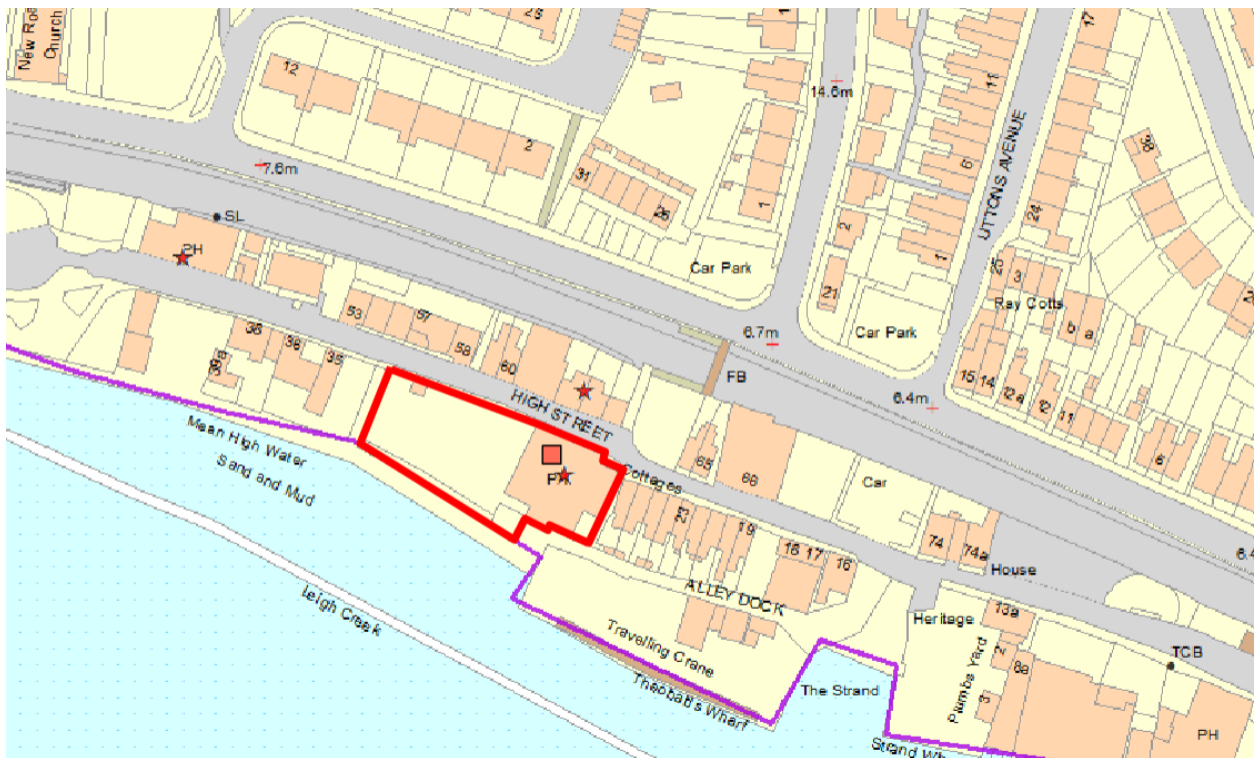


<b>Reference:</b>	18/01181/FUL
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Erect additional storage structure and Ice Shed at rear, first floor flat roof level (Part Retrospective).
<b>Address:</b>	The Peter Boat Inn, 27 High Street, Leigh-on-Sea, Essex, SS9 2EN
<b>Applicant:</b>	East Anglia Pub Co.
<b>Agent:</b>	Stone Me Ltd
<b>Consultation Expiry:</b>	26 <sup>th</sup> July 2018
<b>Expiry Date:</b>	17 <sup>th</sup> September 2018
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan No's:</b>	1266-1001A, 1226-1002A, 1266-1003A
<b>Recommendation:</b>	<b>Members are recommended to GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to retain the ice shed which has been installed on the existing flat roofed extension to the south of the building and to erect an additional pitched roof extension at first floor level to the eastern side of the existing rear gable in this area.
- 1.2 The ice shed, which has been recently installed, is 3.6m wide, 2.0m deep and 1.6m high above the existing flat roof. It is constructed of white painted timber shiplap cladding with a felt roof. The shed houses an ice machine which provides ice for the business.
- 1.3 The proposed extension will join onto the existing first floor gable of the main building and is 3m wide, 2.9m deep, 2.5m to the eaves and 3.5m high to the ridge above the existing flat roof. The proposed materials for this extension are also shiplap cladding and a felt roof. This is proposed to provide additional general storage for the business.

## **2 Site and Surroundings**

- 2.1 The site relates to the Peter Boat Public House at 27 High Street, Leigh-on-Sea within the Old Leigh Conservation Area. The main section of the building is a traditional pub and dates from the late C19. This section has good form and some fine glazing and is considered to make a positive contribution to the character of the conservation area. A large single storey flat roofed extension was built on the western side of the building in the 1960s. This extension is rather dominant in scale and form but its impact in the streetscene is mitigated somewhat but the recent upgrading of the materials and windows and the rooftop planters. The open area to the west of the extension is used for outside seating in the summer and parking in the winter.
- 2.2 To the south of the main building there is another flat roofed extension and covered yard which houses the kitchen and service yard. This area is effectively the rear elevation of the building. It backs onto Alley Dock. This section of flat roof is currently used for plant and general storage. It is enclosed by a low timber screen fence fixed to the top of the flat roof.
- 2.3 Directly to the south of the site is the Thames Estuary mudflats which are covered by a number of nature designations. The site is separated from the sea wall by a public footpath which runs into Alley Dock a historic cobbled route. To the north and east is the High Street which includes a variety of small scale mostly historic residential buildings and terraces.
- 2.4 As well as being within Leigh Old Town Conservation Area the site also falls within the Leigh Old Town Article 4 Direction, Flood zone 3 and Character Zone 2 "Leigh Port and Old Town" defined under Policy DM6.

### 3 Planning Considerations

- 3.1 The main issues for consideration include the principle of the development, design and impact on the character of the streetscene and wider conservation area, traffic and transportation, impact on residential amenity, flood and environmental issues and CIL.

### 4 Appraisal

#### Principle of Development

**National Planning Policy Framework (2018) ; Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1, DM3, DM5, DM6 and the Southend Design and Townscape Guide (2009)**

- 4.1 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Extensions and alterations to buildings within conservation areas therefore must respect the existing historic character of the buildings and the wider conservation area. Development which achieves this will generally be supported subject to the detailed considerations below.

#### *Flood Implications*

- 4.2 The site is located within flood zone 3. In relation to flood risk Policy DM6 of the Development Management Document states that:

*'2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:*

- (i) Appropriate flood defence and engineering solutions; and/or*
- (ii) Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.*
- (i) Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council's ability to manage coastal change.'*

- 4.3 The proposal is for storage and an ice shed at the first floor level of the building only so is not providing new internal habitable accommodation. It is therefore considered that there are no flooding implications for this proposal.
- 4.4 In light of the above, the principle of alterations or additions in this area is considered acceptable subject to the detailed planning considerations discussed below.

## Design and Impact on the Leigh Old Town Conservation Area

**National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and DM6; and advice contained within the Design and Townscape Guide (2009).**

4.5 The Peter Boat is located within Leigh Old Town Conservation Area. As noted above the Council has a duty to ensure that any new development or alterations to existing buildings within conservation areas preserve or enhance their special historic and architectural character and setting. This requirement is reinforced by Development Management Policy DM5 which states:

1. *All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.*
2. *Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.*

4.6 Policy DM6 which relates to development within the seafront area states

3. *Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.*
6. *All development within the Seafront Area must accord with the development principles set out in Policy Table 1.*

4.7 Policy Table 1 'Seafront Character Zones' sets out the development principles within this character zone which include:

- ii) *To enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town.*
- (iii) *To preserve and enhance the special character of Leigh Old Town Conservation Area.*

4.8 In relation to development in conservation areas, paragraph 302 of the Southend Design and Townscape Guide states:

*'the following general principles for development in Conservation Areas will normally be required:*

- *Existing features of the area and of its buildings which contribute to its character and appearance should be retained;*
- *Original external features of buildings should, where practical, be repaired rather than replaced;*
- *Where possible, opportunities should be taken to enhance the area by reinstating original designs, materials and features which have previously been altered unsympathetically;*
- *New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area*

- 4.9 The main two storey section of the building dates from the early C19th. It has retained much of its original character and makes a positive contribution to the character of the High Street and wider conservation area. The rear elevation of this building can be seen from Alley Dock, the pedestrian route to the south of the building, however, on this side the building does not have a significant active public frontage and as such has a reduced presence in the streetscene (except where it relates to the modern extension to the west). Most of the elevation here is inactive or enclosed by a tall boundary. The flat roof above the single storey addition on this side of the building contains plant and storage areas associated with the business. The visual impacts of these uses are screened in part by a low picket fence installed on top of the flat roof.
- 4.10 The applicant has installed an ice machine within a small shed on the southernmost section of flat roof. The shed is a simple modestly scaled box like form constructed of timber and painted white with a flat roof. The upper section of the shed is visible from the public footpath, however, the traditional materials have helped to blend it into the general townscape in this location and, given the existing mixed character in this area, it is considered that this addition has not caused material harm to the character or appearance of the conservation area on balance.
- 4.11 The proposed gabled addition is located further back on the flat roof and is to be attached to the existing main rear gable of the property. It is set back slightly from the building line of the gable to ensure a subservient relationship and the roof pitch replicates that of the existing building. The principle of a modest gabled addition in this location is not objected to but there is some concern regarding the proposed materials which are stated as shiplap cladding and a felt roof. In this situation, where the extension is attached to the building, it is considered that the proposal would better integrate with the existing building if the materials referenced the materials of the existing building which are white render and natural slate. It is considered that this could be controlled via a condition requiring higher quality materials to be agreed.
- 4.12 It is noted that the application plans also show a plastic shed which has been recently installed on the roof adjacent to the ice shed. This does not have planning permission and is considered to be inappropriate in this location. The agent has confirmed that this will be removed and does not form part of this proposal.
- 4.13 It is also noted that a large air conditioning unit has been installed to the west of the ice shed which is also very visible and causing harm to the character of the conservation area. The agent has confirmed that this will be relocated as part of a rationalisation of roof plant which will form the basis of a separate subsequent application.

- 4.14 Overall therefore it is considered that the design of the ice shed and the proposed extension would on balance have an acceptable impact on the character and appearance of the existing building and the Leigh Old Town Conservation Area, subject to conditions requiring higher quality materials, and the design of the proposal is therefore acceptable and policy compliant in this regard.

### **Highway Implications**

**National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP3; Development Management Document (2015) Policy DM15; and the Design and Townscape Guide (2009).**

- 4.15 The proposed additions are confined to the existing first floor flat roof area only and do not impact on the parking provision at the site. Overall therefore it is considered that the highways implications are acceptable and policy compliant.

### **Impact on Neighbouring Occupiers**

**National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policy DM1; and the Design and Townscape Guide (2009).**

- 4.16 The proposal is considered in the context of Policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management Document (2015) which requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities and the overall character of the locality.
- 4.17 The additions are not located close to the boundary with neighbouring properties and do not have any windows providing an outlook. It is considered that they will not materially impact on the outlook, loss of light, sense of enclosure or privacy of neighbouring properties. The ice shed, is located close to a bedroom door to the managers flat and will therefore impact on outlook to the south from this door. However, it is noted that the primary outlook for this room is from a window to the west which is unaffected. It is therefore considered that, given that this unit and the ice shed form part of the same business, this visual impact is within acceptable limits.
- 4.18 It is also necessary to consider the noise implications of any new plant on neighbours and existing occupiers. The agent has submitted the specifications of the ice machine and a comment that it has no demonstrable or measurable noise emissions, however, this is not specifically stated in the product data. The managers flat bedroom noted above is located adjacent to this plant (1.4m). The next nearest residential neighbours are 16.7m from the proposed plant.
- 4.19 In relation to this issue the Council's Environmental Health Officer has confirmed that the enclosure has ensured that the noise break out from this plant is negligible and will not materially impact on the amenity neighbours.

4.20 It is therefore considered that there is no material harm arising from this proposal in terms of the implications for the amenity of neighbouring properties and the proposal is acceptable and policy compliant in this regard.

### **Environmental Issues**

4.21 The site is located adjacent to the Benfleet and Southend Marshes which is covered by number of nature designations including SSSI, RAMSAR and Local Nature Reserve. The mudflats are protected because of their importance as a feeding ground for significant numbers of wildfowl. The feeding birds can be affected by excessive noise and light pollution.

4.22 Natural England has not raised any objection to this proposal subject to the appropriate conditions being imposed to mitigate disturbance or pollution. Therefore it is considered that the proposal are acceptable and policy compliant in this regard.

### **Community Infrastructure Levy (CIL) Charging Schedule.**

4.23 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **Conclusion**

4.24 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the conservation area more widely on balance. The highways, flooding and environmental impacts of the proposal are acceptable. This application is therefore recommended for approval subject to conditions.

## **5 Planning Policy Summary**

5.1 National Planning Policy Framework (2018).

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance).

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective use of land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management)

- 5.4 Design & Townscape Guide, (2009).
- 5.5 Community Infrastructure Levy charging schedule consultation document November 2014
- 5.6 Leigh Old Town Conservation Area Appraisal (2010)

## **6 Representation Summary**

### **Environmental Health**

- 6.1 Noted that the Ice shed machine is located at the rear 1<sup>st</sup> floor and is in an enclosure and operates for 24hours producing Ice cubes which are dispensed via a duct from 1<sup>st</sup> floor to ground floor. The duct arrangement is internal within the building framework. There is no likely noise or vibration breakout that will impact nearby residents, and as such the impact on local residents is negligible. EH therefore has no objection to this proposal.

### **Natural England**

- 6.2 No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site and may also damage or destroy the interest features for which the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

1. Measures to avoid significant impacts from construction and demolition that may cause significant disturbance to overwintering waterfowl and the habitats that support them and/or to additional intertidal interest features (habitats for invertebrates and plants)
2. Measures to avoid contamination, pollution or the smothering habitats of the SSSI, SPA and Ramsar site
3. Measures to minimise the risk of disturbance to or displacement of wintering birds utilising the SSSI, SPA and Ramsar site or cause disorientation to birds whilst in flight

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

The following conditions may be relevant:

Measures to avoid significant impacts from construction and demolition that may cause significant disturbance to overwintering waterfowl and the habitats that support them and/or to additional intertidal interest features (habitats for invertebrates and plants). We advise the following condition be applied:



*No construction works to be undertaken within or immediately adjacent to the SSSI, SPA and Ramsar site during the overwintering period (September – end March).*

Measures to avoid contamination, pollution or the smothering habitats of the SPA, SSSI and Ramsar site. We advise the following condition be applied:

*No materials or waste associated with the proposed development are to be deposited or stored within, or immediately adjacent to the boundaries of the SSSI, SPA and Ramsar site unless agreed in advance in writing as part of the construction management plan.*

Measures to minimise the risk of disturbance to or displacement of wintering birds utilising the SSSI, SPA and Ramsar site or cause disorientation to birds whilst in flight. We advise the following condition be applied:

*No security or other exterior lighting shall be illuminated outside hours of daylight, unless agreed in advance in writing as part of a suitable lighting plan, where lights are so arranged to prevent any light spillage onto the SSSI, SPA and Ramsar site and to minimise direct glare when viewed from the foreshore.*

### **Leigh Town Council**

6.3 No objection.

### **Leigh Society**

6.4 The Leigh Society has no objection to the proposed storage to the south elevation. We object to the flat topped proposed extension on the East elevation but would be in favour of a pitched roof relating to the main building structure

### **Public Consultation**

6.5 17 Neighbours notified, a site notice displayed and press notice published. No representations have been received.

6.6 This application was called to Committee by Councillor Mulroney.

## **7 Relevant Planning History**

7.1 18/00605/FUL - Retain Glazed Screening and Parasols to south elevation - granted

7.2 Erect single storey front extension, single storey extension and bin store to side and alter elevations – granted (17/01454/FUL)

7.3 Erect single storey extension to west elevation – refused (17/00890/FUL)

7.4 Erect single storey extension to front – refused (16/00907/FUL)

7.5 Erect bin store to side- refused (16/00906/FUL)

7.6 Install raised decking and raised planter's to front and side (Part-Retrospective)- Granted (16/00905/FUL)

- 7.7 Application for Approval of Details pursuant to condition 03 (materials) and condition 04 (windows) of planning permission 13/00113/FUL dated 15/03/2014-Granted (15/00077/AD)
- 7.8 Install extract ducting to existing rear flat roof, bin store and timber fence enclosure to rear- Granted (14/02088/FUL)
- 7.9 Erect single storey extension to rear- Refused (14/01753/FUL)
- 7.10 Erect single storey extension, and relocate existing entrance to north elevation and alter elevations- Granted (13/00113/FUL)
- 7.11 Demolish existing Cockleshed and erect shell fish stall and cafe (Class A3) (application to extend the time limit for implementation following planning permission 10/01060/FUL dated 11/08/2010- Granted (13/00094/EXT)

## **8 Recommendation**

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

- 01 The development hereby permitted shall be carried out in accordance with the following approved plans 1266-1001A, 1226-1002A, 1266-1003A**

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

- 02 The proposed general storage extension hereby approved shall be finished in white render (walls) and natural slate (roof) to match that of the existing building before it is brought into use.**

**Reason: To safeguard character and appearance of the historic building surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).**

- 03 No construction works to be undertaken within or immediately adjacent to the SSSI, SPA and Ramsar site during the overwintering period (September – end March).**

**Reason: To avoid significant impacts from construction and demolition that may cause significant disturbance to overwintering waterfowl and the habitats that support them and/or to additional intertidal interest features (habitats for invertebrates and plants) in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).**

- 04** No materials or waste associated with the proposed development are to be deposited or stored within, or immediately adjacent to the boundaries of the SSSI, SPA and Ramsar site unless agreed in advance in writing as part of the construction management plan.

**Reason:** To avoid contamination, pollution or the smothering habitats of the SPA, SSSI and Ramsar site in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- 05** No security or other exterior lighting shall be illuminated outside hours of daylight, unless agreed in advance in writing as part of a suitable lighting plan, where lights are so arranged to prevent any light spillage onto the SSSI, SPA and Ramsar site and to minimise direct glare when viewed from the foreshore.

**Reason:** To minimise the risk of disturbance to or displacement of wintering birds utilising the SSSI, SPA and Ramsar site or cause disorientation to birds whilst in flight in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

#### **Informative**

- 01** You are advised that as the proposed extensions to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.
- 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.
- 03** The applicant is advised that the plastic storage shed and the large air conditioning unit to the west side of the ice shed do not benefit from planning permission and should be removed. Failure to do this could result in enforcement action.

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