in of the staircase. As the Council will be aware, listed buildings are subject to special considerations under the Building Regulations in order to preserve their special interest and there is no general requirement to upgrade a building to a level which is any more satisfactory than compliance before the alteration works were undertaken. We would request that the local authority advise

the applicants to explore the feasibility of a fire engineered solution here, which would avoid significantly harming the special character of the building and the damaging alterations to the staircase.

**[Officer Comment: These comments relate to the original submitted proposals which have now been substantially amended and reconsulted upon. The key changes include the removal of the lobby to the ground floor staircase and the revision of the ground floor layout including changes to the partitioning to better respect the existing layout and historic features. Full details of these aspects of the proposal have now been submitted and are discussed in Section 4 above. This Consultee has been re-consulted on amended proposals. Any revised comment will be reported in the Supplemental Committee Report. ]**

### **Hamlet Court Conservation Forum**

- 6.5 We wish to register our strong objection to these applications. We combine our comments on both applications as appropriate.

Application 17/02074/FUL appears to be incomplete in its description as it does not reflect the proposed change in use to the second floor. At present and historically we believe that this planning use is storage in conjunction with the existing retail use. As the retail use is proposed to be replaced with D1 & D2 uses the second floor can no longer be storage in conjunction with that expunged use. We believe that the proposed use class B8 should apply to the second floor.

**[Officer Comment: The second floor is currently used as offices in relation to the existing retail business including online sales. This will remain unchanged in the proposal. No change of use is proposed for the second floor under this application.]**

Let us say at the outset that we are very supportive of Age Concern and the good works that they undoubtedly do across the country. We are also supportive of good new uses to historic buildings providing these uses cause no harm. We have no objection to the proposed use in principle but, as we shall describe, the scale of the proposed use brings with it many spatial and technical problems that would cause substantial harm to the listed building.

We must also say that we are very sympathetic towards Havens and the challenges they are faced with in a changing retail landscape. We have made this clear to them. However, although a readily interested potential leaseholder may well be attractive to Havens, this cannot justify consent. The material circumstances of a landlord are not a material planning consideration.

We note that the applications have not received any planning nor Heritage pre-application advice, which is very apparent.

The applicant draws comparison with 'a similar model' operating in Eastbourne and describes the support of all concerned in the application. Unfortunately, this is a misleading comparison with fundamental differences. Firstly, and most importantly, the Havens site is a nationally Listed Building in a street of historic significance and the Eastbourne building is a modest, non-historically significant building in a non-

historically part of Eastbourne. Havens was Listed as recently as 2016 and the Listing was supported by the 20<sup>th</sup> Century Society. It was also supported on Twitter by Kathryn Morrison of Historic England, author of 'English Shops & Shopping'. Its historic interest is described by Historic England as:

*'a fine example of an inter-war department store built in an outer-urban location drawing upon the major metropolitan designs of the period; this demonstrating the growing popularity of the department store in smaller towns across the country during a period of great change to the nation's shopping habits'*

This is very significant for Southend-on-Sea and Havens is one of only two local, nationally Listed retail stores. The building unquestionably referenced the London metropolis and this is particularly evident in the Grade II\* Listed 'Heals' store. It is a building type that is very rare in the regions and is therefore very significant for the south east of England. The building has architectural interest described by Historic England in the Art Deco style which is very significant in the Westcliff-on-Sea area, elsewhere in Hamlet Court Road and notably at nearby Sunray House and Argyle House. The building is an early regional example of an open spaced, steel framed, retail store and most of the original features, including internal features, are intact. Historic England cite the 'level of survival' as a reason for Listing.

Familiarity must not allow relaxation of this significance and Southend must see this as amongst our most important historical and architectural assets, to be protected and cherished.

As a local action group we recognise this and are actively pursuing conservation area designation for the local area and this is before the Council at this time. We urge that this application is seen in the context of its historical setting whereby Hamlet Court Road was formerly and affectionately known as the Bond Street of the east.

There is a further reason that the applicant comparison with Eastbourne is misleading. Havens is a store with a deep, land locked plan, where no almost no natural light and ventilation penetrates, except at the front of the first floor. The Eastbourne example has a wide external frontage, opens on three sides and therefore able to take in light and natural ventilation. It is suited to an uncomplicated and moderately scaled community use but Havens is not. The proposal subdivides the open spaces, directly contradicting the original design and creating spaces that have to rely upon heavy servicing with artificial lighting and ventilation. It would actually be quite an unpleasant place and this can be seen in the contrived spatial planning. This is not suitable for the elderly and in planning terms alone highly questionable.

Most notably the applicant does not describe any details for partitioning, ceilings and particularly ventilation. This is a fundamental omission from the application. Listed buildings require very careful intervention design in considerable detail showing, for example, how historic wall panelling and ceilings will be protected. The proposed internal kitchen, tea servery, chiropody room, multiple toilets and room after room of artificially illuminated, cell like spaces all need ventilation – a lot of ventilation. The deep plan will exacerbate this with accumulated air volumes and duct sizes. But there is no proposal for this crucial servicing. This would result in

substantial harm to the Listed building interior and therefore would not satisfy the requirements of Council policy DM5 nor the National Planning Policy Framework (NPPF), particularly paragraph 133. On these grounds alone the application should be rejected.

**[Officer Comment: Details of the partitions have been revised and full amended details have now been submitted which include ventilation and glazing and details of how the partitions will relate to the existing historic features. Full details of services and lighting to these areas will be conditioned. The partitioning of the front section of the ground floor has now been omitted from the scheme.]**

Then there is the stair and lift and the whole question of separation of uses. The applicant describes the second floor as retained for Havens commercial, internet based, retail use. The lift serves this floor and we assume is essential for goods movements. But the lift also necessarily serves the proposed Age Concern occupied ground and first floors. Apart from the issue of no fire separation this just appears to be the very worst of planning clashes, simply not thought through. The stair and the lift both land in cafe area of the ground floor, again producing a fire separation and use conflict.

**[Officer Comment: Fire separation has been carefully considered in the proposal. However, this is ultimately a matter for the building regulations. The applicant has explained that there will be full integration of uses within the building and each party is fully committed to this relationship.]**

However, the enclosure of the stair with basic partitioning is a most upsetting corruption of the historic building's interior. This swept stair was always intended to be prominent in the space, inviting access to the first floor, part of the ease of connectivity between the levels and the planning of great retail stores. Elsewhere, throughout the proposal, the partitioning is doing the same thing, subdividing the open historic spaces – a fundamental part of the special interest of this building. This destruction of the space, driven by the needs of the proposed use, is certain to cause substantial harm. In other words, the proposed use, at this scale in a deep plan building is wholly inappropriate.

**[Officer Comment: The ground floor stair lobby has been omitted from the scheme. Full details of the first floor stair lobby have since been provided and show this to be a 'light touch' glazed screen which will enable views of the staircase to be maintained. The layout and partitioning of the ground floor has also been substantially revised since these comments were submitted.]**

Section 130 of the NPPF requires an applicant to describe the significance of an historic asset. The applicants Heritage Statement is, in the first place, vague, stating in various places 'Refer to Survey', 'To be expended' [sic], 'To be Confirmed', and 'To be Completed'. The statement lists the building's significance as a few bullet points without any detail that demonstrates an understanding of the special interest or significance of this wonderfully intact building. We have referred to this significance above and Historic England have laid this out clearly in the Listing. We request that the significance of this building is thoroughly understood in determining this application.

**[Officer Comment: The Heritage Statement has been revised and expanded and it is considered that sufficient information is available to assess the proposal.]**

Section 131 of the NPPF states that 'In determining planning applications, local planning authorities should take account of...the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'. There is little doubt that Havens, as a focal, iconic building in Hamlet Court Road plays a vital role in the street and the wider area so can play a vital focal role in helping to sustain the community. But this cannot be looked at without also considering the potential for good and viable future use. Section 133 is quite clear when it states that where development would lead to substantial harm, as self-evidently it would here, planning authorities should refuse consent where 'no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation'. Havens has remained trading since its announced closure only a few months ago so by any measure it patently fails this 'medium term' marketing test. The building has not been marketed for long enough to seek a good alternative use whereby the open interior might be largely protected. Such uses might include another retailer, multiple retail concessions, mixed experiential retailing including cafe culture or even, perhaps, a large, well designed restaurant use – or a mix of these uses. Other, open plan community uses might be possible with limited service rooms at the rear. None of this has been afforded the time for potential realisation and we can say that we would be willing to assist this marketing process to achieve an outcome that protects the building, as best we can.

**[Officer Comment: Havens have provided a detailed appraisal of the business itself but also of the sector including the challenges facing this scale of department store. This is discussed in more detail in Section 4 above.]**

Elsewhere, but particularly in sections 132 & 133 of the NPPF the obligation to protect heritage assets from harm is clear.

In simple planning terms the proposal for 2<sup>nd</sup> floor distribution is not really credible. Yes, this use appears to work now, in conjunction with the existing ground and first floor retail uses. But with the retail use removed and replaced with 'community' uses this does not work and this can be seen in the poor use and fire separation but moreover in the difficulty in servicing daily distribution and goods deliveries from second floor level.

**[Officer Comment: The credibility of the business is not a planning concern, however, it is noted that the online business has operated from the 2<sup>nd</sup> floor offices since 1999 and has been viable since this time. It is understood that there will be an off-site storage facility for the goods themselves that works in association with this space. However this would not be needed for the current application to be found acceptable on planning and listed building grounds.]**

We are also aware of comments in the press whereby the property owner's belief that the proposal would 'lead to the revitalisation of Hamlet Court Road' is reported. We contend that this is very unrealistic and there is no evidence that a community use of this type has the ability to revitalise a former retail street into new mixed

uses. Regeneration of Hamlet Court Road is a key part of our work and this will only work with the comprehensive support of numerous agencies and ultimately the wider public across a multiplicity of uses. The heritage of the street is vitally important in achieving revitalisation as has been shown by Historic England through their Heritage Action Zone programme and recently by the DCMS in their 'The role of culture, sport and heritage in place shaping' document published in August 2017. Heritage can assist economic regeneration and must be supported not harmed.

**[Officer Comment: It is the Councils view that it is not an unreasonable conclusion that the use of this building as a community hub for older persons will bring additional footfall in the wider Hamlet Court Road district centre and that this will contribute to the vitality and viability of the area.]**

On so many levels this is a badly presented application that would clearly do great harm to the historic building. We are very thankful that the building was recently Listed as without it the town could be facing a great loss. We have seen recently the great losses of the Britannia Public House and The Grand Public House as we have known it. As a town we have to consider our few and diminished historic assets of great importance and value to society. Loss of an historically significant interior that would substantially harm a rare and historically important 1930's Art Deco retail store, a building whose heritage has the ability to support regeneration in Hamlet Court Road, must not be allowed.

We sincerely hope that Age Concern can find a viable building for their valuable work but Havens is demonstrably not right for this purpose so we respectfully ask for refusal of both planning and Listed Building consent.

**[Officer Comment: These comments relate to the original submission. The content and quality of detail submitted in support of the application has been significantly amended since these comments were received. The current proposals are assessed in the above report.]**

#### *Further comments received following revised plans*

Further to our submitted comments of 3/1/18 we wish to add further comments following the submission of further information by the applicant. As before our comments relate to both applications as appropriate.

We still consider this a very poor quality, misplaced application. When a considerable volume of information is supplied during a delayed application process, as here, it is evident that the original application had weaknesses, great weaknesses in this case. Rushed and sketchy as it is we don't think the additional information changes this. And we reiterate that reference to a similar scheme in Eastbourne is irrelevant as that particular facility does not concern an historic building, let alone a Listed Building. The fact that the applicant makes reference to this building and submits late and partial details of the intervention, demonstrates the applicant's lack of understanding of Listed Buildings and harm.

We would also say up front that the community does care for this building – the Listing came from a community application. The retail and restaurant communities in the road are likely to regret the potential loss of a key retailer, as are the local

residential community. So there is certainly more just the application's stated community interest to be considered here.

We strongly reiterate that we are fully supportive and respectful of Age Concern, their good works and general provision of community facilities but we shall describe why this is very wrong and harmful at this particular building - at Havens.

We also reiterate that we are very supportive of adaptive change in protecting both the fabric and the viable future of historically significant buildings, but this does not mean that any change, or the first potential change that comes along, is necessarily right. Change has to be very carefully considered, especially with Listed buildings, where the protection of the historical asset is foremost, as directed by the NPPF.

We respectfully ask that this building is truly recognised for its historical and architectural significance in Southend-on Sea and the East of England region and the application is refused planning and Listed Building consents.

#### Reasons for refusal and summary of our further response

1. The application fails to recognise the buildings historical and architectural significance
2. Great harm would result to the Listed Building
3. The poor quality of the proposed planning
4. Havens view of context and alternative use is misplaced and backward looking
5. The application's claimed public benefit is misplaced

#### Conclusion

Havens is a building with the same Listing classification as the Palace Theatre, not the same as the recently lost, unlisted Britannia Hotel nor the Grand Hotel with its approved change of use. Familiarity and recent Listing must not breed complacency and this special significance is of great value in our town. The building must be protected. We would respectfully urge Age Concern to recognise the shortcomings of their plans that require a more suitable site and Havens to re-consider a retail based solution (perhaps adopting the mixed methodology succeeding elsewhere - see context section below).

Turning to our detail response we have broken this down into the above listed sections, as follows.

1. The application fails to recognise the buildings historical and architectural significance

The applicant now charts the significance of the building with assessment classifications of 'Considerable' significance against the building's 'Social/Historical', 'Architectural', 'Historical', 'Aesthetic' and 'Historic Fabric' aspects. The first and last of these are particularly important as they relate respectively to the regional significance of an early retail store, clearly referencing the metropolis, and the extent of original, intact fabric. So important are these that the Secretary of State itemises these points in the Listing.

However, in charting all this 'considerable' significance the applicant concludes their Heritage Statement with these words:

'The proposed use and associated public benefits are deemed to outweigh the limited loss of historic fabric and significance (due to the loss of a small section of low level wall to the first floor) to this Grade II listed building.'

This limits significance to a small amount of historic fabric being lost and clearly ignores the earlier charted significance. This is a failure to appreciate Havens historical and architectural significance (as we described in our earlier submission). We shall now further identify this significance by describing the harm that would result from this proposal.

## 2. Great harm would result to the Listed Building

The NPPF at section 133 is express in its requirement that '*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent*' unless public benefit outweighs the harm. The harm caused by this application manifests itself in several ways as follows below. Additionally the NPPF Section 131 refers to viable uses '*consistent with their [the building's] conservation*'. The proposed use is manifestly not consistent with the building's conservation as explained below:

- First and foremost, the proposal would result in the loss of the retail use of the historic building. Retail is the very reason this building exists and is central to the building's history, significance, design and open plan structure, so innovative at the time it was built. The Secretary of State itemises this in the Listing.

**[Officer Comment: The proposal retains a sizable public café in the front section of the ground floor which will ensure that a fully active presence is maintained at ground floor and in the streetscene.]**

- The loss of retail use to the most significant shop in HCR would greatly harm local retailing, particularly future recovery to local retailing. Havens sits in the centre of the Local Planning Framework's designated Primary Retail area for HCR. This could adversely impact the viability of other shops which in turn could impact on the historic area.

**[Officer Comment: see previous comment. It is also considered that the proposal would contribute to the footfall in the area which will support the viability and viability of the district centre.]**

- The intended open nature of the ground and first floors, as long view, expansive and ambitious developments in early retailing would be greatly harmed by the proposed partitioning infill.

**[Officer Comment: A significant amount of the ground floor area will be maintained as open plan and will appear to be open plan when seen from the street through the display windows. The proposed partitions to the rear section will be fully reversible and could easily be removed at a later date to return to the original planform.]**



- The major fittings, most notably the open staircase at first floor level but also shop fitting and interior design features are corrupted by the introduced partitions and cellular rooms.

**[Officer Comment: The enclosure of the first floor staircase is important for fire safety and great care has been taken to ensure that this intervention has a light touch and that the staircase itself remains a feature at first floor. It is likely that any use of the building would require a similar or greater level of fire protection. As noted above the partitions are subservient to the main features and space, are fully reversible and acceptable in terms of their impact on this heritage asset.]**

- Harm could also result from the unresolved planning and design issues which would require re-design and further intervention, in particular resolving the non-separation of the proposed D1/D2 use and the existing second floor 'office' use. This appears to manifest itself as follows:
  - Missing fire protection of the stair and escape route to final exit at ground floor level which would require further enclosure to the stair resulting in most significant harm to and corruption of the historical interior. The application now shows this part of the stair as 'unprotected' but it is not clear that this would satisfy the Building Regulations for the two, separate planning uses proposed.

**[Officer Comment: The proposal has been passed by specialist fire consultants in this regard. However, these are matters for the Building Regulations and would require separate consent through this regime. Any changes which would impact upon the historic fabric would require a fresh application for listed building consent.]**

- Missing fire separation to the lift, assuming that this is essential to both a second floor internet sales company moving goods and the elderly persons' use of the first floor. The required separation would appear to destroy the planning and would hugely harm the open historic interior. There are also the questions of whether the existing lift meets modern safety standards and is a second, modern lift required, where this might fit into the plan and how could this impact on the historic fabric?

**[Officer Comment: The second floor would not be used for the storage of goods, this occurs at an offsite facility.]**

- Absence of any toilets to the separate second floor 'office'. This may require ducting of services which could cause harm to the fabric of the building.

**[Officer Comment: No toilets are proposed at second floor, it is intended that the uses share services. However it is noted that the 2<sup>nd</sup> floor of the building is specifically excluded in the listing description and therefore there is scope for future change in this location without impacting on the significance of the**

### **listed building.]**

- Absence of any proper proposals for dealing with ducted ventilation which will certainly be required for all the internal rooms and could harm the historic building fabric. This is still not shown in the submitted information.

**[Officer Comment: The agent has confirmed that there are already ducts within the existing false ceiling at ground floor which link to the existing air conditioning units. If additional ductwork it required this could also be located within the false ceiling void without impacting on the significance of the building.]**

- The general partitioning details are basic at best with simple timber sections and many important details are not described. For example, there are no servery details, reception details, furniture plans (do the rooms even work as required), details affecting historic panelling, finishing to the neoprene protection and fixing details. All these unanswered questions have the capacity for harm to the historic fabric.

**[Officer Comment: The details of the servery and reception counters can be agreed by condition to ensure that their design and materials are compatible with the character of the listed building. The agent has advised that the panelling behind the modern wall units is to be repaired only and this therefore does not require specific consent.]**

### 3. The poor quality of the proposed planning

There are general planning quality issues, as follows, which when resolved could impact on the historic building:

- The overriding problem is that Havens is effectively a very large lock-up shop with all but an emergency exit entering and leaving the building through the street frontage. The building has a deep plan and no natural light to three sides. This has caused great planning problems, described throughout this text, which show that the building is simply not suitable for the intended use.
- The internal rooms created and re-used for community purpose would all be of very poor quality with no natural light. This is contrived planning for the elderly and far from creating an uplifting community facility could lead to a depressing and fatiguing, all artificially lit environment, perhaps exacerbating not aiding patrons' health issues.

**[Officer Comment: The deep plan will be a constraint for any use. It is envisaged that there will be a need for new lighting to the ground floor and the details of this can be agreed by condition to ensure that it is compatible with the character of the building. It is noted that the existing lighting in this location is of a poor quality strip lighting which has a negative impact on the listed building. The Council will be looking to secure an enhancement in terms of the lighting in this area.]**

- We assume that internet sales goods equivalent to say £3,500 in value per day (from the applicant's stated figures), which must represent many packages, will either be carried down two floors of stairs or carried across the ground floor from the lift, conflicting with the main ground floor circulation area in community use? Neither of these alternatives works. It is one thing running internet sales from the whole premises with plenty of space for goods dispatch but quite another from a separated second floor use.

**[Officer Comment: see comments above.]**

- The ground floor restaurant, in the forefront of the listed building, has no submitted design. Rather it shows a plan layout with seating for 52 immediately inside one of the entrance doors and immediately in front of the servery. This simply does not work and what is the servery – how does it enhance the listed building. The alternative plan showing seating for 48 does not work – are elderly people expected to sit right beside an external door or blocking access around the servery?

**[Officer Comment: The seating plan for the café is indicative and the exact seating arrangement and use of the servery will be decided by the operator.]**

- The kitchen could almost be no further remote from the areas where the food is required. This will result in health & safety and basic functioning problems.

**[Officer Comment: The kitchen has been relocated to the rear of the building where it will have less impact on the historic layout and fabric.]**

- There is no parking nor vehicular drop-off - both essential to this proposed use. Any assisted vehicular access can only happen with parking spaces being available outside the premises, which is unlikely in an area of parking stress, or vehicles stopping in the highway. This is very problematic.

**[Officer Comment: There is a bus stop close to the site which can be used for drop off.]**

4. Havens view of context and alternative use is misplaced and backward looking.

The applicant (in its Havens statements) does not note any positivity in Hamlet Court Road yet there is much, despite the general past decline. Firstly, the road still retains a distinct local sense of public place and occupation – it feels busy, particularly at the top end. There is still footfall, albeit limited, in the road, even late at night, particularly when compared with the High Street. This is largely due to the convenience retailers and the number of local restaurants still staying viable. New bars have opened at The Foundry and the nearby West Road Tap, and the Hamlet succeeds. Three of the four new shops in Canewdon Road are now let and awaiting occupation. Tesco's and the Co-op have both recently invested in re-fits to their convenience stores – something that would not be happening without a belief in the future viability of the road. ENS have invested in new premises and Choices Healthcare are investing right now at no.152. And generally Westcliff is experiencing a significant uptake of Londoners moving east for better value and quality of life and this is starting to impact the area. Add to this the uprising of the

local community in our Forum where partnerships are being formed (with the YMCA and The Cultural Assembly to begin with), events planned (a 'Love Hamlet Court Road' event coming this summer) and there are good ingredients for a better, regenerated future.

The applicant's claim is that the loss of the shop was a consequence the decline of HCR as generally in the British high street. We have already made it clear that we both understand the transformation in the British High Street and sympathise with retailers dealing with the nationwide decline of and changes to retailing – this includes Havens. It is clear that traditional department stores are generally declining in all but the busiest city centres although there are exceptions such the Morley's stores in Bexleyheath and Brixton, and The Department Store (the old Bon Marché) in Brixton, is particularly interesting for its mix of retail, workshops and restaurants. Look locally at the apparently succeeding Potters in Hockley and it can be seen how dining and kitchenware retailing in less than a thriving area can succeed. So the closure of Havens was certainly not inevitable as is suggested. This means that the right retail can succeed here.

Havens have only considered the following alternative uses for their building :

- Conversion to full residential use
- Part conversion to residential use, with retail/café/restaurant/ etc. to ground floor
- Conversion for leisure purposes, such as slot machines, bars, etc.
- Conversion for office use
- Convert into community hub/ centre
- Building is 'mothballed' until a medium – long term sustainable option is found'

The suggestion of a slot machine use is a ridiculous and unnecessary suggestion.

The option that has not been considered is the most obvious one - retail. Havens describe their store as 'an anachronism in today's era' and whilst this appears to be the case with most traditional department stores,

It need not be, as we point out above (particularly The Department Store, Brixton). The challenge is great but collaborative mixed and complementary, retail-based use is possible. How good this would be in the tradition of the Havens store.

Havens was historically central to the retailing significance and whilst the store has been through the evolutionary cycle there is evidence that this could change again. Convenience, experiential, click & collect and *unified* retailing (see <https://www.retail-week.com/retail-voice/unified-retail-and-the-future-of-shopping/7028495.article?authent=1>) appear to be the way forwards and Havens could again be central in helping this. Indeed, it looks like isolating their internet operation from the high street store could be a mistake for Havens. We know of a successful local jeweller whose separated internet sales failed completely but a second website, unified with the real store presence succeeds well. This is becoming a well described format - see: <https://marketingland.com/no-longer-brick-mortar-vs-online-retail-customers-view-single-lens-218307>.

**[Officer Comment: It is understood from the Havens that a Click and Collect facility could operate from the reception desk at ground floor in conjunction with the other uses.]**

Forward thinking town planning, considering this future and not the Havens described past, should therefore support protecting the existing, established retail use - the local planning framework defined retail use. Yes, a new occupant or perhaps multiple occupants are needed but the premises have not been fully marketed, by the applicant's own admission. Marketing since May 2017 clearly is short term yet the NPPF section 133 refers to an express requirement for marketing 'in the medium term' for another occupier, before alternative development is permitted. The application fails this important test.

**[Officer Comment: It should be noted that the proposal maintains an active town centre use in the front section of the building facing the street and this is to the benefit of the proposal both in terms of the character of the building and the wider streetscene of Hamlet Court Road.]**

5. The application's claimed public benefit is misplaced

The NPPF at section 133 expressly calls for refusal of consent 'unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'. The application suggests that the proposed Age Concern community use will itself aid regeneration. There is absolutely no evidence to support this opinion and we suggest the loss of the focal retailing presence in the road to a limited user group of low spenders could actually do the reverse and work against regeneration. The intensive scale of the proposed use, at this particular Havens site, could actually bring dis-benefit. That is not to say the elderly community are not a very important part of the social mix that needs supporting in HCR (as elsewhere) and that this could not work at this site, perhaps as a smaller part of a socially mixed project. However, the case for public benefit outweighing the clear harm is not made.

**[Officer Comment: It is considered that level of harm caused in this case does not represent substantial harm. In relation to less than substantial harm the NPPF comments that:**

***134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.***

**Public benefits in this sense relates to the fulfilment of one or more of the objectives of sustainable development as set out in the NPPF (economic, social and environmental) and provided the benefits will endure for the wider community and not just for private individuals or corporations. An assessment of the scheme in this regard is set out in earlier sections of this report.]**

With respect to Age Concern elderly people do not need to be institutionalised together, no matter how many games and consulting rooms are provided. They need to mix with all age groups, particularly children. This proposal does not allow

for intergenerational contact and this is not just our opinion. Age UK actually states as a written policy ‘...public, private and third sector service providers should support initiatives that promote greater intergenerational contact to combat ageism’ (see: [https://www.ageuk.org.uk/globalassets/age-uk/documents/policy-positions/cross-cutting-issues/ppp\\_ageism\\_and\\_age\\_equality\\_gb.pdf](https://www.ageuk.org.uk/globalassets/age-uk/documents/policy-positions/cross-cutting-issues/ppp_ageism_and_age_equality_gb.pdf)). The plans do not make space for intergeneration occupancy, particularly for children and teenagers. The claimed rationale, in this building, is misplaced.

**[Officer Comment: The proposal includes intergenerational facilities for example it is noted that the café at ground floor is open to all.]**

We have absolutely no doubt about the applicant’s very best and sincere intentions but an imaginative multi-generational approach in a suitable building, with good natural light and good access, appears to be more appropriate for elderly persons care in the 21<sup>st</sup> century. If this can happen where no harm occurs to an important Listed Building, so much the better.

**[Officer Comment: These points are responded to in full in this report where they represent material planning considerations.]**

## **Public Consultation**

6.6 Two site notices were displayed, a press notice was published and 27 neighbours were consulted on the application. Re-consultation on the amended plans was undertaken. 13 responses have been received at the time of writing all supporting the proposals. The letters comment that the proposal will:

- provide an important resource for older persons
- the combination of uses will make access to services easier
- the proposal will foster friendships and combat loneliness on older people in the area
- the proposal has health and wellbeing benefits
- increase footfall in Hamlet Court Road

The application has been called to Development Control Committee by Councillor J Garston.

## **7 Relevant Planning History**

7.1 11/01425/FUL - Install 2 flagpoles with three antennas each on roof, along with associated equipment cabinets and works – refused

7.2 01/01401/FUL - Erect flag pole to enclose three antennas, two wall mounted dishes and one equipment cabinet on roof. – granted

## **8 Recommendation**

**Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

**01 The development hereby permitted shall begin not later than three years of the date of this decision**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990**

**02 The development hereby permitted shall be carried out in accordance with the following approved plans TP-X01B, TP-X02, TP-01D, TP-02, TP-03**

**Reason: To ensure that the development is carried out in accordance with the Development Plan.**

**03 The proposed roof lights; lantern and replacement external staircase to the rear roof shall be constructed of glass and black painted metal.**

**Reason: To safeguard the significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**04 The infilling of the window to the first floor rear shall only be carried out using reclaimed brick and lime mortar to match the existing building.**

**Reason: To safeguard the significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**05 The development hereby approved shall not be occupied or brought into use until refuse and recycling storage facilities are provided in full at the site in accordance with those shown on approved drawing reference TP-03. The refuse and recycling facilities shall be permanently maintained as such thereafter.**

**Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) 2015.**

**06 The development hereby approved shall not be occupied or brought into use until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter only be carried out in accordance with the approved details and shall be maintained in perpetuity.**

**Reason:** to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

**07 Details of all extraction and ventilation equipment to be installed at the site together with a noise assessment including any necessary mitigation measures shall be submitted to, and approved by, the Local Planning Authority before the use hereby approved is commenced. The installation of extraction equipment shall then be carried out in accordance with the approved details before the use hereby approved is commenced. With reference to British Standard 4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

**Reason:** In order to protect the amenities of occupiers of the development and surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.

**08 The uses hereby permitted shall not be open to customers outside the following times: 09:00 to 20:00 on Mondays to Sundays including bank holidays.**

**Reason:** In order to protect the amenities of occupiers of the surrounding residential area from noise in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

**09 No deliveries or refuse collection shall be taken at or despatched from the uses hereby approved outside the hours of 08:00 to 19:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

**Reason:** In order to protect the amenities of the surrounding occupiers and to protect the character and amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

**10 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.**



**Reason:** In order to protect the amenities of surrounding occupiers and to protect the character of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

**11** Before the development hereby permitted is brought into use a scheme detailing the provisions to be made to achieve inclusive access for all members of the community into and around the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the scheme approved under this condition prior to the first occupation of the development and thereafter be maintained and managed in accordance with the approved scheme.

**Reason:** To ensure that the development is accessible for all members of the community and to comply with development plan policy.

**12** The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

**Reason:** To encourage the efficient use of water in accordance with development plan policy.

#### **Informatives**

**01** The applicant is advised that any new signage is also likely to require Advertisement Consent and Listed Building Consent.

**02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.

**Members are recommended to GRANT LISTED BUILDING CONSENT subject to the following conditions**

**01 The development hereby permitted shall commence not later than 3 years beginning with the date of this permission.**

**Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.**

**02 The development hereby permitted shall be carried out in accordance with the following approved plans TP-X01B, TP-X02, TP-01D, TP-02, TP-03, TP-04, TP-05D, TP-07, TP-08, TP-09, TP-10A, TP-11A, TP-12A, TP-13, TP-14, TP-15A**

**Reason: To ensure that the development is carried out in accordance with the Development Plan.**

**03 The proposed roof lights, lantern and replacement external staircase to the rear roof shall be constructed of glass and black painted metal.**

**Reason: To safeguard the significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**04 The infilling of the window to the first floor rear shall only be carried out using reclaimed brick and lime mortar to match the existing building.**

**Reason: To safeguard the significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**05 No works approved by this consent shall take place until detailed drawings and details of materials to be used for the ground floor reception counter and the servery counters at ground and first floor levels at scales of 1:20, 1:10 or 1:1 as appropriate have been submitted to and agreed in writing by the local planning authority. The works shall only be carried out in accordance with the approved details.**

**Reason: To safeguard significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**06 No works approved by this consent shall take place until detailed drawings and details of materials, including ironmongery, for the new internal door and door surrounds to the ground floor access to single storey section, all the doors to the first floor office/computer/darts area and the new door to the 2<sup>nd</sup> floor staircase lobby area at scales of 1:20, 1:10 or 1:1 as appropriate have been submitted to and agreed in writing by the local planning authority. The**

**works shall only be carried out and in accordance with the approved details.**

**Reason: To safeguard significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**07 No works approved by this consent shall take place until details of the proposed air conditioning units within the new ground floor partitioned space and any ventilation and extraction equipment to be installed at the site have been submitted to and agreed in writing by the local planning authority. The development shall only be carried out and in accordance with the approved details.**

**Reason: To safeguard significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**08 No works approved by this consent shall take place until details of the proposed water connections and light fittings for the new ground floor facilities within the partitioned space including public health, hairdressing, meeting rooms, bereavement, advocacy, and chiropody, have been submitted to and agreed in writing by the local planning authority. The works shall only be carried out and in accordance with the approved details.**

**Reason: To safeguard significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

#### **Informatives**

**01 The applicant is advised that it will be required to reuse the existing doors and ironmongery at first floor as appropriate.**

**02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.**