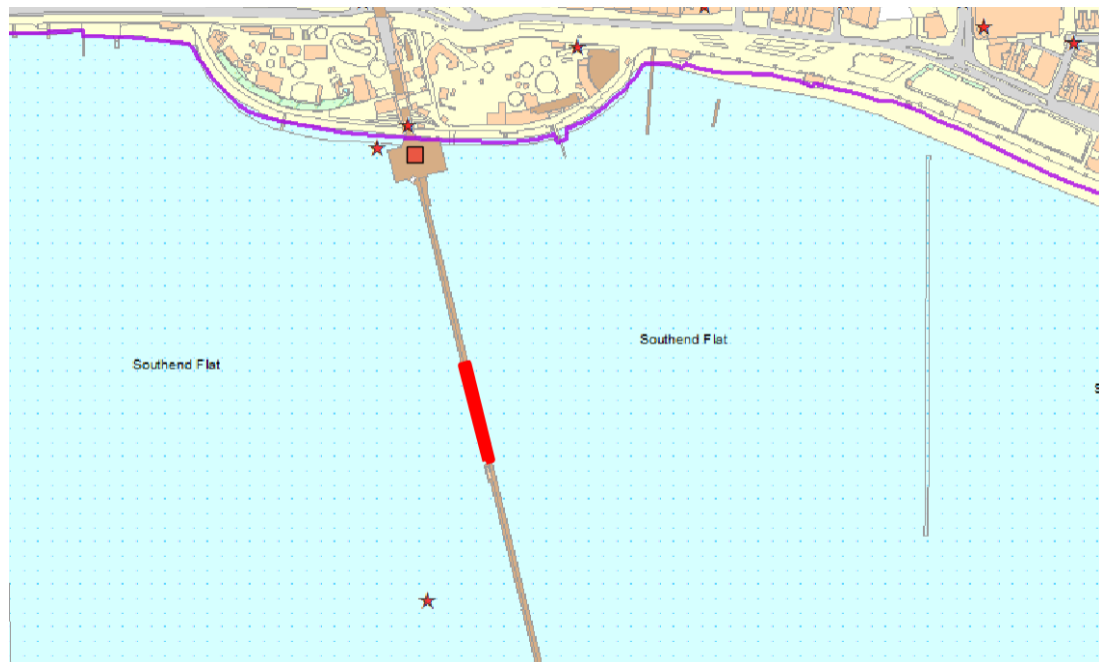


<b>Reference:</b>	1. 18/00443/ADV 2. 18/00758/LBC	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	1. Install two vinyl banners to East and West elevations of Pier 2. Install two vinyl banners to East and West elevations of Pier (Listed Building Consent)	
<b>Address:</b>	The Pier, Western Esplanade, Westcliff-on-Sea, Essex, SS1 1EE	
<b>Applicant:</b>	Southend United Football Club	
<b>Agent:</b>	PowerHaus Consultancy	
<b>Consultation Expiry:</b>	31 <sup>st</sup> May 2018	
<b>Expiry Date:</b>	26 <sup>th</sup> June 2018	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	Location Plan, Location Plan Banner Position, 13451A-BA01B (Full Banner Artwork), 13451A-BA01B (Proposed Banner Image View 1), 13451A-BA01B (Proposed Banner Image View 2), 13451A-BA01B (Proposed Banner Image View 3)	
<b>Recommendation:</b>	<b>1. REFUSE ADVERTISEMENT CONSENT</b> <b>2. REFUSE LISTED BUILDING CONSENT</b>	



## **1 The Proposal**

- 1.1 This application is seeking Advertisement Consent and Listed Building Consent to install two banners, one each side of the pier. The proposed banners would be 100m wide x 6m in height and a few mm deep. They would be located 200m out towards the estuary from the pier platform and be hung from the deck facing outwards to the east and west. The advertisements would be made of blue and white vinyl.
- 1.2 The supporting documentation states that the purpose of the banners is to promote the development proposals for the relocation of Southend United Football Stadium (application reference 17/00733/FULM). The advertisement consent application form states that consent is sought for the banners to be in place until June 2020. It is intended to clean the banner once a year.
- 1.3 A number of visual images, a Heritage Statement and a copy of the listing description have been submitted to support these applications.

## **2 Site and Surroundings**

- 2.1 The Pier is situated at the junction of Pier Hill and Western Esplanade at the southern end of the High Street. It projects approximately 1.33 miles south into the estuary. The northern end of the pier includes a modern entrance that enables public access on two levels to the decked walkway and pier train. The pier is one of Southend's key tourist attractions and an important part of the heritage of the town.
- 2.2 A wooden pier was first erected on the site in 1830. This was replaced by the present cast iron structure in 1889 and subsequently extended in 1897 and 1929. Whilst the original buildings have now gone, the historic substructure largely remains and is a key element of its historic character. The geometric patterning of the ironwork can clearly be seen from the shore and is a distinctive landmark feature in the view from both Western Esplanade and Marine Parade. The pier can also be seen in longer views to both the east and west including as far away as Leigh Cliffs and Thorpe Bay. It is the history of the pier and its remaining historic fabric which contributes most to its significance. The pier is a grade II listed building.
- 2.3 The surrounding mudflats are designated as a RAMSAR site, SSSI and Local Nature Reserve. To the north the site adjoins Clifftown Conservation Area which includes a number of listed buildings along Royal Terrace and Marine Parade which look out over the estuary and the pier. The site falls within Southend Central Area Action Plan Central Seafront Policy Area and the pier is identified as opportunity site CS1.1.

## **Planning Considerations**

- 3.1 The only considerations in relation to the advertisement consent application are those related to amenity and public safety. The only consideration in relation to the listed building application is the impact of the proposal on the character and significance of the listed building.

## 4 Appraisal

### Design and Impact on the Character and appearance of the Listed Building and Amenity

**National Planning Policy Framework (2012) Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM5, Southend Central Area Action Plan (2018) policies DS2, DS3 and CS1 and the Southend Design and Townscape Guide (2009).**

- 4.1 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 4.2 Paragraph 129 of the NPPF states that: *‘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 minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’*
- 4.3 In relation to development within Conservation Areas and within the setting of listed buildings policy DM5 (Historic Buildings) states that *“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.”* This stance is consistent with NPPF paragraph 134.
- 4.4 Southend Central Area Action Plan (SCAAP) recognises the importance of the pier in its strategic objectives. The Action plan makes a commitment to:
- 12.celebrate and enhance the setting of Southend’s unique heritage assets, such as the Grade II listed Pier, to ensure these assets are appropriately conserved and enhanced and continue to form an integral part of how Southend Central Area is experienced by those who live, work and visit the area.*
- 4.5 The importance and iconic status of the pier as a landmark for the town and in key views is also recognised in SCAAP policies DS2 and DS3 where it states:

#### *Policy DS2: Key Views*

*‘New development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of Southend Pier... including views from Royal Terrace and Clifftown Parade towards the pier.’*

*Policy DS3 Landmarks and Landmark Buildings*

*'The Council will seek to conserve landmarks and landmark buildings [including the pier] ... from adverse impact by*

- a. encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting;*
- b. resisting adverse impacts of new development by virtue of excessive height, massing or bulk;*
- c. ensuring development proposals respect views, setting and character.'*

- 4.6 The proposal is seeking to hang two 100m x 6m vinyl banners from the pier deck for a period of approximately 2 years. The proposed banners would be located 200m from the shore platform towards the estuary.
- 4.7 The pier is Southend's most famous and recognisable landmark and an important part of the history of the town. Although the buildings on the pier have evolved over the years (following a number of fires), the structural ironwork below the deck, dates from the 1889-1897 and is still substantially complete. This ironwork is considered to be an important part of the remaining historic fabric of the pier and is prominent in views from the shore from a wide range of viewpoints.
- 4.8 The applicant's heritage statement comments that the proposed banners would not obstruct views from the pier deck or obscure any other aspects of interest so would not impact on the significance or cause harm to the listed building. The statement acknowledges that the proposal would obscure part of the cast iron lower structure causing some limited temporary visual impact from the shore but they regard this impact to be moderate.
- 4.9 Officers find that the visuals submitted with the application demonstrate that the proposal will have a significant adverse visual impact on views of the historic pier ironwork and on the wider views and setting of the pier and this will be the case for a period of 2 years. As noted above, the ironwork is an important aspect of the historic fabric of the pier and the views of this feature in particular, and also of the wider pier structure, from the esplanade to the east and west of the site, are specifically recognised as being important views of this listed building in the SCAAP. This impact will also be apparent in the medium and longer views of the pier including from the adjacent conservation area, and associated listed terraces to the north, and also from longer views along the foreshore. It is therefore considered that the proposal will have a significant and detrimental impact on the pier itself, the setting of the pier and on the views of the listed building from other designated heritage assets.
- 4.10 The submitted heritage statement also comments that as the banners are only temporary the proposal would not have any long term impacts on the pier. However, this is not the view of the Council's Pier Engineers. Given its age and the hostile conditions in the estuary, the historic ironwork is now very fragile. Indeed there have been a number of recent applications to stabilise and replace various components of the substructure to safeguard the future of this historic fabric.

The Engineers working on this project in conjunction with the Council have raised significant concerns about the potential loading that this proposal will place on the already fragile pier structure. They also note in their response that the banners will be partially below the water level during much of the time. Their main concern is that the wind and tide loading pushing the banner against the historic ironwork, is likely to do significant damage to the substructure behind the banners. There is therefore the potential for this proposal to cause considerable harm to the historic fabric of the listed building which is a significant concern.

- 4.11 The various harms and adverse impacts identified are found to represent a significant adverse amenity impact from the proposed advertisement.
- 4.12 The reason given for the proposal is to promote the planning application for the relocation of Southend United Football Club. This is not considered to be a public benefit and as such it does not outweigh the negative impacts that the proposal would have on the character, views and setting of the listed building or the potential damage it could cause to the historic ironwork. This proposal is therefore considered to be unacceptable in principle and contrary to the policies noted above.

### **Public Safety**

- 4.13 The proposal does not front the public highway but would be very visible from the Western Esplanade and Marine Parade. The Council's Highways Officer has confirmed that there would be no implications for highway safety. The proposal is compliant in regards to public safety.

## **5 Conclusion**

- 5.1 Whilst it is considered that there would not be a detrimental impact in terms of public safety, the proposed advertisement would, by reason of the impact on the public views and setting of the pier, have a detrimental impact on the visual amenity of the heritage assets and the wider area which is not outweighed by any other public benefits. The advertisement consent application is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015), policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).
- 5.2 The proposed works would, by reason of the impact on the public views and setting of the pier and the likely damage to the historic ironwork on the pier, cause significant material harm to the character and significance of the listed building which is not outweighed by any other public benefits. The listed building consent application is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015), policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2012)
- 6.2 Core Strategy (2007) Policies KP1 Spatial Strategy, KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance)
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment)
- 6.4 Southend Central Area Action Plan (2018) Policies CS1 (Central Seafront Policy Area Development Principles), DS2 (Key Views). DS3 (Landmark Buildings)
- 6.5 The Southend Design and Townscape Guide (2009)

## **7 Representation Summary**

### **Historic England**

- 7.1 Given that the pier is a grade II listed building Historic England have declined to comment on this application and refer the Council to the in house specialist advisor, however, it is noted that they have recognised that the substructure as important historic fabric (see ironwork repairs applications in 2017, 2016, 2015, 2014 and 2010).

### **Property Services Engineer (including Pier Maintenance)**

- 7.2 The installation of a banner on either side of the pier will certainly introduce additional lateral loading on the pier stem and the effects of this would need to be assessed. Given that the pier structure would never have been designed for such loading and its current variable condition, it is unlikely that the structure could withstand this loading without damage.

The proposed area is outside of the current Anchor Bay Phase 1 renovation works so wouldn't directly interfere with this phase, however, given the duration is for 2 years it could cause problems with any future maintenance works.

It is noted is that the banner is proposed as being 6m high and not protruding above deck level. Given that the level of the deck is around +5.3m OD, the highest the banner could be installed is probably around +5m OD, which would mean it would extend down to -1m OD (i.e. below mean sea level). Given that there is at most 1.5m clearance between the underside of the deck and the Highest Astronomical tide, the lower parts of the sign would be underwater for much of the time, which in addition to introducing loading also does seem to rather limit its usefulness as an advertisement and when exposed at low tide would be rather unsightly. Based on the PLA's published bed levels there is probably around 6m clearance between underside of deck and Southend flats so the signs would practically fill the entire side elevation from bed to deck.

No details have been provided as to whether the banner is fire retardant. This may also be a concern given the history of the pier and public access to the banner.

**[Officer Comment: If the proposal were found to be acceptable in all other respects, a condition could be imposed to require the use of a fire retardant material.]**

Overall there is a concern that the proposal will cause significant loading on the historic structure of the pier which cause damage to its historic structure.

### **Parks**

- 7.3 Parks have raised major concerns about the durability of the banner. They comment that if it is damaged by beach users (it would be accessible by beach users when the tide is in and also may be a target by beach users when the tide is out) or by the elements (UV, wind and salt water – what are the effects of these on Vinyl?), there would be nothing to stop broken segments of the banner from entering the water, which could potentially have a major, disastrous effect on wildlife and the marine environment, through entanglement, ingestion and pollution.

**[Officer Comment: This is noted but not directly relevant to the impact on the listed building itself.]**

### **Highways**

- 7.4 There are no highway objections to this proposal.

### **Essex Wildlife Trust**

- 7.5 No comments received.

### **Natural England**

- 7.6 No comments received.

### **Public Consultation**

- 7.7 Two site notices were displayed and a press notice published. Two responses have been received objecting to the application for the following reasons:

- The proposal will look tacky and harm the character and views of this landmark
- There are already too many adverts for the football club application which are ruining views of the town
- The proposal will have a detrimental impact on the tourist trade
- There is no public benefit to this proposal merely commercial gain.
- A listed building should not be used for this purpose.
- The football club application is nothing to do with the foreshore.
- The proposal could set a precedent for other large scale adverts on the pier.

## **8 Relevant Planning History**

- 8.1 The site has extensive planning history. Those relevant to this application are:
- 8.2 17/01914/LBC - Various repairs and maintenance to include continued ironwork replacement, pile cap refurbishment, bearing refurbishment and joint articulation, refurbishment of timber deck boards and lateral restraint connection refurbishment (Listed Building consent) – granted
- 8.3 17/01775/LBC and 17/01829/BC3 – demolish existing toilet block, erect single storey building forming public toilets and observation deck at the pier head – pending consideration.
- 8.4 17/01664/LBC – refurbish 4 existing public shelters on pier (listed building consent) – granted 2017.
- 8.5 17/00614/LBC - Replacement of pier pile caps to pier structure (Listed Building Consent) (Part Retrospective) - granted.
- 8.6 16/01397/LBC - Emergency works to repair or replace pile caps to pier structure (Listed Building Consent) - granted 2016.
- 8.7 15/01378/LBC – Emergency works to repair and strengthen the lower timber deck at the southwest corner of the pier head (Listed Building Consent) - granted 2015.
- 8.8 15/00758/LBC – various repairs and maintenance to the Prince George extension (Listed Building Consent) – granted 2015.
- 8.9 14/01841/LBC - Structural repairs to Pier (Listed Building Consent) - granted 2015.
- 8.10 10/01563/LBC Structural repairs to Pier (Listed Building Consent) - granted 2010.
- 8.11 05/01685/LBC Remove fire damaged structural steel units, timber decking and debris. Replace with new structural steel units and timber decking (Listed Building Consent) - granted 2006.

## **9 Recommendation**

- 9.1 MEMBERS are recommended to REFUSE ADVERTISEMENT CONSENT 18/00443/ADV for the following reason:**

- 01 The proposed advertisements would, by reason of their impact on the public views and setting of the pier, have a detrimental impact on the visual amenity of the designated heritage assets and wider area which is not outweighed by any other public benefits. The advertisement consent application is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015), policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).**



**9.2 MEMBERS are recommended to REFUSE LISTED BUILDING CONSENT 18/00758/LBC for the following reason:**

- 01 The proposed works would, by reason of their impact on the setting of the pier and likely harm to the historic ironwork on the pier, cause significant material harm to the character and significance of the listed building which is not outweighed by any other public benefits. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015), Policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).**