

# Southend-on-Sea Borough Council

Development Control Committee 6<sup>th</sup> June 2018

## SUPPLEMENTARY INFORMATION

### Pre- Meeting Site Visits

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18/00634/BC3M

Land at Former Esplanade House, Eastern Esplanade, Southend

#### 8. Public Consultation

Since the agenda was published three further letters of representation have been received. Two from one address on behalf of the residents of Audley Court summarised as follows:

- We hope that the proposed boundary treatments include removal of the artworks/graffiti which is devaluing our property and spoiling the entrance to our development. The Gas Works car park should be seen from the seafront.

And a further letter of objection, summarised as follows:

The Council has acquired the Gas Works site with view to using it as temporary Car Parking to partially offset the Car Parking lost should the Development proposals on the Seaway Car Park proceed. Seaway is adjacent to the Town Centre and there is no doubt that those using this Car Park to visit the declining High Street, will either not come or else seek to park in residential roads surrounding that are not already resident only schemes, we have already seen a movement into non-resident only areas. It is highly unlikely that users of the Gas Works site will visit the High Street area because of distance.

Pressure is already intensive through the Town and the principal routes. Rather than looking to increase Car Parking within the Town and Seafront areas, an edge of Town Park and Ride scheme must be the way forward, working with our neighbours in Castle Point and Essex. The Gas Works site was originally zoned as an employment generation location and appropriate Seafront development opportunity. My preference is not to use this site for Car Parking and I am pleased to see that the Council are only submitting as a temporary Car Park and not permanent, which would be unpalatable.

Should the members of the Committee be minded to agree this proposal, I would ask the following be conditioned.

- An environmental impact study be undertaken prior to Phase 2 implementation.
- Coach Parking area be moved as far away from residential properties as possible and planting screens be increased to buffer the impact.
- Feather edge boarding fence to front is not acceptable as it will weather in this exposed location and is more than likely to be used as a replacement Graffiti Board and end up looking the same. Brick should be used together with the possibility of murals and planting to enhance this area. This opportunity to uplift the visual appearance of this area should be taken.
- Current lighting columns are high and collectively produce a considerable light output. A lower system of lighting columns should be investigated that will spread light down and concentrate only on the Car Parking areas reducing the light pollution to an absolute minimum.
- CCTV should be not just within the site but also in the surrounding roads and this is vital because of the issues with antisocial activities and a hotline should be available to local residents with regard to issues that arise on the site.
- That the operational Hours proposed should be rigorously enforced and hours of construction also.
- A replacement gate should be constructed at the North Side of the site Junction of Burnaby Road and Arnold Avenue as the current gate is insecure and unattractive. I welcome the condition that this access will be used for emergency only.
- In a recent Bank Holiday, a large number of Motor Bikes were shepherded into the Car Park as a result of the blocked 'Shakedown' and the noise and disturbance were unsatisfactory. Such situations are inappropriate in this location and alternatives on a pre-planned basis should be provided for.

## 10. Recommendation

### Condition 13 amended as follows:

**No more than 120 cars or 70 cars and 29 coaches shall be permitted to park on the site and no development involving the breaking of ground shall be undertaken until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:**

**(Remainder of the condition and Reason as main report)**

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17/02074/FUL  
& 17/02075/LBC

138-140 Hamlet Court Road, Westcliff-on-Sea

## 7. Representations Summary

Since the Agenda was published an additional letter has been received from The Hamlet Court Conservation Forum stating the following:

We must first record that your report does not contain any historic building report. As you know, Section 129 of the National Planning Policy Framework (NPPF) requires a local authority to 'identify and assess the particular significance of any heritage asset affected by a proposal'. Your report has not done this. Most importantly there is no reference to detail of the National Listing description and to the significance of the building, particularly, in this case, its surviving interior, its reference to the metropolis making Havens an important regional building, and its Art Deco building style and this significance in Westcliff. Moreover, Historic England had referred historic input to your department (as reported), yet none is given. It is incumbent on the LPA to describe historical and architectural significance 'to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' and to give the Members a fair and balanced report. This is not the case and therefore we cannot see how application 02075/LBC can proceed to committee on 6<sup>th</sup> June without this report and time for proper consideration. By close association, neither can we see how 02704/FUL can proceed. Indeed if 02705/LBC does proceed without this assessment it throws up the possibility of legal challenge and/or formal complaint.

Notwithstanding, this application is now delayed from its submission last November, some 7 months ago. Delayed in the main due to further submissions, additional information (some, such as the assessment of significance, following our prompts), further consultations and, on the hoof alterations. This says something very worrying about the applications and they require very careful examination.

Referring to your report it rightly refers to Council policy DM13 and states that 'the proposal is consistent with the *essence* of this policy'. This is worrying because, in other words, the proposal **does not meet the policy requirements**. In fact it fails on all 3 requirements:

- The proposal takes the retail frontage below 60% threshold where the policy says loss or retail should be resisted and the 2 year marketing exercise patently has not happened (nor anything close to it).
- No evidence whatsoever has been put forward that shows that the alternative proposed use will provide vitality to neighbouring retail. We strongly suspect it will further weaken retail or retail recovery in the street.
- No 'goods and services' will be displayed in the frontage as the retail function is expunged by the proposal.

Moreover, the proposal fails a crucial historic asset test in the NPPF. Paragraph 133 says that where a proposal results in substantial harm to a designated historic asset - the loss by proposed partitioning of the open interior of the Art Deco department store where this large open interior is a crucial part of the building's historic significance can be nothing less than substantial harm - '**local 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' This has not happened nor anything close.

In respect of the loss of interior historic significance the proposal also fails to meet Council policy DM5 but we have covered this previously so will not reiterate.

This is a highly suspect application. Measures like the ventilation that will certainly be extensively required and fire prevention measures with an historic lift as an obvious vertical fire path, are not presented and only leaves the historic building more vulnerable. Deep plan, artificially lit, artificially ventilated, cell-like rooms are not ideal for the elderly and there is no provision throughout the building for proper intergenerational integration, so important in modern society.

We all know that retail has changed over recent years but this does not mean we should turn over key retail space, such as this, to the first tenant that comes along, no matter how well intentioned and socially valuable that tenant may be. Such a decision risks not only the historic building but also jeopardising the recovery of retail and transition to a new, adapted retail, offering future economic vitality, employment and community value.

Noted retail expert Mary Portas said on BBC Radio 4 News on 22<sup>nd</sup> May 2018:

*'We should be reshaping these high streets and understanding the importance they are to peoples lives and **at the heart of that should be retailers** who are nimble, effective, innovative and actually risk takers and we are seeing the big businesses that aren't doing that falling by the wayside'*

This new, adapted retail is exactly what we should have but the demise of Havens' traditional department store model sadly illustrates the failure. Yes, we can all sympathise with Havens at a time of retail revolution and support the good work of Age Concern but we should be making smart planning decisions now not ill conceived ones damaging our heritage and the good future that can spring from it.

**[Officer Comment: These issues are substantively addressed within the extensive officers report.]**

## 7. Representations Summary

Since the Agenda was published a letter has been received from the Agent which makes the following summarised comments:

- We have over 70 rooms in various HMOs in the Borough and every one of them is let as single occupancy. This is part of our rental policy as double lettings always cause a problem

- Communal areas also always cause a problem. Residents never take any responsibility for cleaning, maintenance or upkeep.
- Could the Council pass the plans with a restricted capacity? This has been done before and can constitute part of the HMO license (sic).

**[Officer Comment: These comments are noted, however, this does not overcome the concerns raised. A condition restricting the rooms to single occupancy would be difficult to enforce.]**

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16/01723/DOV5**

**Marine Plaza Land between Southchurch Avenue and Pleasant Road fronting Marine Parade**

### **9. Member Comments**

It is noted that the comments stated in paragraph 9.1 of the Agenda from Councillor Walker were included in error and do not relate to application ref. 16/01723/DOV5. Paragraph 9.1 should read as follows:

Councillor Walker: *“This must come to Committee so that we can refuse it, unless you wish to refuse under Delegated Powers.”*

**Page 579  
18/00254/FUL**

**Flat W5, The Shore, 22 – 23 The Leas, Westcliff-On-Sea**

### **9. Recommendation**

**Condition 02 Amended as follows:**

**02 With the exception of the overall width of the crossover which shall not exceed 4.8m, the development hereby permitted shall be carried out in accordance with the approved plan 411-01-17-L01A.**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan and to ensure that the development is completed in the interests of highway safety, in accordance with policies CP3 and CP4 of the Core Strategy (2007), policy DM1 and DM15 of the Development Management Document (2015) and guidance contained within the Vehicle Crossing Policy & Application Guidance (2014).**