

<b>Reference</b>	18/02302/BC4M
<b>Application Type</b>	Borough Council Regulation 4-Major
<b>Ward</b>	Milton
<b>Proposal</b>	Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block; the erection of 3 no. new buildings comprising a mixed-use leisure building with a cinema (3,590sqm of Use Class D2 floorspace), 3,256sqm of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sqm of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,612sqm of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park; an 2,961sqm 80 bedroom hotel (Use Class C1) with cafe; and, a 580 sqm building (Use Class A3, A5 or D2). Proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity sub-station.
<b>Address</b>	Seaway Car Park, Seaway, Southend-On-Sea
<b>Applicant</b>	Turnstone Southend Ltd
<b>Agent</b>	Mr Matthew Hare of Carter Jonas
<b>Consultation Expiry</b>	7 November 2019
<b>Expiry Date</b>	8 November 2019
<b>Case Officer</b>	Charlotte White
<b>Plan Numbers/ Application Documents</b>	<p>SO19/P3000.pl2 - Location Plan – Submitted September 2019</p> <p>SO19/P3001.pl2 - Existing Site Plan (Topographical Survey) – Submitted September 2019</p> <p>SO19/P3002.pl1 - Existing Building Elevations – Submitted January 2019</p> <p>SO19/P3003 - Existing Building Elevations – Submitted January 2019</p> <p>SO19/P3004 - Existing Building Plans - Submitted January 2019</p> <p>SO19/P3005.pl3 - Demolition Plan – Submitted September 2019</p> <p>SO19/P3006.pl2 - Proposed Site Plan – Submitted September 2019</p> <p>SO19/P3007.pl2 - Proposed Lower Ground Level Plan – Submitted September 2019</p> <p>SO19/P3008.pl2 - Proposed Ground Level Plan – Submitted September 2019</p> <p>SO19/P3009.pl2 - Proposed Cinema Level Plan – Submitted September 2019</p> <p>SO19/P3010.pl2 - Proposed Auditorium Level Plan – Submitted September 2019</p> <p>SO19/P3011.pl1 - Proposed Roof Level Plan – Submitted September 2019</p> <p>SO19/P3012.pl1 - Proposed Car Park Plans – Submitted September 2019</p> <p>SO19/P3013.pl1 - Proposed Sections A and B – Submitted September 2019</p> <p>SO19/P3014.pl1 - Proposed Sections C and D – Submitted September 2019</p> <p>SO19/P3015.pl1 - Proposed Section E and F – Submitted September 2019</p> <p>SO19/P3016.pl1 - Proposed Section G – Submitted September 2019</p> <p>SO19/P3017.pl1 - Proposed Site Sections 1 – Submitted September 2019</p> <p>SO19/P3018.pl1 - Proposed Site Sections 2 – Submitted September 2019</p> <p>SO19/P3019.pl1 - Proposed Site Sections 3 – Submitted September 2019</p> <p>SO19/P3020.pl2 - Proposed North Elevations – Submitted September 2019</p> <p>SO19/P3021.pl2 - Proposed East Elevation – Submitted September 2019</p> <p>SO19/P3022.pl2 - Proposed South Elevation – Submitted September 2019</p> <p>SO19/P3023.pl2 - Proposed West Elevations – Submitted September 2019</p> <p>SO19/P3024.pl2 - Unit R1 Proposed Ground Floor Plan – Submitted September 2019</p> <p>SO19/P3025.pl1 - Unit R1 Proposed First Floor and Roof – Submitted September 2019</p> <p>SO19/P3026.pl5 – Unit R1 - Proposed North and West Elevations –Submitted</p>

	<p>September 2019</p> <p>So19/P3027.pl5 – Unit R1 Proposed East and South Elevations – Submitted September 2019</p> <p>So19/P3028.pl1 - Unit R1 Proposed Section – Submitted September 2019</p> <p>So19/P3029.pl2 - Hotel Proposed Ground Floor Site Plan – Submitted September 2019</p> <p>So19/P3030.pl1 - Hotel Proposed Floor Plans – Submitted September 2019</p> <p>So19/P3031.pl2 - Hotel Proposed North Elevation – Submitted September 2019</p> <p>So19/P3032.pl2 - Hotel Proposed East Elevation –Submitted September 2019</p> <p>So19/P3033.pl2 - Hotel Proposed South Elevation – Submitted September 2019</p> <p>So19/P3034.pl3 - Hotel Proposed West Elevation – Submitted September 2019</p> <p>So19/P3035.pl1 - Hotel - Proposed Section A-A and B-B – Submitted September 2019</p> <p>So19/P3037.pl2 – Elevation/Section Detail 1 – Submitted September 2019</p> <p>So19/P3038.pl2 – Elevation/Section Detail 2 – Submitted September 2019</p> <p>So19/P3039.pl2 – Elevation/Section Detail 3 – Submitted September 2019</p> <p>So19/P3040.pl2 – Elevation/Section Detail 4 – Submitted September 2019</p> <p>So19/P3041.pl2 – Elevation/Section Detail 5 – Submitted September 2019</p> <p>So19/P3042.pl2 – Elevation/Section Detail 6 – Submitted September 2019</p> <p>So19/P3043.pl2 – Elevation/Section Detail 7 – Submitted September 2019</p> <p>So19/P3044.pl2 – Elevation/Section Detail 8 – Submitted September 2019</p> <p>So19/P3045.pl1 – Elevation/Section Detail 9 – Submitted September 2019</p> <p>So19/P3047.pl2 - Proposed Substation – Submitted September 2019</p> <p>So19/P3048 pl1 - Proposed Public Toilet Plan – Submitted September 2019</p> <p>So19/P3050 - Proposed South Elevation - Marine Parade – Submitted September 2019</p> <p>So19/P3051 - Proposed South Elevation - Lucy Road – Submitted September 2019</p> <p>So19/P3052.pl1 - Proposed Cycle Shelters (plans) – Submitted September 2019</p> <p>So19/P3053 - Proposed Cycle Shelters (Elevations) – Submitted September 2019</p> <p>So19P3054.pl1 - Proposed Site Plan (Adopted Highway Boundary) – Submitted September 2019</p> <p>So19/P3055.pl1 - Policy map (Planning Boundary) – Submitted September 2019</p> <p>So19/P3056.pl2 Proposed Site Plan (with proposed area for stopping-up and adoption) – Submitted September 2019</p> <p>So19/P3057 - Proposed Site Sections 1 (Existing Ground Line Overlay) – Submitted September 2019</p> <p>So19/P3058 - Proposed Site Section 2 (Existing Ground Line Overlay) – Submitted September 2019</p> <p>So19/P3059 - Proposed Site Sections 3 (Existing Ground Line Overlay) – Submitted September 2019</p> <p>So19/P3060 - Proposed North Elevations (Existing Ground Line Overlay) – Submitted September 2019</p> <p>So19/P3061 - Proposed East Elevation (Existing Ground Line Overlay) – Submitted September 2019</p> <p>So19/P3062 - Proposed South Elevation (Existing Ground Line Overlay) – Submitted September 2019</p>
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S019/P3063 - Proposed West Elevations (Existing Ground Line Overlay) - Submitted September 2019

S019/P3066 - Servicing Strategy Diagram – Proposed Site Plan – Submitted September 2019

S019/P3067 - Servicing Strategy Diagram - Proposed Lower Ground Floor Plan – Submitted September 2019

S019/P3068 - Servicing Strategy Diagram - Proposed Ground Level Plan – Submitted September 2019

S019/P3069 - Servicing Strategy Diagram Service Corridor Plan – Submitted September 2019

S019/P3070 - Servicing Strategy Diagram Service Corridor Section – Submitted September 2019

739\_SC\_300\_PO2 Landscape Sections 1 of 2 - Submitted September 2019

739\_SC\_301\_PO2 Landscape Sections 2 of 2 – Submitted September 2019

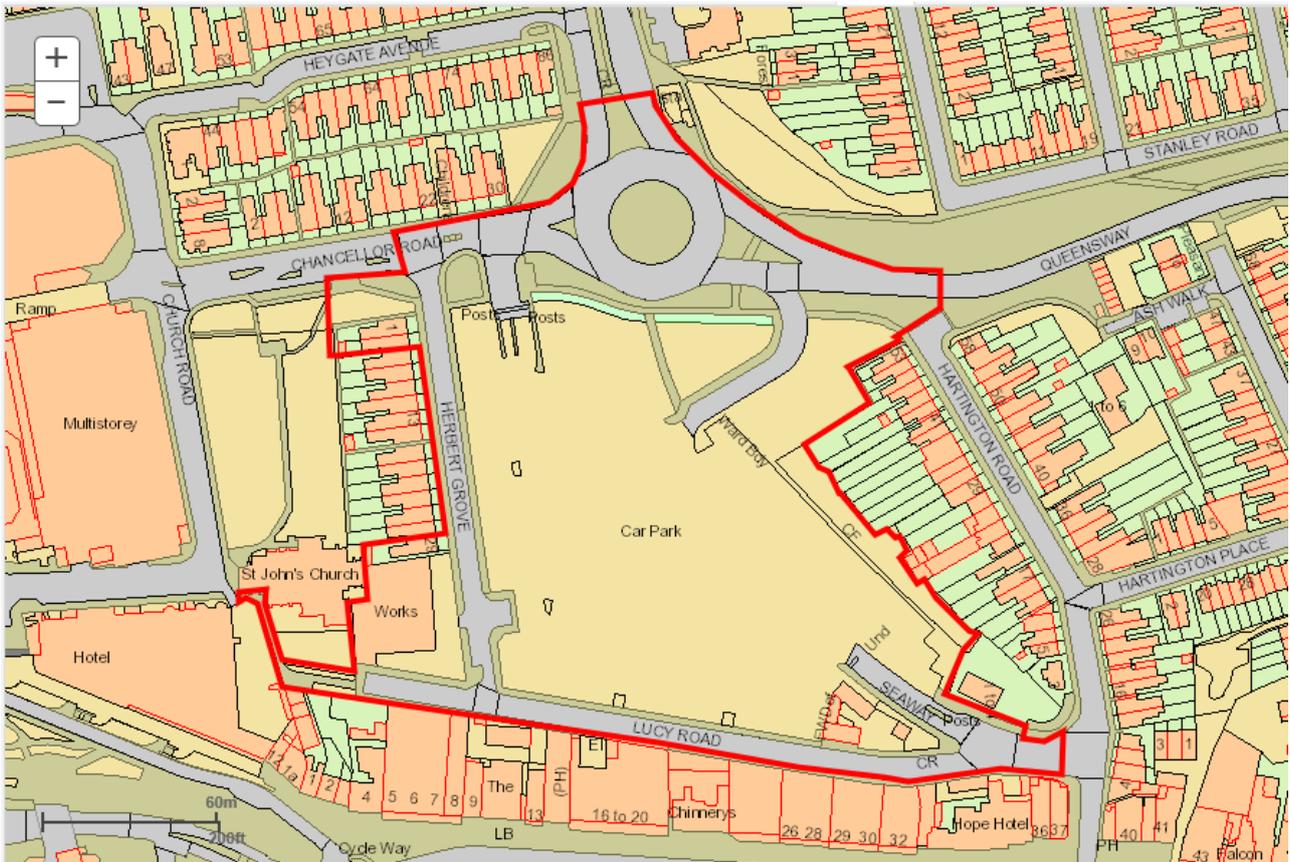
739\_PL\_001\_PO7 General Arrangement Plan - Submitted September 2019

739\_PL\_002\_PO5 Rendered Landscape Masterplan – Submitted September 2019

6113-D-AIA\_E – Preliminary AIA Existing and Proposed Site Plans - Submitted September 2019

- Design and Access Statement – Submitted December 2018; and Design and Access Statement Addendum – Submitted September 2019
- Transport Assessment – Submitted December 2018; and Transport Assessment Addendum – Submitted September 2019
- Updated Car Park Management Plan V2 – Submitted September 2019
- Framework Travel Plan 001 - Submitted September 2019
- Planning Statement including Health Impact Assessment – Submitted December 2018; and Planning Statement Addendum – Submitted September 2019
- Preliminary Ecological Appraisal (including Bat Roost Survey) – Submitted October 2019
- Daylight and Sunlight Impact Assessment – Submitted December 2018; and Daylight and Sunlight Impact Assessment Update – Submitted September 2019
- Extract Ventilation Statement – Submitted December 2018; and Extract Ventilation Statement Addendum – Submitted September 2019
- Updated Landscape Strategy RIBA Stage 3 – Submitted September 2019
- Economic Benefits Assessment – Submitted December 2018; and Economics Benefit Assessment Addendum – Submitted September 2019
- Acoustic Planning Report – Submitted December 2018; and Addendum to Acoustic Planning Report – Submitted September 2019
- Updated Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan Rev. E – Submitted September 2019; and 6113-D-AIA\_E – Preliminary AIA Existing and Proposed Site Plans – Submitted September 2019
- Phase 1 Geo-Technical and Geo-Environmental Desk Study – Submitted November 2018
- Landscape and Visual Impact Assessment – Submitted September 2019
- Residential Visual Amenity Assessment – Submitted September 2019
- Updated Heritage Assessment – Submitted September 2019; and Heritage Technical Appendix - Submitted October 2019

	<ul style="list-style-type: none"> <li>• Habitats Regulation Assessment Screening Report - Submitted September 2019</li> <li>• Car Park Lighting Strategy – Submitted September 2019</li> <li>• WSP Air Quality Report – Submitted December 2018; and WSP Air Quality Technical Memorandum – Submitted September 2019</li> <li>• Flood Risk Assessment, Surface Water Drainage and Foul Water Drainage Strategy –Submitted November 2018</li> <li>• Archaeological Evaluation Report – Submitted December 2018</li> <li>• Energy Strategy Report – Submitted December 2018</li> <li>• Cover Letter - Submitted September 2019</li> <li>• Statement of Community Involvement – Submitted December 2018</li> <li>• Utilities Report – Submitted December 2018</li> <li>• BREEAM Project Report Rev B – Submitted November 2018</li> <li>• Waste Management Strategy – Submitted December 2018</li> </ul>
<b>Recommendation</b>	Members are recommended to GRANT PLANNING PERMISSION subject to planning conditions detailed in <b>Appendix 5</b> of this Report.



# Contents

<b>1.0</b>	<b>Site and Surroundings</b>	<b>1</b>
	Site Description	1
	Site Surroundings	3
<b>2.0</b>	<b>The Proposal</b>	<b>6</b>
	Description of the proposed development	8
	Land Use Summary	14
	Other Features of the Proposal	15
<b>3.0</b>	<b>Consultation</b>	<b>21</b>
	Applicant Consultation	21
	Council Consultation	21
	Statutory Consultee Responses	37
	Council Responses	40
<b>4.0</b>	<b>Planning Policy Summary and Material Considerations</b>	<b>49</b>
	Other Material Considerations	52
<b>5.0</b>	<b>Planning History</b>	<b>57</b>
<b>6.0</b>	<b>Planning Considerations</b>	<b>58</b>
	1) Principle of Development	58
	2) Traffic and Transport	62
	3) Parking	67
	4) Residential Amenity	71
	5) Townscape and Visual Impact	78
	6) Design	83
	7) Landscaping	86
	8) Socio-Economic Impacts	88
	9) Heritage	90
	10) Ecology	95
	11) Sustainability	98
	12) Other Environmental Matters	100
	13) Policy CS1.2	101
<b>7.0</b>	<b>Other Issues</b>	<b>104</b>

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	Community Infrastructure Levy Charging Schedule (CIL) (2015)	104
<b>8.0</b>	<b>Planning Obligations and Conditions</b>	<b>105</b>
	Planning Obligations	105
	Planning Conditions	108
<b>9.0</b>	<b>Conclusions and Recommendation</b>	<b>109</b>
	Recommendation	117

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# 1.0 Site and Surroundings

## Site Description

### 1) Site Boundary

- 1.1 Whilst the application site focuses on the existing Seaway Car Park, the application boundary extends beyond this facility. To the north, the boundary includes all of the Seaways Roundabout and approach areas. The eastern boundary follows the boundaries of the rear gardens of properties along Hartington Road and on Seaway (i.e. the property that fronts the existing access to the car park off Lucy Road). It then extends to include the Seaways Spur (at the entrance to the car park) and adopts the southern edge of Lucy Road along its length towards the Town Centre as its southern boundary. The application boundary includes the pedestrian link/passage that runs adjacent to St. John the Baptist's Church (noting that the Church and its immediate surroundings fall outside the red line).
- 1.2 The site of the Former Rossi Ice Cream Factory on Herbert Grove is included within the application boundary. The factory, previously located in front of St John the Baptist's Church, has already been demolished following grant of prior approval by the Council (reference 17/00902/DEM). The application boundary including No. 29 Herbert Grove (scheduled to be demolished) passes northwards on Herbert Grove, adjacent to the front gardens/car parking of Nos. 5 to 27. It then extends to include the entirety of properties Nos. 1-3 Herbert Grove (also to be demolished). The area of open space between the end property and Chancellor Road is also included within the site.
- 1.3 The application site boundary, therefore, extends slightly beyond the Seaways Opportunity Site, as defined by the Southend Central Area Action Plan (SCAAP, 2018) that is focussed on the existing car parking areas, and the site of the former ice cream factory. The Seaways roundabout and adjacent open spaces to the south, including that which abuts the properties to the north end of Hartington Road; Nos. 1-3 and 29 Herbert Grove; and the pedestrian link through to the town centre, adjacent to St John the Baptist's Church all fall outside the SCAAP Opportunity Site designation.
- 1.4 Relevant policy allocations applying directly to this application site are:

Policy	Designation	Location
SCAAP CS.1.2	Opportunity Site	Seaways Car Park
DMD DM5	Conservation Area	Clifftown Conservation Area (footpath to town centre)
CS CP7	Protected Green Space	Adjacent to Seaways Roundabout
SCAAP CS1	Central Seafront Area	All of site
SCAAP DS5	Key Visitor Car Park	Seaways Car Park
SCAAP DS5	New and Improved Pedestrian Links	From Chancellor Road to Lucy Road and adjacent to Church
SCAAP CP7	New and Improved Open Spaces	From Chancellor Road to Lucy Road
SCAAP DS5	Key Public Realm Improvements	Chancellor Road
SCAAP DS5	Improved Gateway Access	Seaway Roundabout

#### Key

- CS: Core Strategy (2007)  
DMD: Development Management Document (2015)  
SCAAP: Southend Central Area Action Plan (2018)

1.5 A full account of the implications arising from these policies is provided within Section 6.0 of this report whilst **Appendix 3** provides a review of the application proposals against relevant development plan policy.

## **2) Land Use**

1.6 The site covers approximately 3.6Ha, focused on the current Seaway Car Park.

1.7 The site is in use as a pay and display public car park, for town centre shoppers, employees and visitors to the area. It has a capacity of 661 car parking spaces and is open 24 hours a day. Previously, the site accommodated 478 car parking spaces and approximately 20 coach parking spaces, but the layouts were remodelled, and the coach parking removed. This allowed the capacity of the car park to increase.

1.8 The typical level of use of the facility varies considerably. During peak season, such as summer weekends and bank holidays, the car park operates at capacity. In contrast, off-peak use of the facility results in a high availability of parking spaces. The car park capacity is monitored as part of the Council's Vehicle Monitoring System (VMS) with results automatically fed to car park signage on approach roads to Southend.

1.9 The car park benefits from CCTV coverage.

1.10 The application boundary includes Nos. 1-3 Herbert Grove, which is currently operating as a guesthouse. No 29 Herbert Grove (also within the site boundary) is understood (from Council Tax records) to comprise an end of terrace residential property.

1.11 Beyond No 29 Herbert Grove, and within the site boundary, is the site of the former Rossi Ice-cream Factory (now demolished). The site is vacant and entirely surrounded by hoardings.

1.12 In the south-east corner of the site (close to the Seaway entrance to the car park), is a small public toilet block. Only half of the facilities are currently in operation with the remaining closed following recent vandalism.

1.13 Along the north of Lucy Road, and within the application site boundary, there is a taxi drop-off facility with approximately 10 parking spaces. This facility is predominantly used during the evenings for night club pick-up and drop-offs, serving existing entertainment establishments along Marine Parade that have entrances that open onto Lucy Road.

1.14 The site is extensively hard surfaced, although there are some areas of trees and green space towards the northern boundary of the site, located adjacent to the highway boundary on the Seaway roundabout. This land is predominately laid to grass and extends towards the rear gardens of properties located in Hartington Road. This area benefits from allocation in the Development Management Document (i.e. part of the adopted development plan) as Protected Green Space. The allocation extends parallel with Chancellor Road, beyond the application site, to encompass the graveyard that sits to the rear of the residential properties that front Herbert Grove.

1.15 In total, there are 44 individual trees on site, one group of trees and one area of trees. These are predominately grouped on the grassed areas to the north, along Herbert Grove; and at the Lucy Road entrance to the site, to the south. In July 2019, the Council confirmed permanent Tree Preservation Orders (TPO) in respect of two London Plane specimens, located within the grassed area to the north-east of the Seaway Car Park (i.e. within the application boundary). In addition, in September 2019 a further provisional TPO was issued in respect of an additional 20 trees (19 of which are within the application site boundary) at Seaways. This TPO6/2019 has been the subject of an objection from the applicant, that will need to be considered prior to any decision regarding the tree's future status. However, for the purposes of assessing this

application, they are considered as benefiting from the permanent TPO, to adopt a worst-case scenario. A schedule of TPO trees including a description of all species is provided at **Appendix 4**.

### **3) Site Access**

- 1.16 There are three separate vehicular accesses at the site serving the car park. Chancellor Road provides an entrance to the facility, just beyond the Seaway Roundabout to the north. To the south, an entrance is provided via Seaway, that links to Hartington Road and Marine Parade beyond. Exit from the facility is via two lanes that link onto the A1160 Queensway, just to the east of the roundabout referenced above. All entrances have maximum height controls in place.
- 1.17 The site is an open car park hence informal pedestrian access is unrestricted from most of its surroundings (Herbert Grove and Lucy Road.) In addition, footpaths adjoin all the vehicular access routes. Within the application boundary, a footpath passes around the north of the site connecting Hartington Road to the car park, continuing to link to Chancellor Road to the west.
- 1.18 To the South West corner of the site, within the boundary, is a pedestrian footpath which passes St. John the Baptist Church and links to Church Road and the Town Centre beyond.

### **4) Levels and Flooding**

- 1.19 There is a significant drop in levels across the site. The highest point of the site is towards the north west, with an AOD of 17m. The site drops towards Lucy Road, with the lowest point in the south east corner, (6.0M AOD).
- 1.20 The site sits within Flood Risk Zone 1 of the Environment Agency's Flood Map for Planning (i.e. land within the lowest probability of flooding - less than 1 in 1,000 annual probability of flooding). Towards the south-east, beyond the site boundary, parts of Lucy Road and Hartington Road fall within Flood Zones 2 and 3.

### **5) Conservation Area**

- 1.21 The St. John the Baptist Church footway sits within the Clifftown Conservation Area. Designated in 1969, Clifftown Conservation Area has five distinct sections which together provide Clifftown's unique character. The footway sits within the Pier Hill Area that is referenced as acting as a connection between old and new Southend, linking the Palace Hotel and The Pier. The heritage features of the Area are focused around the Palace Hotel and the Pier Hill Lift.
- 1.22 There are no listed buildings within the site boundary.

## **Site Surroundings**

### **1) Land Use**

- 1.23 To the north and west of the site, along Chancellor Road and Herbert Grove, the prevailing land use is residential with properties overlooking the site. A number of these two storey properties are (HMO) Houses of Multiple Occupancy, rental properties and guest houses.
- 1.24 To the east of the site are the rear gardens of residential properties that front Hartington Road.
- 1.25 Marine Parade, to the south, accommodates seafront uses such as arcades, leisure uses, bars, restaurants and hotels. Some extend through to Lucy Road providing secondary entrances off this road. In addition, there are a number of nightclubs which are only accessed from Lucy Road.

## 2) Heritage

1.26 In addition to the small part of the application site that sits within the Clifftown Conservation Area, the surroundings of the site include a number of key heritage assets. To the east of the site lies the Kursaal Conservation Area. This is approximately 300m from the site boundary and is focused on the listed building of The Kursaal, a Grade II building and is a key feature on the Southend skyline. In addition to the Kursaal, the Conservation Area includes Nos. 1-6 Eastern Esplanade and two other significant buildings, The Minerva and The Britannia. Both of these buildings have been altered, but their original character remains, providing a positive contribution to the character and appearance of the Conservation Area.

1.27 In the locality, there are several locally listed and listed buildings. To the south of the site are three Grade II listed buildings; 1-3 Marine Parade, 4 Marine Parade and the Hope Hotel on Marine Parade. In the wider area, both the Pier and The Kursaal are Grade II listed. Other buildings of significance are the St John the Baptist's Church, located immediately behind Herbert Grove, The Palace Hotel, The Cornucopia public house and the Falcon public house, all of which are locally listed.

Heritage Asset	Description
<b>Hope Hotel</b>	Listed Grade II stuccoed building, dating back to 1780. 3 storeys with an 8-window range, arranged 4:4. The primary elevation (south) facing Marine Parade has many historical architectural features, such as the balcony, sash windows, architraves and pilasters to the front doors.
<b>4 Marine Parade</b>	Listed Grade II, late C18 or early C19 stuccoed house with a parapet and modillion cornice. The front is lined in ashlar. 3 storeys, 2 segmental bays project on the front and rise through the upper 2 storeys.
<b>1-3 Marine Parade</b>	Listed grade II, dating from the late 18 <sup>th</sup> Century with a parapet and modillion cornice. 3 segmental bays project on the front and rise through the upper 2 storeys. 3 storeys and attics.
<b>The Kursaal</b>	Grade II, built in 1898-1899 and designed by George Smith, it is a red brick, stone dressing, concrete and steel structure with slate roofs. L plan with a domed central hall. The dome has 8 oculae in scrolled surrounds and lantern with scrolled supports to each pier, onion dome and tall finial. The dome has meant the building has become a skyline feature within Southend particularly in Marine Parade area where it can be seen from long distance.
<b>Pleasure Pier</b>	The Grade II pier, opened in 1890, is listed due to its architectural interest being the longest pleasure pier in the world and designed by renowned architect James Brunless.
<b>St John the Baptist's Church</b>	A locally listed building, originally built in 1842, the first parish church in Southend.
<b>The Palace Hotel</b>	First constructed in 1901 original features such as the balconies on the east elevation and canopy on the fourth-floor windows still survive. It is a prominent building of local interest.
<b>The Cornucopia and Falcon Public House</b>	Built in 1854, The Cornucopia is the smallest bar in the south-east of England. The Falcon became a public house in 1881 after originally being built as a house for John James Strutt. Both buildings are locally listed, and of local architectural and historic interest.

## 3) Public Transport

1.28 There are two train stations within proximity of the application site. Southend Central Rail Station is located 650m to the north-west of the site, that is approximately a 7-minute walk to the site. The station provides direct access to Central London. Southend Victoria Station is located just over 1,100m to the North of the site, which is an approximate 13-minute walk.

1.29 The site is well served by bus stops. The Travel Centre is located on Chichester Road, approximately 325m from the site and a 6-minute walk. It is served by regular bus routes 1, 6, 14, 17, 20, 21, 24, 25, 28, 29 and 61.

1.30 In the immediate proximity, Chancellor Road bus stop serves eastbound services only and routes 7/8, 9, 27 and 27. These services link to Rayleigh, Rochford, Shoeburyness, Canvey Island, Benfleet and Hadleigh. A second bus stop along the A1160 serves the same bus routes.

#### **4) Town Centre**

1.31 The site has good links to the central shopping area and Marine Parade. Southend Town Centre is located to the north west of the site, 300m walking distance and a 6-minute walk from the site. The seafront and esplanade, to the south of the site, are nearby, with direct access (other than through the various businesses with entrances along Lucy Road) via Huntington Road (to the east) or the St. John the Baptist Church passageway (to the west).

## 2.0

# The Proposal

### 2.1

The application was submitted and received by the Council on 7 December 2018 with further information submitted on 20 December 2018 and 15 January 2019. The original submission application comprised:

- a Design and Access Statement;
- Transport Assessment (including Car Parking Management Strategy);
- Planning Statement (including a Health Impact Assessment);
- Public Travel Plan;
- Ecology Appraisal;
- Daylight/Sunlight Assessment;
- Landscape Strategy;
- Extract Ventilation Statement;
- Economic Benefits Statement;
- Noise Impact Assessment;
- Tree Survey and Arboriculture Impact Assessment;
- Geo-Technical and Geo-Environmental Desk Study;
- Habitats Regulation Assessment Screening Report;
- Flood Risk Assessment;
- Archaeological Assessment Report; and,
- Energy Strategy Report.

### 2.2

Upon receipt of this material (with the final submission including new drawings and information in respect of demolition works), the application was validated on 15 January 2019.

### 2.3

The application proposals included three new buildings: a main leisure building located adjacent to Herbert Grove, incorporating a cinema, other leisure uses, restaurants, cafes and hot food take-aways, along with a multi-level car park; a hotel located towards the Queensway Roundabout; and a detached smaller leisure food and drink unit, fronting Lucy Road. In addition, a small electrical sub-station was proposed on the eastern boundary of the application site.

### 2.4

Demolition of Nos. 1-3 and 29 Herbert Grove were proposed along with the removal of a small toilet block on Lucy road. The main vehicular access to the development would be via a new arm off the Queensway Roundabout, with vehicular access to Herbert Grove from Chancellor Road retained. A total of 555 car parking spaces across the site were to be provided, split between the multi-level car park in the leisure building, the hotel car park and a surface level car park towards the south of the site.

### 2.5

Public open space was provided in a northern strip running adjacent to Chancellor's Road and the Queensway Roundabout, and a new public square created in front of St. John the Baptist's Church, bounded by the proposed standalone building on Lucy Road and the newly exposed end-elevation of No. 27 Herbert Grove (exposed following the completion of demolition works to the adjacent property).

### 2.6

Of particular relevance in respect of the subsequent changes that were made to the original application (that are detailed below), the design of the main leisure building incorporated 'fish scale' effect metal shingles combined with a series of larger, stepped panels to create a 'fin-like' quality to the cinema box elevations. The car park was screened by perforated metal panels set

above gabion walls, with metal rainscreen for the stair cores, whilst the south-east corner of the building incorporated glazing at a high level.

- 2.7 The standalone building on Lucy Road incorporated ground floor glazing overlooking the proposed public square, whilst more gabion walling marked the Lucy Road elevation, extended up to first floor level to surround the proposed terrace. The hotel adopted aluminium rainscreen, arranged randomly in a pattern of grey and white, with a potentially back-lit plant enclosure at roof level, clad in lighter translucent polycarbonate cladding.
- 2.8 Consultation with statutory consultants, interest groups and local residents was undertaken immediately after validation. A number of representations from various parties and individuals were received as a result of this process (detailed in Section 3.0 of this report). In response to this, and following discussions between Council Officers and the applicant, a supplementary submission to the application was made on 17 September 2019. This submission both amended the detail of the planning application and provided further technical assessment of the proposals. In detail, this submission included:
- An updated site location plan;
  - Updated drawing pack (see Summary for drawing references);
  - Planning Statement Addendum;
  - Design and Access Statement Addendum;
  - Noise Impact Assessment Addendum;
  - Updated Preliminary Ecological Appraisal (including Bat Roost Study);
  - Habitats Regulations Assessment Screening Report;
  - Air Quality Impact Assessment Addendum;
  - Economic Benefits Assessment Addendum;
  - Landscape and Visual Impact Assessment (including Residential Visual Amenity Assessment);
  - Updated Heritage Assessment;
  - Updated Daylight/Sunlight Assessment;
  - Updated Arboriculture Impact Assessment (Revision E);
  - Updated Landscape Strategy;
  - Transport Assessment Addendum;
  - Updated Framework Travel Plan (Revision C);
  - Lighting Strategy;
  - Extract Ventilation Statement Addendum; and,
  - Updated Car Park Management Plan.
- 2.9 This material, along with the retained material from the original submission provides adequate information for the Council to assess the proposals.
- 2.10 Whilst the scheme retained many of the main characteristics of the original proposals the supplementary submission detailed the following amendments to the present:

### **Leisure Building**

- Amendments to the cladding form.

- Cinema cladding panels at the roof line were amended and the offset of these panels from the main building line was increased.
- A vertical arrangement of car park cladding was strengthened.
- The detailed treatment of the cladding panels was amended to a square design, shingle covered.
- Increased glazing to the south elevation of the leisure building and the stair core was incorporated. Combination of clear and tinted glazing was applied.
- Increased soft landscaping buffer to gabion walls and enclosures along Lucy Road were included.

### **Hotel**

- Glazing was extended at ground level to incorporate the full extent of the west, north and south elevations.
- Additional 'look-a-like' windows were added to the upper floor on the north and south elevations.
- Change in colour tones to replace white cladding with light grey cladding. Further joint details were added.

### **Standalone Unit on Lucy Road**

- A change of primary cladding material to terracotta tiles in a tonal colour palette was applied.
- The proposed Gabion wall was lowered.
- The first-floor exterior cladding of the restaurant unit was positioned vertically, and all cladding panels were stepped back.
- Additional glazing was added to the southern elevation.

### **Other**

- Removal of the shared surface treatment on Herbert Grove

2.11 This commentary below provides a description of the scheme, as amended incorporating the latest amendments described above.

## **Description of the proposed development**

2.12 The application seeks detailed planning permission for:

*“Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block; the erection of 3 no. new buildings comprising a mixed-use leisure building with a cinema (3,590sqm of Use Class D2 floorspace), 3,256sqm of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sqm of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,612sqm of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park; an 2,961sqm 80 bedroom hotel (Use Class C1) with cafe; and, a 580 sqm building (Use Class A3, A5 or D2). Proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity sub-station.”*

## Key Components

2.13 For the purpose of this report and reflecting the distinct characteristics of the various components of the scheme, the application proposals are described under the following five headings:

- 1 **Demolition:** Nos. 1-3 and 29 Herbert Grove, and the toilet block.
- 2 **Leisure Unit:** A large leisure unit with integrated car parking on the lower ground floor, ground floor, first, second and third floors. This proposed unit is the dominant feature of the application and is situated adjacent to Herbert Grove.
- 3 **Hotel:** An 80-bedroom hotel and associated restaurant, with surface car parking providing 11 spaces located towards the north east of the site.
- 4 **Standalone unit:** A standalone building in the south west corner of the site comprising food and drink (Class A3), a hot food takeaway (Class A5) and/or leisure uses (Class D2).
- 5 **Car Parking:** A large area of surface car parking towards the south-east of the site.
- 6 **Landscape/Public Square:** The creation of a new public square on the site of the recently demolished Rossi Ice Cream Factory and the landscaping strategy more generally, applied across the site.

### 1) Demolition Works

2.14 The proposals involve the demolition of Nos. 1 and 3 Herbert Grove, located at the northern end of this road, as it meets Chancellor Road. This building currently accommodates a double frontage guesthouse.

2.15 No. 29 Herbert Grove, is scheduled for demolition. It is understood from available Council Tax records that this is a residential property. This end of terrace property is at the opposite end of Herbert Grove and its removal will result in the exposure of the existing party wall of No. 27 with its removal allowing for the provision of a new public square in the part of the application site.

2.16 In both cases, the demolition works will remove residential-style properties in the Herbert Grove terrace and replace them with open landscaped areas (see below).

### 2) Leisure Building

2.17 *Uses and Scale:* The new leisure building proposes a mix of leisure uses, focused on a leisure cinema complex. Food and drink establishments (A3, A5) are accommodated in a number of units at ground floor some of which front Herbert Grove (with external areas providing additional outdoor seating capacity). These are located along the building's eastern elevation that runs parallel with Herbert Grove, and wrapping around the northern elevation on either side of the proposed entrance to the cinema. A further 3,256 sqm is given over to leisure use (D2), and it is understood that this space will be occupied by Hollywood Bowl (i.e. a bowling lane operator). The applicant's advise that Hollywood Bowl has now signed a contract, to occupy this space in the development, but it is noted that the application seeks approval for an undefined D2 use. The use will occupy part of the building located on the lower ground floor level.

2.18 It is also the case that the application is seeking flexibility with regard to the breakdown between proposed food and drink uses (i.e. Use Class A3 and A5) and additional leisure uses (D2). There is a requirement to use 4 units, plus the entrance lobby, totalling approximately 2,323sqm for either A3/A5 or D2 uses. Furthermore, flexibility is required for 1,612sqm floorspace (7 units) to be used for either A3 or A5.

- 2.19 Separation distances between the western elevation of the leisure building (that incorporates the proposed A3/A5 units) and the elevations of properties along Herbert Grove range from 29 metres in the south and 27 metres to the building's northern corner. The external seating areas proposed in front of these units extend 7 metres (as a maximum) from the building's elevation, with a footpath (approximately 3 metres in width) and a landscape strip (ranging from 5 metres to 3 metres) proposed between the path, the kerbside of Herbert Grove.
- 2.20 The leisure building is 3-6 storeys, although this description does not necessarily convey the nature of the building. It comprises two distinct 'blocks', linked in the middle with the northern 'block' accommodating the cinema and potential bowling alley facilities and the southern block, accommodating the additional leisure offer and car parking. The ground floor A3, A5 and D2 units provide a consistent feature along the building's ground floor elevation, across both 'blocks' fronting Herbert Grove and wrapping around the northern elevation.
- 2.21 There is a change in levels across the site, hence from the north-west the building opposite Herbert Grove appears as an 18 metres high elevation (with single-storey food and drink and cinema above), whilst to the north-east, the ground drops away to allow for the addition of the leisure unit at ground level. The height of the building at this part is 24.4 metres above ground (noting that the façade treatment creates a varied roofline.)
- 2.22 The southern block is slightly lower than the northern 'block', with the step down provided after the cinema. However, the ground levels drop away, so that the height above ground of the building adjacent to Lucy Road is approximately 20 metres, i.e. broadly similar to the northern 'block'.
- 2.23 There is a separate public toilet block on the lower ground floor level, accessed off Lucy Road and adjacent to a proposed coach drop-off/pick-up point (see below).
- 2.24 *Site Layout:* The leisure building is centrally located within the site, running in parallel with Herbert Grove. The building is set back from the Seaway Roundabout, further south than the retained residential buildings on Herbert Grove. It extends along the full length of Herbert Grove, with its south-west corner fronting directly onto Lucy Road, to the south.
- 2.25 The building-line to the south pulls away from the orientation of Lucy Road, allowing for the accommodation of a service bay facility in this area. A green screen is proposed to the Lucy Road side of the servicing area.
- 2.26 *Pedestrian and Vehicular Access:* The main pedestrian entrance to the cinema will be via the northern elevation of the building, with double doors opening up onto a balcony level. Access to the potential Hollywood Bowl facility is via the lower ground floor on the east elevation. The food and drink units along Herbert Grove open directly onto this street. The proposed public toilet facilities will be accessed via Lucy Road and from the western elevation of the lower ground floor of the leisure unit.
- 2.27 The new leisure building will include an integrated multi-level car park over five floors. In total 394 parking spaces will be provided, including 20 disabled parking spaces located on the lower ground floor and ground floor levels of the building. Pedestrian access between the car park and the various units within the building will be via ground floor and lower ground floor external footways that link to the entrances along Herbert Grove (A3, A2 and D2 units), the northern elevation (main cinema entrance and A3/A1 units) and the eastern elevation (potential bowling alley and further A3/A5/D2 units). Lifts in two stair cores (on Lucy Road and on the eastern elevation) serve all floors of the car park. The vehicular entrance to the multi-level car park will be via an entrance/exit ramp to the lower ground, on the east elevation of the building. Access will be via the proposed new site entrance 'arm' off the Seaway Roundabout.

- 2.28 The main service access to the leisure building will be via an external bay to the south of the building and accessed via Herbert Grove and Lucy Road. It will operate on a restricted basis, only available during the hours of 0700 hours - 2000 hours. Out-of-hours deliveries will take place via a service layby on the main access route into the site (opposite the proposed hotel building).
- 2.29 *Design:* The design of the leisure building was the subject of substantial design changes in September 2019. The amended design incorporates a continuous active frontage, that wraps around the ground floor of the north, east and west elevations of the leisure building. The glazing used for this element of the elevations will comprise a mix of tinted, clear and look-a-like glazing panels. Clear glazing panels are fully transparent and will allow the activity through the glass to be visible. Tinted glazing allows partial views through the glass and will act as solar comfort for the internal spaces, externally these tinted panels reflect the light from the surroundings. Look-a-like panels will not allow any views through to the spaces internally.
- 2.30 The cinema 'block' will accommodate a series of large cladding panels, off-set from the main building line, and placed to create a varied roofline. The panels will comprise shingle cladding in a square design (thin pieces of materials used to cover a wall or roof) with a neutral colour palette. The shingle cladding will be metallic to give a contemporary finish.
- 2.31 The exterior of the southern block will largely consist of a number of panels which the applicant's architect describes as broken down to mimic 'sails.' These panels will provide the external frontage to the car park, allowing a breeze to enter through small decorative holes in the panels.
- 2.32 Three colours have been chosen to define the 'sails' on the multi-level car park (light grey, dark grey and gold), which will similarly have a metallic finish, and which will tie back to the exterior and palette of the cinema.
- 2.33 The South elevation of the leisure unit consists of clear glazing windows, west of the stair core. To the east, the above perforated car park panels are repeated.
- 2.34 Photovoltaic panels will be placed on the roof level.

### **3) Hotel**

- 2.35 *Uses:* A six-storey, 80-bed hotel is proposed (plus lower ground floor service entrance and an additional plant room at roof level). The building accommodates a restaurant for the hotel and separate café facility, both at ground floor.
- 2.36 It is understood that the building will be occupied by Travelodge, although the application seeks permission for the hotel building, rather than any specific occupier.
- 2.37 At lower ground floor, a linen intake, bin store and three plant rooms are proposed. The ground floor accommodates the main entrance level/foyer, reception area, administration office, storage, kitchen and restaurant area (for 56 covers) as well as the café. The first floor to fourth floors have a similar layout, with each providing 16 bedrooms and an associated linen room. The fifth floor/roof level accommodates the plant area.
- 2.38 *Site Layout:* The hotel is located towards the north of the application site, adjacent to the new main vehicular entrance into the site off the Seaway Roundabout. It is set back from the roundabout, behind a landscaped area and is slightly off-set from the orientation of the larger leisure unit, to the west. The building sits between the leisure building and the rear of the properties along Hartington Road.

- 2.39 *Access:* Access to the site is from the main access route from the Seaway Roundabout, leading to the dedicated car park at the rear of the hotel.
- 2.40 *Car Parking and Screening:* Surface car parking is provided to the rear (east) of the Hotel, comprising 11 car parking spaces (no disabled spaces have been identified).
- 2.41 To the west of the Hotel (and on the access road) is a taxi drop-off/pick-up area for hotel guests, providing two taxi spaces. Servicing is via the rear car park. A secondary servicing yard is provided in a layby opposite for out-of-hours servicing.
- 2.42 *Design:* Panel cladding dominate the exterior of the hotel, providing a mosaic of light grey, dark grey and stone colours.
- 2.43 Glazing extends along the front of the restaurant and hotel foyer in the west elevation whilst look-a-like windows are added to the North and South elevations to imitate the look and reflection of real windows.
- 2.44 Photovoltaic panels will be placed on the roof alongside a plant room.

#### **4) Standalone Unit, Lucy Road**

- 2.45 *Use:* A standalone two-storey unit for either food and drink (A3), hot food takeaway (A5) and/or leisure use (D2) is proposed in the southwestern corner of the site (580sqm).
- 2.46 *Site Layout:* The building occupies a sensitive part of the site from a heritage perspective, with a close association with St. John the Baptist Church, a locally listed building. The ground floor and upper floor of the building is orientated to provide views towards the north, south and east (including over the proposed public square). At first floor level, a large balcony is provided with views to the south across Lucy Road towards Marine Parade and the Estuary.
- 2.47 'Back of house' facilities serving the building are located in the south-western corner of the building at ground floor level.
- 2.48 *Access and Servicing:* No dedicated car parking is provided. Servicing is to the west of the unit accessed via Lucy Road.
- 2.49 *Design:* The elevations receive contrasting treatments, with the southern elevation on Lucy Road incorporating a gabion wall (cages filled with stones and rocks) with some windows (and a balcony above); whilst to the north, there is a predominance of glazing with terracotta tiles above.
- 2.50 Glazing runs the length of the ground floor on the north and wraps partly around the east and west elevations. The ground floor of the south elevation comprises a gabion wall. A corner window is carried around from Herbert Grove.
- 2.51 The first-floor balcony on Lucy Road elevation is enclosed by a glazed balustrade.

#### **5) Car Parking**

- 2.52 In addition to the parking located within the leisure building and adjacent to the hotel, there is a large area of surface car parking towards the south-east corner of the site.
- 2.53 The surface car park facility provides a total of 150 spaces. The multi-level car park in the leisure building provides an additional 394 spaces. Hence, along with the 11 spaces associated with the hotel site, the proposed car parking provision is 555.
- 2.54 The development also provides 28 disabled parking spaces within the overall 555 car parking space provision, including 8 within the surface car park and 20 within the multi-level car park

	<b>Total Number of Spaces</b>	<b>Disabled Parking</b>
Surface Level Car Park	150*	8*
Leisure Unit Car Park	394*	20*
Hotel	11	0
<b>Site Total</b>	<b>555</b>	<b>28</b>

\*As per the site plan and car park plan submitted as part of the submission.

- 2.55 The applicant has indicated that electric vehicle charging points will be provided with the two points existing on-site retained as part of the proposal.
- 2.56 The applicants confirm that the car parking across the site will be available over a 24-hour period; although flexibility is sought to manage the facilities to reflect demand. For example, it may be that the multi-level car park in the leisure unit is closed during periods of low demand.
- 2.57 Car parking will be available to all visitors on a first come first serve basis. VMS (Variable Messaging System) will provide signage to real time car parking space availability data to provide directional assistance across Southend to direct cars to other car parks in times of peak occupancy.
- 2.58 Car parking operatives will be available on site and situated at the entrance and exit of the leisure unit car park. CCTV will also be in operation.
- 2.59 The large surface car park will be landscaped, with a central shared cycle and pedestrian path lined with newly planted trees, leading from the corner of Lucy Road and Hartington Road towards the northern entrance of the leisure building. Feature lighting will line the shared pedestrian and cycle pathway.
- 2.60 A seating area in the southern portion of the surface car park will be framed by trees.

## **6) Landscaping and Surface Treatment**

- 2.61 *Overview:* The proposals seek to retain and add to the open areas of the site adjacent to the highway infrastructure of Seaway Roundabout and Chancellor Road, whilst creating a new area of open space, St. John's Square, adjacent to the Church to the south. Planting is proposed adjacent to the leisure unit, along the east of Herbert Grove, whilst a second 'band' of planting is proposed to the rear of the properties that front Hartington Road. A number of existing trees will be lost, although a greater number of replacement specimens are provided.
- 2.62 *Trees:* There are currently 44 trees on the site, along with an identified tree group and separate area of trees. Of these, 22 benefit from a protection under a Tree Protection Order (TPO) (see Section 3.0 of this report). A total of 28 trees and part of the tree group (6 trees) will be lost as a result of the implementation of the proposals. This includes 9 No. TPO trees (see **Appendix 4**).
- 2.63 Trees to be removed are predominately located at the north of the site to accommodate the new arm of the Seaway Roundabout; on land for the new hotel; and towards the south-eastern corner of the site near the car park exit onto Lucy Road. Additional trees are lost in Herbert Grove and within the existing surface car park area.
- 2.64 A total of 93 trees are proposed to be planted. Locations include adjacent to Herbert Grove; to the north in the open spaces close to the Seaway Roundabout across the new square by St. John the Baptist Church; across the new surface car park; and on-site boundaries along both Lucy Road and to the rear of properties on Hartington Road.
- 2.65 Tree planting across the site is supplemented with the implementation of a landscaping strategy. The main features of this strategy are as follows:

- An area of green space is proposed off Chancellor Road, referred to as 'Chancellor Green' providing a mix of grassed landscaping, retained and proposed trees. A shared cycle and pedestrian footpath will divide 'Chancellor Green'. Note that currently, large parts of this area are already landscaped, forming an open setting to Seaway Roundabout, and is designated in the development plan as public open space.
- A new public square is proposed in the south-west corner of the site between the church, leisure building and new restaurant unit, (i.e. St Johns Square). This will act as a public square with trees, planting, cycle parking and seating.
- A rain garden (area of native shrubs and flowers) is proposed at the end of Herbert Grove with planting either side, as it links with Lucy Road.
- The route through the surface car park will be lined with an avenue of trees. Columnar trees are proposed along Lucy Road and the edge of the surface car park.
- Defensive planting using native shrubs will be applied to the rear of the hotel car park, along with hedges to the north, creating a boundary to the open areas beyond.
- Additional tree planting along Herbert Grove, to supplement retained specimens, to aid screening of the buildings.

2.66

Overall, in total the proposal seeks to provide circa 6,000sqm of green space, which compares to the existing site provision of around circa 3,700sqm. All proposed landscaping across the site (on both adopted public highway and privately-owned land) will be provided at the developer's cost and thereafter retained and maintained by the applicant for a five-year period. This commitment will be secured by the proposed s106 agreement.

## Land Use Summary

Building/Unit	Floor	Use
<b>Leisure Building</b>	Lower Ground Floor	Multi Storey Car Park entrance level Car parking Car park office 2 stair cores Public toilets Leisure Use (D2)
	Ground Floor	Multi-storey Car Parking Cinema entrance/lobby 4 units to provide A3 or A5 or D2 uses 7 units to provide A3 or A5 uses. 7 stair cores
	First Floor	Multi Storey Car parking 7 Stair cores Plant space D2 leisure use Cinema auditorium
	Second Floor	Multi Storey Car parking Plant space 3 stair cores Area for renewable plant Cinema auditorium.
	Third Floor/ Roof Level	Multi Storey Car parking Plant space 6 x Area for renewable plant.
<b>Hotel</b>	Lower Ground Floor	Linen intake Circulation core Bin store 3 plant rooms
	Ground Floor	Entrance Level/Foyer

<b>Building/Unit</b>	<b>Floor</b>	<b>Use</b>
		Reception area Office Storage Circulation Core Staff room WC Restaurant Area - Kitchen and dining area for 56 covers Separate cafe
	First Floor - Fourth Floor	16 bedrooms (8 Standard Rooms, 8 Double shower rooms) Circulation Core 1 x Linen room
	Fifth Floor/ Roof Level	Area for plant
<b>Standalone unit</b>	Ground Floor	A3, A5 or D2 uses
	First floor	A3, A5 or D2 uses and outside terrace area

## **Other Features of the Proposal**

### **Cycle Facilities**

- 2.67 72 cycle parking spaces are proposed across four locations on site as follows:
- to the west of the leisure unit adjacent to Herbert Grove;
  - in the northern section of St Johns Square;
  - next to the proposed taxi drop-off behind the hotel entrance; and
  - next to the proposed entrance and exit from the car park in the leisure building.
  - All cycle facilities will be external but provided under a shelter.
- 2.68 A shared cycle and footpath route will lead through the centre of the large surface car park to the south east of the site, continuing to Chancellor Green, to the north.
- 2.69 A cycle link along Chancellors Green will join the existing cycle route along Queensway, as part of the Town Centre Cycle Ring Road.

### **Coach Parking**

- 2.70 As part of the proposed scheme, coach drop-off and collection space has been incorporated along Lucy Road.

### **Taxi Rank**

- 2.71 A taxi rank is proposed on Lucy Road for approximately 10 vehicles.

### **Access Strategy**

- 2.72 *Vehicles:* A fourth 'arm' is proposed off the existing Seaway roundabout to enter the north of the site and will act as the main vehicular access point to serve the leisure building, the stand-alone unit, the hotel and the surface level car park. The road will accommodate two-way traffic. There is also a proposed widening of the westbound approach road to this roundabout, to ease traffic flows.
- 2.73 There will be no access to the site from the south, with an exit only link provided from the surface car park onto Lucy Road.

- 2.74 Herbert Grove will remain open to vehicular traffic with a link through to Lucy Road. A turning head towards the end of Herbert Grove will be provided as part of the proposed new square, but vehicular access onwards to Lucy Road will be permitted as existing.
- 2.75 *Services:* Servicing occurs at four points across the site:
- in the main service bay to the south of the leisure unit (via Lucy Road);
  - to the west of the stand-alone unit (via Lucy Road);
  - to the rear of the hotel; and,
  - in an out-of-hours delivery lay-by, located on the main access road into the site. The applicants are proposing to restrict all delivery-related traffic from Herbert Road between the hours of 2000 hours and 0700 hours and during this time, the out-of-hours service lay-by would be used. Conditions are proposed to control servicing activities (see Appendix 5).
- 2.76 *Pedestrians:* Pedestrian pathways will be created throughout the site, connecting key buildings. As referenced above, the shared cycle/pedestrian route through the surface car park will link to the Seaway Roundabout and Chancellor Road, to the north. Adjacent to Herbert Grove, to its east, a new pedestrian route will run along the front of the proposed leisure building, linking to Lucy Road in the south. This will be separated from Herbert Grove, via the proposed planting along the east of this road.

The proposal will not be proposing any changes to the current public transport access to the site and will continue to be via the existing bus stops located on Chancellor Road, the Queensway and central bus station

### **Surface Water Drainage**

- 2.77 The application is accompanied by a Flood Risk Assessment and Drainage Strategy.
- 2.78 The proposed surface water drainage strategy incorporates a vortex flow control device that will control the release of the discharged surface water from the site into the public water sewer.
- 2.79 Surface water from the proposed development roofs will be drained via rainwater pipes to the proposed below ground surface water drainage network. Surface water accumulating on the proposed developments impermeable hard surfaces will be drained into the below ground drainage network via gullies and linear drainage channels.
- 2.80 Sustainable drainage systems (SuDS) will be incorporated into the development through rain gardens (West of the development adjacent to Herbert Grove, North of the junction between Lucy Road and Herbert Grove), vortex flow control devices (located within chambers downstream of geo-cellular tanks), geo-cellular attenuation tanks (located in the car park and delivery area) and silt and hydrocarbon bypass separators (in the external car park).
- 2.81 The proposed drainage system will reduce the surface water discharge rate, below that compared to the existing situation, reflecting a reduction in the impermeable surfacing. A discharge rate of 21.8 litres per second of greenfield runoff is proposed compared to the existing discharge rate of 288 litres per second.

### **Hours of Operation**

- 2.82 The planning application seeks permission for a 24-hour operation of the on-site car parks throughout the year. However, it is noted that the car parks on site will be managed and have flexible hours of operation. In periods of low demand, there is required flexibility to close some of the car parks for example, the multi-level facility within the leisure building.

- 2.83 Normal hours of operation of the cinema within the main leisure building will be up until 0000 hours. However, in exceptional circumstances a maximum of three cinema screens will remain open until 0300 hours (to accommodate special screenings, etc.).
- 2.84 The applicant proposes that the opening hours A2, A3 and other D2 uses within the leisure unit, as well as the standalone building on Lucy Road will not be open to customers between 0000 hours and 0700 hours. The use of outdoor seating across the site, including opposite Herbert Grove will be restricted to 1200 hours - 2000 hours Monday to Thursday; 1200 hours - 2100 hours Friday to Saturday; and 1000 hours - 2000 hours Sunday, Public and Bank Holidays. The use of the external balcony on the unit on Lucy Road will be restricted to 1200 hours - 2300 hours at all times.
- 2.85 Delivery traffic along Herbert Grove will be restricted. No service vehicles will be permitted along this road between Monday to Friday 1900 hours - 0700 hours, Saturdays 1300 hours - 0800 hours and at no time on Sundays, Bank Holidays or Public Holidays. The use of the service bay on Lucy Road and the standalone unit service facility on this road will not be permitted during these restricted times. Out-of-hours servicing will occur via the service lay-by on the main entrance road into the site.

### **Lighting**

- 2.86 The lighting strategy for the site is designed to provide a suitable level of lighting to key areas, focussing on the parts with the greatest level of activity. In summary:
- In the larger surface car parking, an average illuminance of 20 lux will be achieved. 8-10 metres mounting heights are proposed with feature lighting to achieve the designated lighting outcome;
  - The proposed hotel surface level car parking is to be lit with an average illuminance of 5 lux using 6 metres high light columns;
  - Within the multi-storey car park, lights will be used at floor level to distinguish traffic lanes, parking areas and in/out ramps (during the day and at night). A high vertical illuminance of 75 lux will be provided in the main car parking area;
  - The main vehicular access road, connecting to the Seaway roundabout, will be illuminated to a consistent level, an average of 20 lux using 8-10 metres mounting heights;
  - recessed on-ground flooding units are proposed for the external seating areas along Herbert Grove along with linear LED strip lighting on the edge of the terraces. Existing street lighting on Herbert Grove will be retained; and,
  - For pedestrian routes and walkways an average illuminance of 3 lux is proposed. Illuminated bollards with a maximum mounting height of 3 metres will be utilised.
- 2.87 Conditions are proposed requiring the submission of all external lighting to be agreed by the Council, along with a requirement to prepare and submit a Lighting Management Plan for appraisal, detailing measures to reduce light pollution and energy use.

### **Energy and Sustainability**

- 2.88 It is proposed a minimum of 10% of the development's energy demand will be delivered from renewable technologies. This will be in the form of a combination of photovoltaic panels (the site will incorporate panels at roof level in various locations), and Air Source Heat Pumps, used for heating and cooling in the main leisure building.

- 2.89 To reduce energy consumption, several management techniques have been proposed. These include an automatic dimming or turning-off of the lights during periods of low-level usage, and the use of photocell technology to ensure lighting responds to natural light conditions.
- 2.90 Presence detection lighting is also proposed to sense when there is activity to switch lights on after a pre-set time. The use of LED lighting is also proposed to allow the use of lower lighting levels.
- 2.91 The applicant has confirmed that the current predicted BREEAM rating for the development is “Very Good”. BREEAM refers to the Building Research Establishment Environmental Assessment Method as the established means of assessing, rating and certifying sustainability of buildings. Buildings are rated and certified on a scale of ‘Pass’, ‘Good’, ‘Very Good’, ‘Excellent’ and ‘Outstanding.’ The BREEAM assessment helps to raise awareness amongst owners, occupiers and designers of taking a sustainable approach.
- 2.92 Planning conditions are proposed requiring the subsequent approval by the Council of detailed renewable energy initiatives to achieve the 10% renewable energy target, as well as BREAM conditions, requiring confirmation that the relevant standard is achieved.

### **Phasing of Development and Construction**

- 2.93 The applicants have confirmed that the development will be brought about in one single phase, although there are no submitted details of proposed construction.
- 2.94 The application proposes that a planning condition requires submission and subsequent approval of a Construction Management Plan prior to commencement of the development. This should set out how the construction works will be carried out and methods used. A Noise and Vibration Management Plan and Dust Management Plan are also proposed for pre-commencement approval by the Council.

### **Environmental Impact Assessment (EIA)**

- 2.95 The development can be considered to fall within Part 10(b) (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment (‘EIA’)) Regulations 2017 (as updated by the Town and Country Planning and Infrastructure Planning (EIA) (Amendment) Regulations 2018) (‘the 2017 EIA Regulations’). Part 10(b) includes urban development on sites of more than 1 hectare (the site area is 3.6 hectares). For such developments EIA is required when significant effects are considered likely.
- 2.96 On 15 August 2017, the applicant requested an EIA screening opinion from the Council. The request was accompanied by the ‘Land at Seaways car park Southend - Screening Opinion Statement’ (August 2017) which included the following documents:
- Preliminary Ecological Appraisal (July 2017)
  - Tree Survey (May 2017)
  - Archaeological Evaluation Report (March 2015)
  - Phase 1 Geotechnical and Geo-Environmental Desk Study (July 2017)
  - Statement addressing the likely transport impacts of the development (18 July 2017)
  - Statement addressing the likely air quality impacts of the development (undated)
  - Statement addressing the likely flood risk and drainage impacts of the development (9 August 2017)
  - Statement addressing the likely townscape impacts of the development (August 2017)

- 2.97 The Council issued its EIA screening opinion on 2 November 2017 which concluded that EIA is not required. In reaching its view, the Council confirmed that it had taken into account the criteria specified within Schedule 3 of the 2017 EIA Regulations, responses from statutory consultees and the information provided by the applicant in its Screening Opinion Statement. Further it was established that the site was not located in a sensitive area as defined by the 2017 EIA Regulations. It was confirmed that the key likely environmental effects of the development of the nature proposed were considered to arise from: its scale, size, height and design and consequent impact on the amenities of neighbouring occupiers; and the parking and traffic implications of the development. Looking at the two issues, it was concluded that:
- The impacts arising from the scale, size, height and design of the development are straightforward in the context of the site's location and the impact on adjoining uses will be of no more than local impact;
  - It is not considered that the transport, traffic and parking impacts of a development of the nature proposed would be of such magnitude, extent or complexity that they would have a significant impact on the environment in the sense intended by the Regulations.
- 2.98 The Council considered that the proposed development would not lead to other likely significant impacts whether in terms of pollution or other nuisances, air quality, ecology or biodiversity, flood or heritage. It was also confirmed that any impacts could be addressed through appropriate and industry standard conditions and planning obligations. Taking all these issues into account, the Council's EIA screening opinion was that the development did not give rise to a need for EIA and an Environmental Statement was not required to be submitted with an application for the development described by the applicant in its screening request.
- 2.99 Following submission of the application and ongoing discussions with the Council, various amendments to the development and additional supporting information was submitted by the applicant as described elsewhere in this report. As a result of this, and on 17 September 2019, the applicant submitted a further request for an EIA screening opinion. It was accompanied by the 'Land at Seaways car park Southend - Screening Opinion Statement' (September 2019) and which included the following documents:
- Preliminary Ecological Appraisal
  - Habitats Regulations Assessment Screening Report
  - Tree Survey and Arboricultural Impact Assessment
  - Archaeological Investigation Report
  - Ground Conditions Report
  - Transport Assessment and Addendum
  - Air Quality Impact Assessment and Air Quality Technical Memorandum
  - Flood Risk Assessment Flood Risk Assessment, Surface Water Drainage and Foul Water Drainage Strategy
  - Landscape Visual Impact Assessment
  - Noise Impact Assessment and Addendum
  - Heritage Statement
- 2.100 In response, the Council issued an EIA Screening Opinion on 30 October 2019 which again concluded that an EIA was not required. In reaching its view, the Council confirmed that it had taken into account the criteria specified within Schedule 3 of the 2017 EIA Regulations, responses from statutory consultees and the information provided by the applicant in its Screening Opinion Statement.

- 2.101 Whilst it was acknowledged that the proposed development would exceed 10,000sqm of commercial floor area and as such would exceed the indicative screening thresholds identified in the Regulations, the Screening Opinion referenced the National Planning Practice Guidance (NPPG) and in particular paragraph 6.9 that states *“it should not be presumed that developments above the indicative criteria should always be subject to assessment.... Each development will need to be considered on its merits.”*
- 2.102 In its Opinion, the Council confirmed that the site was not located in a sensitive area as defined by the 2017 EIA Regulations. The Council has not identified any feature of the proposed development which would result in likely significant effects on the environment in the sense intended by the Regulations, in terms of size and design of the development, cumulative impacts, pollution or other nuisances, air quality, ecology or biodiversity, flood or heritage and traffic, transport, parking and access. It was also confirmed that any impacts could be addressed through appropriate and industry-standard conditions and planning obligations. Taking all these issues into account, the Council’s Screening Opinion concluded that the development did not give rise to a need for EIA and an Environmental Statement was not required to be submitted with an application for the development described by the applicant in its screening request. The application proposals, that are consistent with the proposals described in the screening request, do not give rise to a need for an EIA. A copy of the Screening Opinion is provided at **Appendix 11**.

## 3.0 Consultation

### Applicant Consultation

- 3.1 To supplement the Council's own consultation on the proposals, the applicant carried out a pre-application consultation on the emerging scheme.
- 3.2 At the beginning of the consultation process, in 2015, a newsletter was sent to 1,075 addresses. Residents living nearest the site were given the opportunity to discuss the proposals on an individual basis and updated prior to submission. A consultation event was held at The Royals Shopping Centre in December 2015.
- 3.3 The public consultation event was publicised through a press release and 321 residents and stakeholders attended.
- 3.4 A consultation website, **www.seawaysleisure.co.uk** was set up by the applicant to provide information about the proposals and create mechanisms for providing feedback. A twitter project account was also provided allowing residents to communicate and be updated about the process. In November 2018, an Instagram account was added to provide residents with visuals of the project's progression.
- 3.5 The applicant also engaged with local media, particularly Southend Echo that has repeatedly featured news of the development proposals.
- 3.6 The applicant has reported feedback received prior to the planning application submission and highlighted concerns around traffic, lack of parking, coach parking, poor design of the leisure building and duplication of facilities (i.e. no need for another cinema and hotel). However, there were several other comments in support of the scheme referencing a desire to see this site developed; a recognition of the job creation characteristics of the scheme; and, positive feedback on the principle of a leisure use at this location that would bring a new leisure facility to Southend and enhance the town.

### Council Consultation

- 3.7 There have been three periods of public consultation on the planning application. As above, the first consultation was undertaken following the validation of the application in January 2019. A second occurred following receipt of the September 2019 supplementary submission. The third followed the receipt of an updated Air Quality Report, in October 2019.
- 3.8 During the first submission consultees were notified on 15 January 2019, seven site notices were displayed at locations around the site including next to St John the Baptist's Church; Chancellor Road; Seaway Roundabout; the corner of Herbert Grove; and, Lucy Road and the entrance and exits of car parks. A press advertisement was published on 25 January 2019 and 381 neighbours were notified by a letter. The application was advertised on the Council's list of weekly registered planning application on 18 January 2019.
- 3.9 For the second submission, consultees were re-notified on 20 September 2019. Again, six new site notices were posted on 26 September 2019 in similar locations to the previous site notices. A new press advertisement was published in the Southend Standard on 27 September 2019 and a total of 523 neighbour letters were sent out on 20 September 2019 (these included the original 381 neighbours and the additional contributors that previously commented on the application.)
- 3.10 For the third submission, consultees were re-notified on 15 October 2019. A total of 531 neighbour letters were sent out on the 15 October 2019 (which included the original 381 neighbours which were originally consulted and the additional contributors which have

previously commented on the application. Seven site notices were displayed on the 15 October which were located in the same locations as the previous site notices. A press advertisement was published in the Southend Standard on the 18 October 2019.

- 3.11 The application was advertised as a departure from the policies in the Development Plan with press advertisement and site notices, as appropriate. The first press advertisement was published on 27 September 2019, with a follow-up on 18 October 2019, at the time of the re-consultation. Similarly, site notices were displayed on 26 September and 15 October 2019.
- 3.12 In response to the first consultation, 143 letters of representation have been received (with one on behalf of 7 residents and a second on behalf of 14 employees at a local Hotel.) In response to the second consultation exercise, a total of 10 representations were received. In response to the third submission, 31 representations were received. The above does not include a number of representations that were received from The Stockvale Group (owners and operators of Adventure Island and SEA LIFE Adventure plus other A3 interests). The representations from The Stockvale Group are detailed below. All responses are summarised in **Appendix 1**. These have been taken into account fully and carefully in assessing the proposal.
- 3.13 Comments received were wide-ranging and a detailed review of comments made, along with a consideration of the implications of these comments can be found in **Appendix 1**. However, it is possible to identify several common themes to comments received and these are summarised below.
- 3.14 A distinction is made between comments received during the initial consultation exercise in January 2019, and those received in response to the September and October 2019 exercise (Referenced as 'September', below).

### **Parking Concerns**

- 3.15 *January 2019:* Parking concerns in relation to the proposal were the most referenced reason for objection. With the loss of the existing facility and an increase in demand arising from the proposed uses, objections were focussed around the impact on available town centre parking.
- 3.16 Concerns were raised around the perceived lack of car parking in Southend and the limited capacity of Seaway car park during weekends, heights of the season and school/public holidays. Objections suggested the scheme would only exacerbate the parking problems that already exist in the Seaway car park. There was a consistent requirement for any new redevelopment proposed at the site to deliver sufficient spaces to accommodate current demand plus that associated with the new uses proposed.
- 3.17 There was recognition that the Gas Works site highlighted the potential to offer increased capacity at an alternative location, but the value of this was questioned, pointing to the temporary nature of this car park. Representations commented that it only offers a short-term solution to a long-term problem.
- 3.18 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified.

### **Traffic Concerns**

- 3.19 *January 2019:* Linked to this objection, the traffic implications that would result from a lack of proposed parking for the scheme was raised by a large number of respondents. Concerns were expressed with regard to the potential for long traffic queues, congestion and longer travel times for residents, workers and visitors to Southend. There were calls for highway improvements to reduce the impact of traffic related problems, both during the construction period and following

implementation. The lack of any significant highway improvements proposed by the applicant was highlighted as unsatisfactory.

3.20 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified. Impact on Local Businesses

3.21 *January 2019:* Objections referred to the proposal as a scheme more appropriate to an out-of-town location. Concerns were expressed regarding the proposed leisure centre and facilities drawing business away from the town centre and high street, which was noted as already financially struggling. Other comments referenced the link between the parking and traffic issues and a decline in business to the town centre and seafront traders. Longer travel times and lack of parking had the potential to deter visitors and harm trade to local businesses. Objections highlighted that although the proposals offered new jobs and investment to the area, the impact the scheme could have on surrounding businesses would ensure that the net impact on the local economy would be negative.

3.22 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified. Comments received are consistent with those raised previously. No new issues were raised. RPS continue to object, their comments are summarised in section 3.45.

### **Duplication of facilities**

3.23 *January 2019:* Linked to these comments, there were concerns that the current Odeon cinema and The Kursaal (which already houses a bowling alley), would be harmed if the proposed scheme was to come forward, with trade drawn away from these important existing facilities. Objections sought to resist a duplication of leisure facilities provided within the planning application scheme, to avoid this competition and potential harmful trade draw.

3.24 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified.

### **Design**

3.25 *January 2019:* Consultee comments criticised the proposal as poorly designed for such a prominent location in Southend Town Centre. Responses concluded that the scheme did not reflect the character of the surrounding area. Predominately, the reference to poor design was in relation to the large leisure building which was described as a “single block” and “in the face” of existing residences.

3.26 Reference was made to site specific Policy CS1.2 (i) in which policy requires the development to deliver an “*innovative design which allows the site to take advantage of the elevation and creates a legible environment with views of the estuary...*”. The comments identified a failure of the scheme to satisfy this policy requirement, suggesting that the proposals were more suited in design terms to an out-of-centre location.

*September 2019:* Comments received raised further concerns in respect of the design of the scheme as one better suited to one in an ‘out of town’ location. Other objectors regarded the site as better suited for a residential-led mixed-use scheme rather than a leisure facility offering duplicate facilities.

### **Lack of integration with the surrounding area, town centre and seafront**

3.27 *January 2019:* Objections focused on the lack of integration between the scheme, town centre and seafront. Concerns were raised with reference to the policy requirement of CS1.2 to incorporate a new link to Marine Parade that is not delivered as part of the proposals.

3.28 The scheme was also criticised for failing to provide clear and attractive pedestrian links to the town centre, reliant instead upon the existing footpath/passage adjacent to the Church.

3.29 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified.

### **Residential Amenity Impacts**

3.30 *January 2019:* Most objections regarding residential amenity impacts referenced the 0300 hours licence for businesses to operate in the leisure building, adjacent to the residential properties along Herbert Grove. The prospect of anti-social behaviour in this street was highlighted. Residents in the surrounding area referenced the potential noise impacts arising from further restaurants and bars in the area. Other residential amenity impacts highlighted included the lack of privacy the scheme offers to housing backing on to the site in Hartington Road and the overspill parking concerns that would ensue from a perceived lack of proposed parking on the site. Residents in the surrounding area referenced concerns regarding the inability to park outside their houses due to a lack of parking in the Seaway car park, an existing issue that was only likely to increase as a result of implementation of the project during the heights of the season.

3.31 *September 2019:* Most objections regarding residential amenity impacts referred to noise and related construction impacts such as dirt, dust and vibration. Concerns regarding potential anti-social behaviour continued to be raised.

### **Environmental Concerns**

3.32 *January 2019:* A consistent concern raised by a number of parties was the potential impact on prevailing air quality resulting from an increase in traffic and congestion along with those associated with the proposed construction activities. There were also concerns raised regarding an increased pressure on the drainage and sewage systems within the area, and the ability of existing infrastructure to accommodate the increased demands.

3.33 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified.

### **Heritage**

3.34 *January 2019:* Heritage related objections mainly referenced the potential impact of the scheme on the listed building of The Kursaal both in terms of visual impact and the commercial impact associated with a competing leisure use in such close proximity. A number of representations suggest this trade draw could result in the closure of the Kursaal, that would prejudice the long-term protection of this historic asset. Other objections suggested the scheme was harmful to the heritage in the surrounding area, referencing the nearby listed buildings and the Conservation Areas.

3.35 Specific points included the perceived impact on the sight line between the Palace Hotel and the Kursaal Dome; the threat of the visibility between the key seafront Southend assets, the Palace Hotel, the Kursaal and the Pier; the impact of the main leisure building on the setting of the Conservation Area and the Church; and the dominance of the leisure building when viewed from the Pier, adding an unsympathetic addition to the Southend's skyline.

3.36 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified.

## **Ecology**

- 3.37 *January 2019:* The loss of mature trees as part of the scheme was a cause for concern from residents who highlighted the important role existing trees play in the outlook of the site.
- 3.38 Concerns were expressed regarding a lack of appropriate ecology surveys undertaken, especially in relation to the potential bat nesting sites across the site. There was an accusation that this information has not been provided thus preventing the validation or the determination of the application.
- 3.39 An objection referenced Policy CP7, which seeks to ensure all small areas of important biodiversity value are safeguarded from loss or displacement to other uses.
- 3.40 *September 2019:* There continued to be concerns around the loss of mature trees on site from residents in Southend. Crime.
- 3.41 *January 2019:* Members of the public identified the Seaways car park as an area which already suffers from anti-social activity and crime. With increased night-time activity, there were concerns that the opportunity for crime could be increased.
- 3.42 *September 2019:* Comments received are consistent with those raised previously, with no new issues identified.

## **Southend Seafront Traders**

- 3.43 *January 2019:* An objection was received from the Southend Seafront Traders Association that raised a number of wide-ranging concerns including:
- the inappropriate nature of the design;
  - inadequate provision of car parking;
  - duplication of cinema and banking facilities, threatening the viability of existing businesses;
  - residential amenity impact;
  - the loss of jobs;
  - impacts on existing site infrastructure (drainage and sewage);
  - a need for increased policing linked to a likely increase in anti-social behaviour; and,
  - the inappropriate inclusion of an hotel in the development.
- 3.44 *September 2019:* The Seafront Traders continued to object on the basis of a lack of information provided in relation to biodiversity and protected species in the submitted Preliminary Ecological Assessment. As such, there was insufficient information for the Council to make a decision.

## **The Stockvale Group (owners and operators of Adventure Island and SEA LIFE Adventure plus other A3 interests)**

- 3.45 The Stockvale Group employed consultants, RPS, to comment on the application proposals. These representations are extensive in nature and cross refer to a number of consultant studies submitted to support the representations made. These representations are in addition to the numbers referenced at paragraph 3.12. The following text provides a summary of the comments received but to supplement this, copies of the RPS submission letters are provided at **Appendix 7**. The technical documents that support these representations are available to Committee Members in advance of the Committee. A summary of the main comments are below:
- 3.46 RPS objected to the proposed development on the following grounds:

- 3.47 *Principle of Development:* The proposed development fails to comply with the SCAAP, particularly Policy CS1.2. RPS comment that contrary to this policy, there is a weak relationship between the proposed development and Town Centre and the proposal does not provide an opportunity for a new link to Marine Parade via the Spanish Steps. RPS raised concerns regarding the methodology and calculations used regarding car parking in the applicant's Transport Assessment. With regard to design, RPS comment that the lack of active frontages along Lucy Road was inappropriate and more generally in design terms, the proposal fails to deliver the innovative approach sought by policy. It commented that the proposal only provides limited coach parking facilities, even though policy requires the relocation of existing facilities.
- 3.48 *Economic Benefits:* A separate Economic Benefits Assessment was issued by Aventura Consulting on behalf of the Stockvale Group and identified a number of criticisms within the application material regarding methodology and calculations. In particular, the applicant had not addressed the displacement effects the development is likely to have on existing leisure operations in the town, specifically The Kursaal and Odeon. Objections highlighted that the applicant did not explore the cultural and social implications associated with the proposed development on surrounding businesses.
- 3.49 *Transport:* Objections were raised with regard to a failure to provide a Construction Management Plan, with no assessment undertaken of the effects of loss of parking during construction. Proposed cycle parking did not meet the requirements of Policy DM15 and alterations to the Seaway Roundabout were also non-compliant with this policy. Insufficient coach drop-off points were provided, and the off-site relocation of coach spaces was not well considered. The objection concluded that inappropriate data, methods and assumptions were used to justify the transport impacts of the proposal, and additional and corrected information must be submitted before the application was determined.
- 3.50 *Ecology:* RPS stated that the proposal fails to comply with Policy CP7 and paragraph 175 of the NPPF. It would be inappropriate for the Council to determine the application before receipt of missing bat roost surveys. The Council's Local Validation Checklist for planning applications indicated that a Biodiversity Survey and Report should be submitted with any application and the Preliminary Ecological Appraisal (submitted with the application) fails to do this. RPS concluded that the application should be considered invalid as bat roost surveys cannot be begun before May and it would be inappropriate to place the application on hold for this length of time.
- 3.51 *Heritage:* RPS criticises the Heritage Assessment submitted with the application and concludes it fails to consider the impact on the sightline between the Palace Hotel and the Kursaal Dome; the importance of the inter-visibility between the key seafront Southend assets; and, the impact of the proposal on the setting of the Conservation Area and the Church. It noted that the leisure unit will also be significantly taller than the surrounding heritage assets and create an unsympathetic view along the seafront where the development can be viewed from the Pier and Marine Parade.
- 3.52 RPS conclude "*the proposed development fails to appropriately and completely assess the impact of the development on both statutorily protected and locally important heritage assets and the historic seafront townscape, therefore the development is contrary to Policies DS2, DS3 and SM5.*"
- 3.53 *Townscape/Landscape/Visual Impact:* RPS comment the submitted assessment did not comply with guidance in terms of what was assessed and how. Assessment errors with regard to the photomontages were made. It concluded that the layout and design of the proposal did not comply with planning policy in terms of scale, character, local distinctiveness and public realm impacts.

- 3.54 *Trees:* Concerns were expressed regarding the number of trees being lost on site as a result of the proposed development. RPS requested that the Council issue a TPO to protect the two London Plane trees in the north/central part of the site. RPS objected on the basis of trees being lost unnecessarily and an alternative layout and design of the development could be achieved which retained the most valuable trees on site. No justification has been provided as to why the trees should be removed, noting their value.
- 3.55 *Noise and residential amenity:* RPS concluded that the development fails to comply with policy DM1 and CS1.2 given the likely impact arising from late-night activities. The layout of the scheme places late-night uses in close proximity to residential properties.
- 3.56 *Sustainability and Energy:* RPS commented that the Council's Sustainability and Energy Manager had not been consulted on the application. RPS also concluded that a Sustainability Statement had not been produced in accordance with the Validation Checklist resulting in sustainability not being adequately addressed. RPS criticised the information and methodology used by the applicant in the submitted BREEAM assessment. In terms of energy, RPS expressed concerns that the calculations of the proposed Energy Hierarchy are missing, and passive measures have not been considered. It concludes that there are errors with the calculations which effect the consideration of the suitability of Air Source Heat Pumps (ASHP) and no reference is made to on-site low carbon energy sources or decentralised energy sources.
- 3.57 *Transport:* RPS objected to the proposed development on the following transport grounds:
- 3.58 RPS indicate the effect of construction on car parking losses and on increased demand during the construction period has not been assessed. A Construction Management Plan is also missing from the submission. RPS indicate there has therefore been no consideration to maintaining car parking spaces during the construction phase as part of the planning application.
- 3.59 *Construction:* RPS conclude the application should not be determined until a Construction Management Plan has been prepared and until a revised version of the TA is submitted to include an assessment of the construction effects of development.
- 3.60 *Spanish Steps:* RPS critique the proposal as it does not include the 'Spanish Steps' or provide any opportunities for the 'Spanish Steps', failing to comply with Policy CS1.2. The proposed pedestrian access into the site from the south eastern corner does not provide a direct access which RPS indicate as a key consideration for measuring pedestrian routes. It would create a convoluted journey for pedestrians between the site through the surface car park and Marine Plaza.
- 3.61 RPS conclude the application should not be determined until the Proposed Site Plan has been adjusted to provide a suitable pedestrian access from the south of the western side of the surface car park that provides opportunities for a new link to Marine Parade.
- 3.62 *Shared Surface on Herbert Grove:* The inclusion of shared surfacing on Herbert Grove is contrary to current DfT advice. The Transport Assessment makes reference to the development proposal being an extension to the Town Centre and the entire trip generation estimates are on the basis the site is an extension of the Town Centre. RPS conclude the application should not be determined until the access strategy, the TA, the Design and Access Statement and the supporting drawing have been updated to remove the shared surface from Herbert Grove.
- 3.63 *Cycle Parking:* RPS highlight in line with Policy DM15, cycle parking should be safe, secure and covered. The proposal of locating cycle stands in areas of natural surveillance meet the policy requirements of being safe, however RPS indicate they do not meet the policy requirement in terms of being secure or covered. RPS conclude the application should not be determined until

the Design and Access Statement, the supporting drawings, the TA and the Travel Plan have been updated to include safe, secure and covered cycle parking.

- 3.64 *Queensway Roundabout:* As part of the proposal there are alterations to the Queensway/Chancellor Road/proposed site access roundabout. Part of these alterations are to widen the westbound carriageway of Queensway, resulting in a longer uncontrolled crossing distance for pedestrians and cyclists over two lanes of traffic. The central splitter island is also reduced in width by 5.5 metres. RPS conclude site access design is contrary to Policy DS5 and is a deterrent to pedestrians and cyclists, it also does not offer improvements to routes into the Central Southend Area from surrounding neighbourhoods or the public realm improvements that Policy DS5 requires.
- 3.65 RPS conclude the application should not be determined until a revised Queensway/Chancellors Road/proposed site access roundabout has been submitted which provides a scheme that meets highway design standards and does not deter pedestrian and cyclist use by increasing uncontrolled crossing widths.
- 3.66 *Coach Drop-off Point:* RPS critique the amount of coach drop off points proposed on site and conclude that only one proposed drop off space means there is the likelihood of more than one or two coaches needing to drop off or collect at the same time. Policy CS1.2 requires the relocation of coach parking, referring to the 36 coach spaces being relocated to Garons Park Sports Centre. However, under Policy CS1.2 it requires off-site provision to be well connected to the site, RPS conclude Garons Park is some 2.5km from the Seaway in a straight line and thus to accord with Policy CS1.2, more coach parking and/or drop off provision needs to be made within the proposal.
- 3.67 *Trip Generation:* Including a range of site locations from the TRICS analysis, RPS indicate it is contrary to the advice given within the TRICS Good Practice Guide and there is no confidence in the person trip rates utilised. The TA makes reference to the site being an extension of the Town Centre, but TRICS selection criteria has included some sites that are not within a town centre location and are incompatible with the town centre locations as advised in the TRICS Good Practice Guide.
- 3.68 RPS note the application seeks a flexible approach to the use of the proposed units because the exact mix will be driven by occupier demand. Given this flexibility RPS indicate there is no evidence provided in the TA to confirm that the assumption made produces the highest car parking demand. RPS conclude the application should not be determined until car parking accumulation assessments for the whole flexible range of land uses being sought have been undertaken and submitted.
- 3.69 *Mode Share:* RPS has concerns over the mode share data within the Car Parking Study (CPS) questionnaire surveys. The use of national data by the Department for Transport national Travel Plan specific to leisure uses that is widely accepted as being robust should be incorporated to seek to dilute these concerns. The application should not be determined until the mode share estimations have been undertaken on a more robust basis.
- 3.70 *Cross Visitation and Linked Trips:* RPS indicate in addition to cross-visitation and linked trips within the seafront and the town centre, the TA sets out that the Seaway car park is currently used by visitors to the town centre and seafront, some of these users would also visit the proposed development. The TA has included a reduction in the trips to account for these linked trips. RPS conclude the application should not be determined until the linked trip estimations from users of the Seaway car park are removed as this double counts the proportion of linked trips by visitors to the town centre and seafront.

- 3.71 *Temporal Distribution:* RPS highlight no account has been taken of the change in the length of stay as a result of cross visitation and linked trips. The TA should adjust arrivals and/or departures accordingly to take account of this matter and assess the true effects. As a result, the parking accumulation is underestimated.
- 3.72 *Operational Car Parking:* RPS indicate the TA considers the capacity of a car park to be reached at 100% but the industry regarded level of operational capacity of a car park is at 85% occupancy. At this level people find it difficult locating a vacant space and may leave to look for an alternative space.
- 3.73 *Development Car Parking Demand:* RPS highlight in Appendix N of the TA there are some negative parking numbers within the spreadsheet to calculate the trip generation, mode share and resultant car parking numbers, this means the calculations are incorrect and parking demand is underestimated. The application should not be determined until the car parking accumulations have been recalculated to removed negative parking numbers.
- 3.74 In addition, there are a number of comments within the note provided by RPS that affect parking demand these are:
- 3.75 TRICS selection criteria include some sites that are not in a town centre location and compromise the trip generation;
- 1 The mode share utilised does not take account for a higher car mode share as a site location is closer to the seafront.
  - 2 The mode share calculations should make use of data within the National Travel Survey.
  - 3 More assessment is needed to define the level of cross-visitation.
  - 4 Allowing for linked trips from existing users of the Seaway car park is double counting and this should be removed.
  - 5 If cross visitation and linked trips occur, then those people will stay on site or in the area longer and adjustments should be made to the arrivals (to arrive earlier) and / or departures (to depart later) accordingly.
  - 6 There are some negative parking numbers within the calculations of the parking demand by the development. This means that the calculations are incorrect and parking demand is underestimated.
- 3.76 *Impact of Development upon Car Parking:* RPS indicate the proposal creates an excess demand of car parking, evidenced by the car parking occupancies within the TA, RPS therefore conclude the application should not be determined until the effects on car parking have been assessed correctly in accordance with Policy DS5 of the SCAAP.
- 3.77 *Car Parking Provision:* There is no justification, in the form of calculations, for the proposed provision of 555 car parking spaces. If the methodology and calculations were to remain as they are (notwithstanding the above comment) then additional car parking would be needed to comply with Policy DS5, it should be providing 653 car parking spaces on site.
- 3.78 *Car Park Management/Tariffs:* Appendix H of the TA provides a Car Park Management Plan of which “short stay parking over long stay” is promoted. It is concluded by RPS that the application should not be determined until a mechanism is in place that would not compromise the use of the car park for visitors to the seafront.
- 3.79 *Impact on the Transport Network:* RPS highlight previous comments of the Council’s Highway Officers and suggest their requests have not been met in the new submission.

- 3.80 RPS also highlight the issue that the TA sets out the proposal will generate 133 new vehicle movements during the Friday PM peak hour, and 114 new vehicle movements during the Saturday peak hour. The impact of new vehicle movements needs to be assessed using the VISSIM model. RPS conclude the application should not be determined until the impact of the development on the wider highway network has been undertaken using the VISSIM model for the Friday peak hour, a Saturday peak hour and a Sunday peak hour.
- 3.81 *Development Compliance with SCAAP policies:* RPS concludes the proposal does not comply with the transport and car parking requirements of the SCAAP policies DS5 and CS1.2 for the following reasons:
- 1 The proposal does not include 'Spanish Steps', nor do the proposals provide for opportunities for 'Spanish Steps' by proposing a site layout which does not enable a direct pedestrian route.
  - 2 Policy DS5 recognises the capacity of a car park to be 85% occupancy whereas the TA calculates capacity to be reached at 100% occupancy.
  - 3 The TA does not assess the excess demand of car parking in relation to the key visitor car parking areas in the south of the Southend Central Area and therefore does not accord with Policy DS5.
  - 4 The Seaway proposal creates an excess demand of car parking resulting in a net loss in key visitor car parking to the south of the Central Area. Thus, it does not 'consume its own smoke' and it does not accord with Policy DS5 of the SCAAP.
  - 5 There are some significant concerns relating to the methodology and calculations within the TA. Notwithstanding these comments, if these were to remain as they were, then the proposal should not be providing 555 car parking spaces on site, it should be providing 653 car parking spaces on site to accord with Policy DS5 of the SCAAP.
  - 6 The site access design does not consider the provision for pedestrians and cyclists across Queensway in accordance with Policy DS5 and does not offer improvements to routes into the SCAAP area from surrounding neighbourhoods or the public realm improvements that Policy DS5 requires.
  - 7 To accord with Policy CS1.2 of the SCAAP, more coach parking and/or drop off provision needs to be made within the proposal.
- 3.82 In response to the most recent planning application submission, RPS has submitted further objections to the scheme, concluding the proposal fails to comply with Policy CS1.2 of the SCAAP and KP2 of the Core Strategy, and limited material considerations weigh in favour of the scheme.
- RPS submitted an outline Landscape and Visual Impact Assessment report demonstrating shortcomings with the applicants' landscape assessments. RPS also stated the submitted Heritage Assessment was inadequate and failed to assess significant heritage assets and matters, or incorrectly assessed the harm caused to them.
- Ecology objection responding to the receipt of bat emergence surveys. RPS indicate the relevant survey period has passed for 2019 and the information cannot be obtained until May 2020 at the earliest. RPS concluded that the application should be placed in abeyance until the information is provided or the application should be withdrawn and resubmitted once the information is available.
- With regard to the need or otherwise for an EIA and in response to the applicants submitted screening letter to the Council, RPS confirmed its view that an EIA was required. RPS concluded there would still be significant effects on landscape and heritage aspects, especially impacts on

the locally listed St John the Baptist's Church and the Grade II Pleasure Pier. There would also be significant socio-economic effects. RPS indicated that if the Council fail to recognise this and require an EIA to be undertaken by the applicants, it would make a formal request to the Secretary of State for a Screening Direction.

3.83

RPS highlighted that the Stockvale Group does not object to the principle of a leisure-led development “*as long as the development adds to the range of leisure facilities on offer to the town, does not reduce the level of public parking available and provides sufficient additional parking to support the proposed development, using realistic assumptions on car use.*”

Detailed comments relate to:

- 1) *Lack of Integration:* RPS continued to object to the proposed development as it does not strengthen the physical link between the site and Town Centre through improved pedestrian links. RPS concluded that the proposal remains contrary to Policy CS1.2b.
- 2) *Impact on other businesses:* The development would result in other leisure facilities in the surrounding area having to close. In effect, the proposed development will displace existing premises resulting in little net economic benefit to the town. RPS state that the owners of The Kursaal are finding it difficult to find new tenants because of the Seaway development and the Kursaal is no longer seen as a viable option.
- 3) *Land Uses:* RPS notes the applicant’s Planning Statement indicates there exists a specific schedule of uses but this is missing from the document and, without it, the amended Description of Development allows for Class D2 uses across the whole of the site. Such a development would have a different character with an increased impact on parking demands. RPS conclude that the Council must re-consult on the whole application once this missing material has been received.
- 4) *Spanish Steps:* The Spanish Steps are not provided as part of this development and they would deliver better connectivity to the site and are a key element of the site-specific policy. The applicant’s submission fails to highlight that public conveniences are moving further into the site than existing, and without the Spanish Steps, this location will be less accessible. RPS indicate the Spanish Steps are an integral part of the Seaway development and a key policy requirement that is not being delivered.
- 5) *Car Parking:* RPS highlight 635 spaces should be provided on site and ‘a precise schedule of areas’ setting out land uses is missing from the Planning Statement Addendum. It continues, highlighting that the proposed development does not propose to retain all existing car parking at the Seaway site when taking into account the parking demands from the proposed development. RPS notes the proposals still do not provide parking based on the generated demand arising from the proposal and there will therefore be a reduction in available spaces to support the town’s tourism economy. There remains a policy conflict with Policy KP2 and CS1.2.

RPS highlight that the Seaway car park has become a substantial income driver to the Council with a net income of £534,000, almost 90% more than what RPS understand the Council will earn from the site if the development comes forward. The financial implications of the scheme should be considered.

- 6) *Active Frontages:* Policy requirements relate to active frontages on **all** elevations, the proposal does not demonstrate this with only a short corner of active frontage on Lucy Road on the standalone unit. RPS conclude the proposal fails to meet this aspect of policy requirement.

- 7) *Coach Parking*: Although a coach drop off/pick is proposed on site, there is an issue will coaches leaving the site along Lucy Road and having to cross the carriageway at Marine Parade. The policy requires coach parking, if not provided on site to be well-connected to the Seaway site. RPS deem the exit to Marine Parade as “substandard” and not well-connected as the policy requires. Once the temporary car park at Gasworks is relocated to the Garons Park Sports Centre, alternative coach parking provided at this site will not be well connected. Proposals remain contrary to Policy CS1.2(g).
- 8) *Design*: RPS identify the proposed land uses as commonly found in out-of-town centre leisure boxes. In the context of a finely grained seaside town such as Southend, the building needs to be broken up, creating linkages through with active frontages. It needs to respect the townscape around it. The proposed scheme presents blank elevations and facades. Regarding Policy KP2, RPS conclude the amendments to design are still unimaginative and half the site remains a car park, the scheme cannot be considered a high-quality design and therefore is not policy compliant.

A separate document was produced by RPS to respond to the Draft Council Design Comments made in March 2019 and which should be read in conjunction with the *Notes on LVIA and Screening Statement* (RPS, October 2019) the *Outline Landscape and Visual Impact Assessment of the Turnstone Southend Ltd Development at Seaway Car Park*, (RPS, 20 August 2019) and the *Heritage Statement Objection* (RPS, 10 September 2019). RPS responded to the design comments made by the Council Officer, concluding that the proposed development to be in breach of SCAAP criteria-based planning policy in regard to Policy DS1, DS2, DS3, DS5, CS6, CS6b, DM1, DM4 and DM6.

RPS conclude the proposal creates an unnecessary landmark building which diminishes the importance of the Church and fails to acknowledge the findings of the Southend Borough-wide Character Study which sets out matters such as local distinctiveness and integration to be incorporated in new development proposals. The proposal fails to respect landscape character and the fine historic urban grain of the surrounding landscape through the scale, height and mass of the proposed buildings and the loss of open views to the Estuary. Design- related comments from RPS highlight the lack of consideration given to the historic surroundings, especially St John the Baptist’s Church. RPS consider that the proposed development will close up the currently open aspect of this building.

- 9) *Residential Amenity*: RPS conclude that noise impacts from the proposed development are unacceptable on residential amenity. Although A4 uses have been dropped from the proposal, the noise and disturbance will occur as a result of the proposed A3 uses, which are likely to be licensed restaurants. RPS conclude the proposal is “*a large leisure box surrounded by car parking, with limited respect for its context, the grain of Southend, its townscape, its heritage and neighbouring land uses. It is a single building with a single concrete floor and very few linkages.*” The NPPF paragraph 130 states such schemes should be refused, and the proposal fails to comply with key Development Plan polices.
- 10) *Heritage*: RPS has provided a separate document, dated September 2019, with a commentary and objections to the latest Heritage Statement. This should be read in conjunction with the *Notes on LVIA and Screening Statement* (RPS, October 2019); the RPS response to *Southend Borough Council’s Draft Design Comments for Seaways Application* the *Outline Landscape and Visual Impact Assessment of the Turnstone Southend Ltd Development at Seaway Car Park*, (RPS, 20 August 2019) and the *Heritage Statement Objection* (RPS, 10 September 2019).

Key issues raised include a misunderstanding of the importance of the relationship between key historic buildings on Southend seafront, the Kursaal and the Palace Hotel in particular,

and a failure to assess the effects on the historic townscape character and fine grain of the Southend Old Town character area. The revised Heritage statement “*does not assess the effect on the wider townscape.*” RPS deem this to be a serious omission from the Assessment.

RPS comment on a number of methodology and assessment issues, including the lack of clarity as to what planning policies have been considered and assessed, it is also noted the submitted applicant’s Heritage Assessment plays down the significance of the visibility between The Kursaal and the Palace Hotel, as well as the effects of the proposed development on the historic environment. RPS comment the “*significance and setting of heritage assets, and the contributions these significances and setting make to other heritage assets, does not rely solely on there being a visual link, but an understanding of the historic relationships between place...*”

RPS conclude the row of Edwardian houses comprising Herbert Grove are important buildings contributing to the historic character, townscape and seascape of central Southend, the effects on this historic character should therefore be assessed and to not indicate the assessment is incomplete. Furthermore, RPS draw upon the lack of assessments for the potential effects on below-ground archaeological deposits which may be present within the site, the lack of heights indicated on the architect’s elevation drawings also provide difficulty assessing the likely impacts to the historic character from the scale and mass of the proposed new buildings.

RPS object to the statement in the applicant’s submitted Heritage Assessment that “*the view of the skyline from the pier has altered considerably in modern times, and so has lost its historic visual connection and so the addition of the proposed building will not affect the significant of the pier.*” RPS highlight the proposed building will cut across this fine (and historic grain) and will impose a new skyline that is out of scale with the existing, historic skyscape. Objections also relate to a lack of heights shown on the Architect’s elevation drawings making them very difficult to assess in terms of likely impacts to the historic environment in terms of scale and mass of the proposed new buildings. The submitted Assessment does not consider how the scale and mass of the proposed new complex relates to the houses along Herbert Grove, nor how the removal of Nos. 1,3 and 29 Herbert Grove will impact the setting of St John the Baptist’s Church.

Additionally, RPS highlight there is no assessment of the potential effects on below-ground archaeological deposits which may be present within the site, and an assessment of historic townscape and seascape is still missing from the revised Heritage Assessment.

- 11) *LVIA*: RPS has provided a separate document, dated September 2019, with a commentary and objections to the Landscape and Visual Impact Assessment undertaken by Richard Morrish Associates. This should be read in conjunction with the *Outline Landscape and Visual Impact Assessment of the Turnstone Southend Ltd Development at Seaway Car Park*, (RPS, 20 August 2019) and the *Heritage Statement Objection* (RPS, 10 September 2019).

RPS identifies the key landscape and visual impact issues associated with the proposed development.

The impact arising from tree removal is down-played throughout the applicant’s submission and the numbers are not given and not all the of the TPOs are referred to.

The impact on the site’s prevailing open character and wide estuary views, synonymous with that part of the Old Town, are down-played. The applicant’s assessment states that the Thames Estuary character area has a medium-low sensitivity; RPS deem this to

considerably underestimate the sensitivity of the Pier to the proposed development, similarly the same applies to the sensitivity of the Kursaal.

The, now open, setting of St. John's Church (a landmark building) should not be impeded by buildings that are too close and out of scale with it.

The surrounding properties have an open aspect at present (and always have had). The buildings claim to be 'set back' from the surrounding buildings. The scale of the development is too tall and bulky to be as close as they are to these domestic scale buildings.

The change in height level, around the properties on Hartington Road is ignored.

The 'embedded mitigation' is not considered sufficient to reduce the impact and thereby the effects on the surrounding sensitive receptors.

RPS conclude *"the Residential Visual Amenity Assessment underestimates the susceptibility of the residential receptors to the impact of the proposed development both during the day and at night. Particularly when seen from Hartington Road and Herbert Grove.... the proposed development should not be allowed if it will have an overbearing effect on a property. The effect on properties, particularly those on Hartington Road and Herbert Grove will be overbearing and unacceptable."*

3.84 More recently, RPS has submitted further objections to the scheme particularly in relation to transport, parking, landscape, ecology, heritage and Council considerations.

3.85 RPS again highlighted that The Stockvale Group does not object to the principle of a leisure-led development *"as long as the development adds to the range of leisure-facilities on offer in the town, does not reduce the level of public parking available on the site, and provides sufficient additional parking to support the proposed development, using realistic assumptions on car use."* Detailed comments relate to:

- 1 *Policy CS1.2:* RPS object to the proposal due to the development's lack of compliance with SCAAP Policy CS1.2 RPS conclude that:
  - The applicant fails to refer to the location of the public conveniences being located further into the site than existing. The Spanish Steps would deliver better connectivity to the site and the use of active frontages and uses along the whole of Lucy Road would have solved design and heritage issues.
  - The level of parking on site is nowhere near the level of car parking identified following a re-examination of the model split within the Transport assessment Addendum. The proposal does not provide 776 car parking spaces within the site.
  - The proposal is a departure from the Development Plan on the grounds that the proposal does not provide active frontages to all elevations. RPS dispute a corner of the building is not creating 'active frontages' because the majority of the frontage and remainder of Lucy Road has no active frontage.
  - As RPS has highlighted previously there is a significant issue with coaches leaving the site along Lucy Road and Hartington Road having to cross the carriageway at Marine Parade. The policy relates to coach parking being 'well-connected' to the site if located off site. RPS indicate the temporary car park at the Gasworks is to be relocated to the Garons Park Sports Centre which is not "well-connected."
  - RPS has provided a separate document in response to the Council's design comments. RPS concludes the leisure building needs to be broken up, creating linkages through, with active facades. All 10 characteristics of the National Design Guide have been overlooked and RPS indicate the scheme cannot be described as a high-quality design. The revision to the

proposal to drop A4 uses does little to change the noise and disturbance to the residents of Herbert Grove which could occur nightly.

- 2 *Policy KP2:* RPS indicate the proposals are not compliant with a number of aspects of the Development Principles Policy KP2 of the Core Strategy. RPS note the proposal does not provide parking based on the newly generated demand from the development and therefore there will be a substantial reduction in available spaces to support the town's tourism economy, the proposal also fails to provide an enhancement to the car parking provision. RPS comment on the lack of imaginative and innovative design, scale, layout and bulk of the scheme, failing to comply with the Government's new National Design Policy and the schemes adverse effect on the neighbourhood which the Applicant's own consultant acknowledges as 'significant.'
- 3 *Traffic, Transport and Parking:* The concerns raised by RPS previously remain outstanding on the basis that the development provides insufficient levels of car parking to maintain the level of parking that exists at the Seaway Car Park as well as provide sufficient spaces to meet the new demands arising from the proposed leisure development. The main points are that:
  - Proposals fail to comply with Policy DS5 of the SCAAP regarding no net loss of parking;
  - There are miscalculations in the Transport Assessment;
  - Changes to Queensway/Chancellors Road will increase uncontrolled pedestrian movements, causing a conflict between pedestrians and vehicles and not improving pedestrian safety;
  - Failure to improve access for pedestrians and cyclists along Queensway;
  - Failure to recognise the proposal causes severe issues during bank holidays weekends;
  - Failure to recognise the loss of car parking at the Seaway will displace visitors and could negatively impact upon the patronage of seafront businesses; and
  - The impact of the development is 'severe' according to the NPPF.
- 4 *Townscape Landscape and Visual Impact:* RPS acknowledge the Applicant has now submitted photomontages and other visual aids to help understand the potential impacts of the proposed development on the townscape/landscape, however RPS still have significant concerns regarding the methodology of the assessment which are found in the submitted RPS objections LVIA document (sent to the Council on 20th September 2019).
- 5 *Heritage:* RPS still have significant concerns regarding the impact of the development on the historic environment. The revised submitted Heritage Statement prepared in September 2019 still omits assessment of archaeological and historic landscape/townscape issues. RPS conclude the Heritage Statement fails to address key policies, it misunderstands and underplays the relevance of the intervisibility and sightline between the Kursaal Dome and Palace Hotel, the assessment fails to recognise the open nature of the Seaway site and importance of the removal of the Rossi factory to which the improved setting of the locally listed St John the Baptist's Church which will be adversely effected, it fails to acknowledge views to the Palace Hotel from the majority of the site will be obliterated by the proposed development and there is harm to the setting of the Conservation Area and to the Pier.

RPS indicate in addition there will be harm to the Conservation Area by the proposed development's impact to the area around the church. The Assessment also fails to acknowledge that the Edwardian Row of houses comprising Herbert Grove should be seen as important to the historic character, townscape and seascape, the impact on this asset will be significant.

- 6 *Ecology*: RPS highlight the Applicant has failed to undertake all relevant bat roost surveys, they have failed to survey the toilet block at the other end of the development site which was identified as having an equivalent bat roost potential. This can now only be done from May 2020 onwards. Without this information RPS conclude the Council cannot adequately discharge its responsibilities with respect to protected species and the application must be refused on the grounds there is a lack of ecology information.
- 7 *Trees*: RPS indicate the two trees on site that are subject to the Tree Preservation Order (TPO) at present are under threat from building works and excavation activities to allow for the development. Approving the loss of these trees would be contrary to the recently adopted Council policy regarding its own trees. RPS conclude the trees should be retained and the Applicant should have regard for preserving mature (and protected) trees on site, thus enhancing biodiversity. RPS has modelled ways in which the proposed development could avoid the loss of the highest quality of trees without comprising the development by the re-alignment of the road round through the site and shifting the hotel and parts of the main building. RPS considers the proposed tree removal is contrary to the adopted policies.
- 8 *Noise, Disturbance and Residential Amenity*: RPS indicates the Applicant underplays a number of key points which will result in the detriment to Herbert Grove and Chancellors Road residents. These include:
  - The changes to the development to remove A4 uses and restrict closing times will not eliminate noise and nuisance impacts on neighbouring properties because the outdoor areas will still be in use until 2300 hours. There may also be clean up and staff activities after this time that also pose issues.
  - A significant number of pedestrians will travel into the night from the site to the bus station, rail station and town centre designation by foot. There will be stragglers beyond midnight from the cinema or staff after closing time which will cause significant noise impacts for residential properties along Herbert Grove and Chancellor Road.
  - At present the Seaway Car Park provides no destinations are present, so other car parks are likely to be more attractive to visitors of the town for late night activities. The level of disturbance from the proposal will bring extra movements between the Town Centre and the site because of the destination factor and the resulting disturbance.
  - Without measures in place to prevent pick-up and drop-offs from private vehicles there is a noise and disturbance taking place late into the night by car movements, but also the opening and closing of doors, noting the cinema will not always close at midnight.
- 9 *Sustainability and Energy* – RPS highlight the key concerns related to the development and its failure to achieve the targeted sustainability rating of BREEAM ‘Very Good.’ RPS conclude that relying upon one pre-assessment for three different building types and two different assessment types, is not acceptable and the weightings for the different building types will affect the predicted target score. RPS also highlight no sustainability statement has been submitted, which is a requirement of the Validation Checklist, and there is inconsistency within the Mott MacDonald Technical Response for the RIBA Stage, it is misleading to present the scheme as being at RIBA Stage 2 when it is in fact at RIBA Stage 3.  
 RPS also raises concerns regarding the need for the Energy and Sustainability Manager at SBC to be consulted, RPS deem this to be a substantial oversight and can impact upon how the case officer can appropriately determine whether the development is compliant.
- 10 *Daylight and Sunlight* – RPS consider a different design which is more legible and respectful of the adjoining townscape and urban grain, and which is smaller in scale and

less bulky would better preserve the existing residential amenity regarding daylight and sunlight.

- 3.86 The Council received a further representation from RPS, setting out a summary of concerns. Much of the detailed repeated the content of earlier representations, with concerns expressed with regard to a conflict with Policy CS1.2 of the SCAAP (pedestrian accessibility, Spanish Steps, a shortfall in car parking, a lack of active frontages, coach parking, and a lack of innovative design); and a conflict with Policy KP2 of the SCAAP (parking, design, a loss of trees, and a failure to comply with energy and sustainability requirements).
- 3.87 RPS continue to highlight the potential for financial loss to the Council, and a perceived negative economic impact of the project. The lack of a bat survey for the toilet block is identified along with concerns regarding the ecological impact on designated habitats from increases in traffic. Failings in the applicant's Transport Assessment are referenced, with associated concerns regarding parking demand, pedestrian safety and traffic generation
- 3.88 RPS promote alternative forms of development to protect trees on site and identify a risk regarding the ability of the scheme to achieve a BREEAM Very Good standard. Detrimental noise and nuisance impacts on neighbouring properties are predicted, particularly late at night. RPS criticise the submitted Heritage Assessment suggesting it underplays the relevance of the intervisibility and sightline between the Kursaal Dome and Palace Hotel, the open nature of the Seaway site and importance of the removal of the Rossi Ice Cream Factory and views to the Palace Hotel from the site. Additional harm to the Conservation Area and the Pier are predicted and there are calls to consider the houses on Herbert Grove as important to the historic character, townscape and seascape of central Southend. At least 'substantial' harm to heritage assets are predicted.
- 3.89 Similar concerns are expressed with regard to the submitted LVIA with RPS suggesting it underplays the loss of trees; it underestimates the night time effects of the hotel on the neighbouring buildings; the scale of the buildings and their relationship with St John the Baptist's Church; and the prominence of the development in the Old Town area. RPS state that the development will be highly visible in the urban skyline and in views from the Pier. Finally, RPS criticise the findings of the Daylight/Sunlight Assessment, stating the work downplays impacts.

## **Statutory Consultee Responses**

### **Historic England**

- 3.90 Historic England responded to the initial Council consultation in February 2019, raising concerns regarding the proposed design of the scheme. It highlighted the highly prominent nature of the location and the impact the proposals would have on Southend's townscape. It concluded that, *"Whilst a building of this scale is not necessarily harmful to the appreciation of Southend's Seafront, Historic England consider the choice of a relatively reflective metal cladding to cover the majority of the structure has the potential to create a building which is visually overly dominant. The south face sea views will in large section be an inactive frontage on this elevation. Historic England questions the longevity of the development in this corrosive marine environment."*
- 3.91 Overall, Historic England *"consider the development on this site has the potential to result in an enhancement to the setting of the conservation area and other heritage assets, with the introduction of an element of urban form to an otherwise underutilised space being considered positive. However, notwithstanding that potential, we (Historic England) consider that the proposed cladding materials combined with the scale of the development will likely result in a*

*development that harms the appreciation of the Clifftown Conservation Area in wider views. A more considered approach to materials will allow this development to better complement the historic character of Southend, creating a better, more attractive place and avoiding or minimising any harmful impacts on the setting of heritage assets."*

- 3.92 Following receipt of these comments, the applicant undertook further engagement with Historic England presenting alternative design ideas. In response to this process, a second set of comments were made by the consultee in June 2019. These comments (informal in nature) indicated that the proposed changes to the scheme were considered beneficial. The changes to the leisure unit with the breakup of the massing and the use of a more complex colour palette to reduce the reflexivity index were welcomed. The modifications to the standalone restaurant unit involving the division of the previously monolithic form and the reduction in height of the gabions to the south were also acknowledged.
- 3.93 These comments informed the preparation of the submission in September 2019, and in response to this, and the amended design proposed, Historic England has made the following comments and conclusions:
- 3.94 Historic England reiterate they have no objections to the principle of development nor does Historic England have any objections to a contemporary approach to design, continuing Southend's evolution as a modern seaside town.
- 3.95 Overall, Historic England *"consider the development of this site has the potential to result in an enhancement of the setting of the conservation area and other heritage assets, with the introduction of an element of urban form to an otherwise underutilised open space. The development proposals remain considerable in scale and will result in a new building that appears in multiple views and vistas within Southend...we (Historic England) consider the changes to the materials and design reduce the proposed development's visual impact and despite its scale and massing will allow it to sit more successfully within Southend's townscape in longer views."*
- 3.96 The alterations to the standalone R1 building are welcomed, a reduction in height to the south is likely to better respond to its immediate locality including the Clifftown Conservation Area and the locally listed church, but Historic England suggest "the proposed public space could be enhanced further through the incorporation of public art, to increase visual and aesthetic interest to the south facing wall of that space." Historic England also recommend the final choice of colour palette and texture should be the subject of an appropriately worded condition and the approval of the Borough Council's Conservation Officer.
- 3.97 Historic England set out several recommendations in determining the application:
- The Council should bear in mind the statutory duty of section 66(1) 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.
  - Section 72(1) of the Planning (Listed building Conservation areas) Act 1990 should be considered to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
- 3.98 *Historic England Response October 2019:* The most recent comments provided in October 2019 reiterate that Historic England does not wish to provide any further comments regarding the development and refer to the responses provided for previous consultations on the scheme dated 14 October 2019 (i.e. as reported above).

## **Natural England**

- 3.99 In response to the original consultation, Natural England raised no objections to the proposed development. It considered that the proposed development would not have significant adverse impacts on statutorily protected sites or landscapes, including Benfleet and Southend Marshes Site of Special Scientific Interest, Benfleet and Southend Marshes Ramsar; and Benfleet and Southend Marshes Special Protection Area.
- 3.100 No planning conditions were suggested or required.
- 3.101 Natural England retained its position following consideration of the September submission, with no objection to the proposals.

## **Environment Agency**

- 3.102 In response to the first consultation exercise, the Environment Agency confirmed it was satisfied after consideration of the EIA screening submission and made no further comment. It confirmed this same position following consideration of the September 2019 submission.

## **Highways England**

- 3.103 Highway England confirmed in response to the September 2019 submission that the proposals would have negligible impact on the strategic road network in peak hours. It concluded that the proposals would not materially affect the safety, reliability or operation of the network, and hence did not object to the application.
- 3.104 *October 2019:* Highways England offers no objections on the basis “*proposals will have a negligible impact on the Strategic Road Network (SRN) in Peak Hours. Highways England consider that the development will not materially affect the safety, reliability and/or operation of the SRN (the tests out in DfT C2/13 paragraph 10 and DCLG NPPF para 109) in this location.*” The Highways Act Section 175B is not relevant to this application.

## **Essex and Suffolk Water**

- 3.105 In response to the January 2019 consultation, no objections to the development were raised, subject to a condition that a water connection for “*the new dwellings is made onto the Essex and Suffolk Water network for revenue purposes*”. (Essex and Suffolk Water make reference to “dwellings” although clearly no dwellings are proposed on the site). No update to this position has been received following the second consultation.

## **Cadent Gas - Gas Utilities**

- 3.106 Following the initial consultation, no objections to the proposed development were raised, although it is noted that the company stressed that if development is proposed directly above gas apparatus, then development should only take place following a diversion of this apparatus. No planning conditions were suggested. No second consultation response has been received.

## **Essex County Fire and Rescue Service (ECFRS)**

- 3.107 In January 2019, the ECFRS confirmed that the access for fire service appliances proposed as part of the scheme were satisfactory. However, more detailed observations on access and facilities for the Fire Service will be considered on submission of any further plans, noting that additional water supplies may be required for fire-fighting.

3.108 ECFRS highlighted its standard recommendation of a risk-based approach to the inclusion of Automatic Water Suppression Systems (AWSS), even where not required under Building Regulations guidance.

3.109 No planning conditions were suggested.

### **London Southend Airport**

3.110 In response to the January 2019 consultation Southend Airport confirmed that it did not object to the application at the given position and height.

3.111 It advised that the developer should ensure the design complies with the EASA/CAA regulations and takes note of the lighting requirements/restrictions near aerodromes.

3.112 An identical response was received following the September/October submission.

### **Anglian Water**

3.113 Anglian Water has responded to consultation indicating there are no objections to the proposed development and there is sufficient availability as part of the catchment of Southend Water Recycling Centre to accommodate foul drainage from the development. Anglian Water recommended the following condition if planning permission is to be granted:

*Surface Water Disposal: No drainage works should commence until a surface water management strategy has been submitted to and approved in writing to the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy, and approved, unless otherwise agreed in writing by the Local Planning Authority. This condition is recommended to prevent environmental and amenity problems arising from flooding.*

*A feasible drainage strategy agreed with Anglian Water detailing the discharge solution should include development hectare size, proposed discharge rate, connecting manhole discharge locations, and sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy."*

## **Council Responses**

### **Highways**

3.114 In respect of the January 2019 consultation, the Highways Officer confirmed that there was outstanding information that needed to be submitted before the highway and transport aspects of the development could be fully assessed. The September submission included this information (by way of an addendum to the Transport Assessment and an updated Car Park Management Plan), and in response the Highways Officer concluded the following:

3.115 *"Officers are able to reasonably conclude that the highways and parking impacts of the proposal are acceptable and can be suitably mitigated."*

3.116 Officers previous comments to the applicant regarding the Department for Transport's (Dft) latest direction, suggesting shared space should no longer be considered in such scheme. In response, the previously proposed shared surface on Herbert Grove has been removed.

3.117 In respect of the detailed content of the submitted traffic modelling undertaken by the applicant the Officers conclude that the modal split and trip rates assessment undertaken by the applicant is now robust, having taken into account a reduced proportion of on-site linked trips and a high number of vehicle movements to and from the site. The same applies with the VISSIM modelling carried out, that now includes traffic from committed developments as well as having

taken the background traffic peak for Friday and Saturday, added to the development's peaks for these days.

- 3.118 The Highways Officer acknowledged the recent increase in the number of car parking spaces present on the site but concludes the proposed development to be compliant with SCAAP Policy DS5, given that it provides an extra 77 car parking spaces to the 478 spaces that were present when the policy was adopted. Although there are a number of on-street parking bays being removed for the proposed scheme, equating to 10 pay and display or permit holder parking spaces, the Officer concludes that the loss of those spaces can be compensated through the extra spaces provided on-site following redevelopment.
- 3.119 The Officer welcomes the changes to the multi-level car park spaces, where more width has been provided to allow car doors to be opened against walls and pillars.
- 3.120 The Highways Officer requested the provision of more electric vehicle charging points on site from the proposed: *“As these car parks will be newly built it will be feasible and practical to ensure that each parking space is future proofed so that electric charging points can be installed when demand required. At least 20% of the car parking spaces should have electric charging points provide.”* This request will ensure Policy DM15 of the Development Management Plan is met. [**Note:** A planning condition requiring such provision is proposed].
- 3.121 There are no secure dedicated cycle parking facilities offered to staff and the Highways Officer comments this should be provided separately to the public cycle parking. The additional requirement can be secured through a condition.
- 3.122 With reference to coach parking and the existing alternative coach parking at the Gas Works site, the Highways Officer confirmed that the proposed coach bay on Lucy Road was appropriate. Servicing arrangements were considered acceptable subject to a number of conditions controlling delivery times. The Officer initially commented that cameras should be installed on Herbert Grove to enable enforcement, but subsequently confirmed this issue could be addressed by a condition (such a condition is included in the schedule provided at **Appendix 5**). The Officer also requested that a more detailed Displaced Management Strategy and detailed Construction Management Plan need to be agreed with the Council prior to the development proceeding.
- 3.123 The Highways Officer has recommended the following to be secured in a s.106 agreement or via conditions with further explanation in this regard provided at Section 8.0 of this Report:

#### **Conditions**

- conditions to require detailed highways designs, including street lighting will need to be agreed with Southend Council;
- where reasonably practicable to provide some public car parking on the development site during construction and provide appropriate signage;
- A Displaced Parking Management Strategy to be agreed by Southend Council;
- a Construction Management Plan to be agreed by Southend Council;
- a Car Park Management plan for both the multi-storey and surface car parks to be provided and agreed with Southend Council;
- covered and secure cycle parking to be provided for staff, details to be agreed by Southend Council;
- at least 20% of the car parking spaces should have electric charging points provided;

- every car parking space should be future proofed so that electric charging points can be installed when demand requires, e.g. four-way duct and drawpits to service all bays;
- all deliveries for the units on Herbert Grove must be from the servicing area on Lucy Road; and,
- delivery, servicing and coach related movements along Herbert Grove need to be time restricted. Monday to Friday 0700 to 1900, Saturday 0800 to 1300 hours, no deliveries on Sundays and bank holidays;

#### **S106**

- form a new access from the Queensway/Chancellor Road roundabout to provide a fourth arm. Closure of the existing site entrance and exit junctions located on Chancellor Road and Queensway. Revised uncontrolled crossing across Queensway;
- change vehicle entrance only from Lucy Road to a vehicle exit only.
- street lighting on the public highway will need to be linked with Southend Council's CMS system;
- existing access restrictions on Herbert Grove will be retained, with no entry from Lucy Road into Herbert Grove.
- there is currently a shared-use path on the northern frontage of the site which is proposed to be extended to the north-west area of the site to encourage pedestrians and cyclists;
- buildout proposed on Lucy Road to deter vehicles routing westbound along Lucy Road; access to numbers 1 to 4 being retained via a revised access arrangement to the block of flats;
- widen Lucy Road in order to provide a coach drop off point, service layby and shared pay and display and taxi parking on Lucy Road;
- provision of a segregated path through the site;
- a detailed Travel Plan to be agreed by Southend Council. Travel Packs to be provided to the businesses for staff. The Travel Plan will need to be monitored by the Council to ensure that the targets and actions are being met. The Council ask for a contribution for monitoring of £4,000 per year for five years after the opening of the development;
- a contribution of £35,000 for a VMS sign to be located on the internal access road that displays the availability of spaces and provides directions for the multi-storey and surface car parks. This sign must be integrated with the Council's VMS system;
- contribution of £150,000 for the temporary and fixed VMS signage for the construction period and to be put towards upgrading the VMS signs, which must be integrated with Southend Council's system;
- contribution of £25,000 for onsite wayfinding pedestrian and cycle signage;
- a contribution of £25,000 is sought for offsite pedestrian and cycle wayfinding signage including High Street signage;
- the cost of £15,000 is sought for the amendment to the signing, lining and TROs for the proposed development and adjacent roads; and,
- a contribution of £46,000 for real time information screens to be provided within the site at key locations to inform of bus times and services for both Chancellor Road and the Travel Centre.

## Environmental Protection - Regulatory Services

- 3.124 In response to the original consultation in January 2019, the Council's Environmental Protection Officer suggested that further information was required to supplement the application. Reference was made to the applicant's acoustic evidence and lack of assessment from noise sources, delivery noise, operational and construction vibration and the how the scheme will satisfy prevailing noise standards. Additionally, the EHO officer indicated further assessment was required in relation to air quality, lighting, odour and daylight and sunlight. The Officer did, however, conclude that the Waste Management Strategy Report met the Essex County Council and Southend Borough Council's Waste Management Plan requirements and contained appropriate mitigation methods.
- 3.125 It is noted that the EHO did suggest a number of required conditions at this time, but these have since been superseded, by the Officer's response to the September 2019 submission, as detailed below.

### i) Noise

- 3.126 As a follow up to the above, the Council's Environmental Protection Officer provided detailed comments on the application (following consideration of the September 2019 material). Reference was made to the applicant's acoustic evidence, and an evaluation of the potential noise sources on site, both operational and during construction. The Officer considered potential noise from a range of sources including building services (ventilation systems); noise from the cinema (particularly with regard to its proposed 0300 hours operation); noise from late-night leisure units and external seating areas; noise from an increased footfall of visitors, especially along Herbert Grove; noise from the car park (slamming doors and voices); deliveries (both intensity and timing); and the electrical substation. During construction, consideration was given to both the demolition process, and the required plant machinery, and activity associated with the building works.
- 3.127 With this as a background, the Officer had regard to the potential for noise management, through restrictions of use in certain areas of the site; management control (i.e. within the leisure building); the implication on the noise environment resulting from prevailing and proposed site conditions (i.e. topography, building layout, the 'canyon effect' of building form, etc.); the role of the Licensing Act 2003, and the ability to control nuisance using statutory legislation. Reference was also made to existing site conditions, both to appreciate existing noise sources and to understand the potential for cumulative impacts.
- 3.128 The officer concluded that, *"The development will contain a large and varied number of noise sources including from building services, ventilation extraction, amplified music, vehicles and customer voices. These will be introduced into a mixed residential/commercial area which primarily contains car parking with some late-night leisure. The information within (the submitted material) has assured Environmental Health that the development will have no significant impacts from noise and subsequent public health effects on neighbours and that the outstanding matters can be dealt with by conditions"*.
- 3.129 The officer suggests a number of conditions relating to:
- controlling noise from plant and equipment to 10dB(A) below background noise levels from the boundary of the nearest residential property;
  - details of an acoustic barrier along the western boundary to be agreed;
  - controls on external use of amplified music;

- control on the use of the external seating (1200-2000 hrs Monday to Thursday, 1200-2100 hours Friday to Saturday and 1200-2000 hours Sunday and Bank Holidays);
- control over delivery hours (Monday - Friday 0700-1900 hours, Saturday 0800-1300 hours and no time on Sundays and Bank Holidays);
- the application of acoustic insulation to the substation;
- agreement of a Demolition/Construction Method Statement; and,
- submission and approval of a Noise Management Plan, to include how customer noise and behaviour is managed on and off the premises; staff behaviour including opening/closing premises; deliveries; waste disposal and storage; external space management; site

## ii) Air Quality

3.130 Environmental Health Officers considered the September 2019 submission and noted agreement with the applicant's evidence confirming that there will be only negligible impacts on air quality during the operational phase of development. The development is approximately 2.5km from the Air Quality Management Area at Bell Junction (A127 and A1159 roundabout). The Officer acknowledged that the development could result in an increase in traffic drawn through the AQMA. The applicant's Air Quality Assessment Report (2018) (supplemented with a further Technical Memorandum (2019) provided a detailed review of this potential impact, concluding that the increases in annual mean concentrations at receptors in the AQMA would be very small - between 0.1 and 0.2 micrograms per cubic metre. The Officer confirms that such impacts are classed as 'negligible'. As such, the development is unlikely to have a significant impact on the AQMA or the air quality objectives for it. Any more local temporary impacts during the construction can be addressed through an agreement of Construction Method Statement that would include a Dust Management Plan, with mitigation measures and boundary particulate monitoring during site activity.

## iii) Land Contamination

3.131 Feedback from the Council's Regulatory Services Department confirmed that there was no objection in principle to the development. There are a number of issues on the site, these including the presence of Made Ground at the site; potential leaks and spill from vehicles and potential hydrocarbons impacted soil as a result of the use of the site as a car park. However, the proposals were considered acceptable, subject to the imposition conditions related to investigation and risk assessment; remediations; and, reporting of unexpected contamination. These are included as recommended conditions, as set out in **Appendix 5**.

## iv) Odour

3.132 Environmental Health Officer reviewed the submitted material and confirmed that the control of odour from noise extract ventilation can be addressed by the use of a condition. The recommended condition required the approval of details of the proposed ventilation with reference to noise and vibration attenuation. Such a condition is included in **Appendix 5**, that provides a full schedule of all suggested conditions.

## v) Artificial Illumination

3.133 Environmental Health Officer feedback in respect of the proposed lighting strategy recommended that the production of a suitable scheme in accordance with guidance by the Institute of Lighting Engineers should be secured by the application of an appropriate planning condition. This is included in **Appendix 5**.

## vi) Daylight and Sunlight

- 3.134 The Council Officer responded to the submitted applicant's assessment of potential daylight sunlight impacts, concluding that the methodology adopted was compliant with relevant guidance (in this instance, BRE Guide: Site layout Planning for Daylight and Sunlight, A Guide to Good Practice, 2011), and that the nature of the identified impacts was correct.
- 3.135 The Officer referenced the nature of the impacts anticipated, highlighting that the majority of properties in the surrounding area would retain suitable levels of daylight and sunlight post development. The Officer reviewed the detailed assessment for those properties in Herbert Grove that are worst affected (this material is considered in detail in Section 6.0 of this Report) and identified non-compliance with standards in Nos. 9-27 Herbert Grove, where medium and low impacts were predicted. Sunlight levels were confirmed as acceptable in 99.2% of all windows assessed, and where windows fail this test, the magnitude of change was considered to be medium. All overshadowing impacts were considered to be acceptable.
- 3.136 Overall, the Officer commented that *"The impact on daylight and sunlight for majority of properties surrounding the site are within the limits of the BRE Guidelines. The southern section of Herbert Grove is subject to a reduction in lighting levels identified in the Guidelines. This reduction given the context of the Seaways site is minimal. Whilst the BRE Guidelines provide numerical guidance for daylight, sunlight and overshadowing, these criteria should not be seen as absolute targets since, as the Guidelines advises, the intention is to help rather than constrain the designer. The BRE Guidance advises that it is not mandatory and should not be seen as an instrument of planning policy. Furthermore, it states that daylight criteria should be 'interpreted flexibly because natural lighting is only one of many factors'".*

## Council's SuDS Engineers and Lead Local Flood Authority (LLFA)

- 3.137 On behalf of the Council (as Lead Local Flood Authority) AECOM reviewed the application in line with the Detailed Drainage Design Checklist provided by Essex County Council. This work concluded that whilst further detail was required to fully satisfy the checklist requirements, sufficient information had been submitted to enable it to consider the proposals. It concluded that it had no objections to the application, subject to the following conditions being attached to any planning permission and discharged provided prior to commencement of development:
- 1 Provide evidence of infiltration tests in accordance with BRE365 and if infiltration is found to be viable provide information in relation to the potential for ground instability or deterioration in groundwater quality because of infiltration.
  - 2 Provide an updated drainage layout plan indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Updated engineering plans should be provided for each of the SuDS and critical drainage elements, including the flow control features.
  - 3 Provide information on the management of health and safety risks in relation to feature design.
  - 4 Provide a system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long-term economic viability
  - 5 Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
  - 6 Provide a method statement for the management of surface water runoff arising during the construction

7 Provide evidence of consent from Anglian Water to discharge at the proposed discharge rate and location.

3.138 *October 2019*: AECOM confirmed that its previous response to the application remains relevant.

### **Department of Place - Culture (Parks)**

3.139 The Council's Parks Officer and Arboriculturalist considered the application proposals as amended in September 2019, and concluded as follows:

*"Overall, the landscaping scheme submitted is suitable for the location and a development of this nature.*

*There are twenty-eight individual trees and one group of six trees which will require removal for the proposed development to proceed. Of these trees nine are covered by Tree Preservation Orders. These are two London Planes (T015 and T016) five Norway Maples (T017, T018, T021, T024 and T025) and two sycamores (T022 and T028). These are not rare species and we would agree with the provided tree Report that none of these nine trees are category 'A' classification according to BS5837, i.e. are not trees of high quality.*

*Within the provided Landscape Strategy RIBA Stage 3 the Tree Strategy has proposed 93 new trees to be planted. There is a mixture of seven different species proposed which are all suited to this site".*

3.140 The following conditions are required:

- 1 A landscaping and maintenance plan to be submitted for agreements prior to the layout of these areas;
- 2 All tree works to be agreed and approved with the council in advance; and,
- 3 All trees and soft landscaping within the red line area to be maintained to establishment for five years. Any trees or plants that die during this time must be replaced and maintained to establishment.

3.141 The Officer also made a number of additional comments related to the design of the required tree pits, on-going landscape maintenance, tree protection measures and necessary tree pruning to existing trees.

### **Council Waste Management Team**

3.142 The Council's Waste Management Team considered the application proposals as amended in September 2019 and confirmed that it had no objection to the proposals. The Waste Management Strategy supplied with the proposal was considered to be comprehensive and addressed the key areas of concerns, such as recycling collections, ensuring adequate storage for waste between collections, hazardous waste considerations and employing private waste contractors. Planning conditions to secure implementation of these mitigation measures are required.

### **Council Design Officer**

3.143 The Council's Design Officer confirmed that overall, there is no objection to the development with the proposal offering an opportunity for the significant regeneration of the site and the wider area. The scheme design allows for better integration between the site, the Town Centre, and the Seafront and support was also given to the principle of a new landmark building at this location.

- 3.144 The Design Officer supported the design concept for the development, with its bold sculptural form for the main building, whilst the scale of the development is also said to sit comfortably in the context of the Town Centre, subject to the adoption of a good quality design, materials and detailing.
- 3.145 The Officer confirmed that the positioning of the proposed leisure building framed views to the sea on approach from the Queensway, and the additional restaurant provides enclosure to the proposed St Johns Square. These concepts help to give legibility to the layout of the site for pedestrians.
- 3.146 The design changes made to the leisure building to incorporate more active frontages and the change to the colour scheme and materials adopted are both welcomed by the Design Officer. The Officer considers that the changes help enrich the design and provide a positive reference to the stonework on the adjacent Church, helping to integrate the proposal within the street scene. Cladding on the upper levels of the leisure building hides the inactive frontages of the cinema, giving the unit a distinctive profile. The Design Officer stated that these changes have enhanced the design of the building and the experience for visitors at a pedestrian level.
- 3.147 The Design Officer highlighted that the layering of the cladding panels will need careful consideration and should be controlled by condition. The Officer called for a design code to be secured by condition to ensure there is an appropriate and cohesive approach to the individual shop fronts and signage arrangements on the leisure unit, so these can be integrated well with the overall design of the building.
- 3.148 The design changes to the standalone restaurant unit proposed in the September 2019 submission were also welcomed by the Officer, with the building now sitting in the finer grain of the surrounding townscape.
- 3.149 In terms of heritage assets, the Design Officer confirms that the impact on the Clifftown Conservation Area is limited to the impact on the Palace Hotel and St John the Baptist's Church. The new hotel will become a landmark feature in the skyline for the seafront, but the historic Palace Hotel will remain separate in the skyline and remain the higher, dominant landmark in the wider and closer views of the seafront. The adopted approach to the detailed design of the development and in particular, the creation of a public square complements the historic building of St John the Baptist's Church, enhancing the setting of the Church and wider conservation assets in this location. The Design Officer considered this would have a positive impact on the setting of the church and the conservation area in this location.
- 3.150 Overall, and noting the limited intervisibility between the site and other parts of the Conservation Area, the Officer concluded that the proposal would have a neutral impact and will not cause harm to the character and appearance of the conservation area or its setting.
- 3.151 The Officer noted the changes to the glazing, cladding and palette have helped break up the mass of the building, allowing it to sit more comfortably against the townscape, including the heritage buildings on Marine Parade. The proposals were considered to have a neutral impact and therefore cause no harm to the significance and setting of the Falcon and the Cornucopia. The Kursaal, sitting apart from the main frontage some distance from the site. The proposal is considered to have a neutral impact on this building and therefore causes no harm to its significance or setting. Overall, the Officer concluded that the development will not cause harm to the character and significance of the surrounding heritage assets or their setting.
- 3.152 The Design Officer also concluded that the design changes made to the standalone restaurant unit, incorporating more active frontages, lowering the gabion wall and changing the exterior cladding colours are deemed acceptable, providing a positive transition between the historic church and the new leisure building.

3.153 The improvements sought to the landscaping and legibility of the site, including greater landscaping of the surface car park, the use of SuDS to provide a buffer between Herbert Grove and the leisure unit, and more feature lighting help to give greater priority to pedestrian movement across the site. The Design Officer indicated this has brought about a noticeable improvement in the overall design.

3.154 The following conditions are recommended to ensure the quality and detailing of the project:

- Details of materials to be agreed, including product details;
- Detailing including cross sections for arrangement of cladding (individual panels and larger sections) in relation to the leisure building and car park to show fixings, profiles, offsets, angles and edge detail;
- Details of balustrades for the leisure building balconies, A3 unit seating areas and standalone restaurant unit to be agreed;
- A Design code for the various A3/A5/D2 units that front Herbert Grove, as well as the hotel, to ensure a cohesive approach to shopfronts, signage and outside seating areas;
- A condition controlling Landscaping including planting, hard surfaces, furniture and boundaries;
- Details of any plant/services and plant enclosures to be agreed;
- A Lighting scheme to be submitted and agreed.

### **Archaeology**

3.155 Feedback from the Council's Archaeology Officer of the submitted Archaeological Evaluation Report (that provided details of 7 No. Test Pit Results) confirmed that this work had fully considered the archaeology potential of the site, and that insufficient potential had been found to require further investigation prior to commencement of development.

## 4.0 **Planning Policy Summary and Material Considerations**

### **Development Plan**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plans for Southend comprise the Core Strategy (2007), the Development Management Document (2015), and Southend Central Area Action Plan (SCAAP, 2018) noting that relevant saved policies in the Borough Local Plan (1994) have been superseded by policies within these documents.
- 4.2 The Essex Waste Plan (2017) also forms part of Southend’s development plan but this includes no relevant policies for the consideration of this application.

### **Emerging Plans**

- 4.3 A New Southend-on-Sea Local Plan - Planning for Growth and Change, is in preparation with an Issues and Options paper the subject of consultation in April 2019. The next stage of plan preparation is publication of a Preferred Approach consultation document due in winter 2019/2020. The proposed submission of the Local Plan to the Secretary of State for Examination is estimated for Winter 2021.
- 4.4 However, the very early nature of this document is noted and given this (in particular, its pre-examination status), and in accordance with the guidance in the NPPF (paragraph 48), no weight is given to this emerging Plan in the consideration of this application.
- 4.5 The Council, along with Basildon, Brentwood, Castle Point, Rochford, Thurrock and Essex County Council, are preparing a South Essex Joint Strategic Plan, but to date, other than the publication of a Statement of Common Ground, no documents have been published. Again, no weight is given to this emerging document in the consideration of this application.

### **Material Considerations**

- 4.6 Several other strategic and local documents are material to this application. The National Planning Policy Framework (“NPPF”), Planning Practice Guidance (“PPG”) and National Design Guide (2019) documents set out Government policies and explain how they should be applied. The Council’s Design and Townscape (2009); its Streetscape Manual (2015); and its Planning Obligations, A Guide to S106 and Developer Contributions (2015), are relevant material considerations. In addition, the Council’s Southend Car Parking Strategy (2018) provides relevant guidance, also material to the determination of this application.

### **Development Plan Policy**

- 4.7 A full schedule of development plan policies relevant to the application proposals is provided at Appendix 3. This includes an appraisal of the proposals against each policy objective. The policies inform the key planning considerations that are identified and assessed in Section 6.0 of this report, where the outcome of this appraisal is referenced. The full schedule of policies is not repeated here, and reference should be made to Appendix 3 for this information. The exception to this approach is regarding Policies CS1.2 and DS5 of the SCAAP (2018) that provide specific policy in respect of the development of the application site. These policies are considered to be critical to the assessment of the application, with Policy CS1.2 identifying the car park as an

Opportunity Site, and Policy DS5 (and Part 2(b) in particular) providing advice in respect of car parking provision at this key visitor car parking site.

- 4.8 The ability of the application proposals to satisfy the detailed requirements of these policies will help inform an appraisal of the scheme's contribution towards satisfying other wider policy objectives in the Plan. The Council's Spatial Strategy and Development Principles (Policy KP1 and KP2 of the Core Strategy) and the remaining transport policy objectives set out in the remainder of Policy DS5 are considered to be particularly relevant. For ease of reference, a full account of Policy CS1.2 and DS5(2b) are reported in full, below.

### **Core Strategy (2007)**

- 4.9 Relevant policies:

- 1 Policy KP1 - Spatial Strategy
- 2 Policy KP2 - Development Principles
- 3 Policy KS3 - Implementation and Resources
- 4 Policy CP1 - Employment Generating Development
- 5 Policy CP2 - Town Centre and Retail Development
- 6 Policy CP3 - Transport and Accessibility
- 7 Policy CP4 - The Environment and Urban Renaissance
- 8 Policy CP6 - Community Infrastructure
- 9 Policy CP7 - Sport, Recreational and Green Space
- 10 Policy CP8 - Dwelling Provision

### **Development Management Document (2015)**

- 4.10 Relevant Policies:

- 1 Policy DM1 - Design Quality
- 2 Policy DM2 - Low Carbon development and Efficient use of Resources
- 3 Policy DM3 - The efficient and effective use of land
- 4 Policy DM4 - Tall and Large buildings
- 5 Policy DM 5 - Southend-on-Sea's Historic Environment
- 6 Policy DM6 - The Seafront
- 7 Policy DM12 - Visitor accommodation
- 8 Policy DM13 - Shopping Frontage Management outside the Town Centre
- 9 Policy DM14 - Environmental Protection
- 10 Policy DM15 - Sustainable Transport Management

### **Southend Central Area Action Plan (SCAAP) (2018)**

- 4.11 Relevant Policies:

- 1 Policy DS2 - Key Views
- 2 Policy DS3 - Landmarks and Landmark Buildings
- 3 Policy DS4 - Flood Risk management and sustainable Drainage

- 4 Policy DS5 - Transport Access and Public Realm
- 5 Policy CS1 - Central Seafront Policy Area Development Principles
- 6 Policy CS1.2 - Opportunity Site – Seaways
- 7 Policy CS2 - Nature Conservation and Biodiversity

4.12 Policy CS1.2, which is the site-specific policy for the application site states :

*“The Council will pursue with private sector party owners, landowners and developers a high quality, mixed use development including the provision of leisure, cultural and tourism attractions, which may include: restaurants, cinema, gallery, hotel, public and private open spaces, and vehicle and cycle parking. The potential for residential development may also be explored. Design and layout solutions should allow for:*

- (a) remodelling of the urban form to create a north-south axis on the Seaway site, providing a clear sight-line from Queensway dual carriageway to the sea;*
- (b) a stronger relationship with the Town Centre through the provision of safe and legible pedestrian and cycle routes;*
- (c) opportunities for a new link to Marine Parade from the Seaway site designed around ‘Spanish Steps’ and in doing so ensure that development does not prejudice its future delivery as a new link between the seafront and town centre;*
- (d) addressing the need for replacement car parking provision in line with Policy DS5: Transport, Access and Public Realm frontages to all new and existing streets and spaces;*
- (e) a palette of good quality materials to reflect the vibrancy and colour of the seaside;*
- (f) relocation of a coach-drop off point within the site. The relocation of coach parking bays may be provided either on or off-site or a combination of both, provided off- site provision is well connected to the Seaway site and would not significantly adversely impact the local transport network;*
- (g) urban greening projects, including the creation of new public and private green space within new development;*
- (h) innovative design which allows the site to take advantage of the elevation and creates a legible environment with views of the estuary, respecting the amenity of neighbouring residential uses;*
- (i) the provision of appropriate seating, signage and way-finding aids to improve connectivity to the Town Centre, Seafront and Opportunity Site CS1.3: Marine Plaza.”*

4.13 Policy DS5 Part 2 (b) states:

*"In order to support the vitality and viability of the SCAAP area the Council will ...*

- b. Require any development proposals that come forward on key visitor car parking areas in the south of the Southend Central Area (as identified in Table 5 and Map 4) to ensure that there is no loss of key visitor car parking; any planning application in these areas would need to be accompanied by a detailed transport assessment that would include an analysis of the impact of the additional parking demand generated by the proposed development on the identified key visitor car parks, having regard to:*

- *Adopted parking standards;*
- *Consideration of the extent to which linked/combined trips and opportunities for further mode shift through the travel plan process will reduce the need for additional publicly available car parking spaces;*
- *Availability of parking to the south of the Central Area within the area shown in Map 4; and,*
- *The need for any replacement parking to be provided within the area shown in Map 4, where it should be secured through a planning condition or obligation as part of the overall development scheme or through another means acceptable to the Council.*

4.14 As above, the tables at **Appendix 3** set out the relevant policies in more detail and provide a brief commentary to assess how the proposed development relates to the policy objectives.

## **Other Material Considerations**

### **National Planning Policy**

- 4.15 The National Planning Policy Framework (February 2019) sets out the Government’s planning policies and explains how they should be applied. It states that the purpose of the planning system is *“to contribute to the achievement of sustainable development”* (paragraph. 7). Paragraph 8 sets out the three dimensions of sustainable development; ‘economic’ in helping to build a strong, responsive and competitive economy, ‘social’ in supporting strong communities and providing the supply of housing required for present and future generations, and ‘environmental’ in protecting and enhancing the environment.
- 4.16 The NPPF identifies a presumption in favour of sustainable development (paragraph 10). Plans and local decisions should apply this presumption in favour of sustainable development, and where development proposals accord with an up-to-date-plan, they should be approved without delay (paragraph 11c).
- 4.17 Under the economic dimension of sustainable development, paragraph 80 confirms that significant weight should be placed on supporting applications for economic growth and productivity, considering local business needs and the wider opportunities for development. Linked to this, paragraph 85 relates to the vitality of town centres, confirming *“planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”*.
- 4.18 Under Paragraph 118 the NPPF requires decision makers to *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...”*.
- 4.19 Design is highlighted as an important aspect of planning decision-making, with Paragraph 124 of the NPPF confirming that *“the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Planning decisions should ensure developments function well over the lifetime of the development; are visually attractive; sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and, create places that are safe, inclusive and accessible.
- 4.20 The NPPF states under Paragraph 155 that *“inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Where*

*development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”.*

- 4.21 Section 9 of the NPPF entitled, *‘Promoting Sustainable Transport’*, highlights a need for developments to encourage walking, cycling and public transport use. Proposals should create places that are safe, secure and attractive; should take into account the delivery of goods and access from emergency services; and, incorporate charging of plug-in and low emission vehicles in safe, accessible and convenient locations. Paragraph 107 refers to parking standards and confirm, *“maximum parking standards for residential or non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in the city and town centres and other locations well served by public transport”.*
- 4.22 With regard to traffic impact, Paragraph 109 makes it clear that *“Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*
- 4.23 Paragraph 170 emphasises the need to conserve and protect the natural environment. Planning decisions should *“prevent new and existing development from contributing to, and being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...”.*
- 4.24 With reference to heritage assets, the NPPF continues at Paragraph 184, that *“these assets are an irreplaceable source, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”.* In determining proposals, local planning authorities should require an applicant to describe the significance of any heritage assets affected. *“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...to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- 4.25 Paragraph 145 confirms that *“Where a proposed development will lead to substantial harm to ... a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm .... is necessary to achieve substantial public benefits that outweigh that harm”.*
- 4.26 Paragraph 196 confirms that where harm is less than *‘substantial’*, this should be weighed against the public benefits of the proposal. Effects on non-designated heritage assets also should be considered (Paragraph 197) in the overall balance. Case law established that considerable weight and importance should be given to any harm to designated heritage assets no matter the extent.

### **National Design Guide (2019)**

- 4.27 The National Design Guide forms part of the Government’s collection of planning practice guidance, and details what the Government considers *‘good design’* means in practice. As such it represents a relevant material consideration for the planning application. The Design Guide identifies ten characteristics that contribute to well-designed and well-built places. Paragraph 35 of the Guide states that *“well-designed places have individual characteristics which work together to create its physical character. The ten characteristics help to nurture and sustain a sense of Community. They work to positively address environmental issues affecting Climate.*

*They all contribute towards the cross-cutting themes for good design set out in the National Planning Policy Framework.”*

4.28 The ten characteristics are:

- 1 Context: Well-designed places should enhance the surroundings;
- 2 Identity: Proposals should be attractive and distinctive;
- 3 Built Form: Schemes should adopt a coherent pattern of development with compact permeable layouts;
- 4 Movement: Schemes should be accessible and easy to move around;
- 5 Nature: Opportunities to enhance and optimise natural assets should be grasped;
- 6 Public spaces: Spaces should be safe, social and inclusive;
- 7 Uses: Proposed land uses should be mixed and integrated;
- 8 Homes and buildings: Development should be functional, healthy and sustainable;
- 9 Resources: Well-designed spaces should be efficient and resilient reducing their resource requirements (including land, energy and water); and,
- 10 Lifespan: Well-designed spaces should be made to last.

### **Planning (Listed Building and Conservation) Act 1990**

4.29 Section 72 (1) of the Planning (Listed Building and Conservation Area) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 60 (1) of this Act states for development which affects a Listed Building or its setting that special regard shall be had to the desirability and preserving the building or its setting or any feature of special architectural interest that it possesses.

4.30 **Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)**

4.31 All planning applications require consideration of whether it is likely to have significant effects (either alone or cumulatively) on protected *‘habitat sites’*. Such sites within 10km of the application site are Benfleet and Southend Marshes SPA and Ramsar; the Outer Thames Estuary SPA; and, the Foulness (Mid-Essex Coast Phase 5) SPA and Ramsar.

4.32 Where the potential for likely significant effects cannot be excluded, the authority must make an appropriate assessment of the implications of the applications on habitat sites taking into account the potential effects of the application itself, and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the project for that site, in view of the site’s conservation objectives. The competent authority may agree to the project only after having ruled out adverse effects on the integrity of the habitat’s site. Where adverse effects cannot be ruled out, the project can only proceed if there are imperative reasons of the overriding public interest and if necessary compensation measures can be secured.

### **Design and Townscape Guide (2009)**

4.33 The Council’s Design and Townscape Guide is a relevant material consideration for the consideration of this planning application.

- 4.34 The overarching principle of the Guide is for new developments, renovations, streets and urban spaces to be of a high-quality design and of a sustainable nature, whilst safeguarding and enhancing local character. New developments should be designed to allow access for all; conserve and enhance built heritage and natural resources; whilst not increasing the risk from climate change and flooding.
- 4.35 Development in Southend should create a quality, sustainable urban environment, where there is a diversity of activity. Creative design should be used to achieve sustainable development, whilst making the best use of previously developed land and improving the quality and attractiveness of residential areas.
- 4.36 The Guide recognises that through development, there can be opportunities to improve pedestrian, cycle and vehicular access. By creating new links and improving existing links, the use of sustainable modes of transport can become more attractive.
- 4.37 Another key aspect in the Design Guide is the recognition of the importance of protecting and enhancing existing historic landmarks. Views contribute to the character of an area and new developments should open views where possible to increase legibility and help integrate the scheme with the surroundings. Conservation Areas should also be preserved or enhanced, with the Guide recognising the importance of the layout, density and scale of buildings within any new proposal, as well as the relationship of open space, gardens and trees to buildings and streets. Views into and out of an area, focal points, roads, building alignments and street furniture are other aspects that can contribute to an area's character and it is important these aspects are maintained in proposals.
- 4.38 Large mixed-use development schemes will be expected to include as part of masterplans, an area of public open space that can be used by the wider community. The document recognises that a well-designed open space which has a clear function can play a significant role in the creation of a sustainable community. There is a general presumption against developments which lead to the loss of existing open space. The contribution of open spaces to biodiversity is another key area for consideration, achieved through careful landscaping.
- 4.39 With regards to car parking, the Guide advises that developers should be able to demonstrate the level of parking provision proposed is adequate and does not create overspill. In all types of development, cycle parking should be provided that is safe, secure and weatherproof. In large schemes, developers may be required to demonstrate that they have considered the additional needs of cyclists, such as shower, changing and locker facilities.

### **Streetscape (2015)**

- 4.40 The Guide aims to apply the “remove, relocate, rethink” principles to all new and existing schemes to provide a clutter-free environment, make the Borough's streets and public realm safe and accessible for all. It recognises the needs of vulnerable road users and encourages walking, cycling and other sustainable modes of transport; it seeks to improve the street environment for residents helping to attract visitors to the town and promote the regeneration of the Central Area, whilst also enhancing the Borough's Green Infrastructure.
- 4.41 The SPD provides guidance to encourage development proposals to *“strike a balance between reducing unnecessary street clutter and hazards, encouraging personal responsibility and community interaction, whilst maintaining the necessary movement of people in and out of vehicles. Where appropriate, the mixing of modes should be encouraged, giving priority to the most vulnerable road users, promoting accessibility to all areas in Southend in a safe, easily navigable way.”*

## **Southend Car Parking Strategy (2018)**

- 4.42 The Council commissioned consultants to produce a Borough-wide Parking and Access Strategy for Southend. The document, published in April 2018, sought to identify how Southend could provide the best experience for residents and visitors to the Borough, with regard to embracing new technologies and car park management techniques.
- 4.43 As part of its appreciation of prevailing conditions, it confirmed that Southend Central Area has 2,562 spaces in key visitor car parks, serving the Central Seafront and Town Centre. In addition, an additional 580 paid for spaces on street or in private car parks to the south of Southend Central Area were identified. Reference is made to the Gas Works site on the Eastern Esplanade that the Council acquired and is converting to a car park, to provide approximately 200 additional spaces. The Report acknowledges that a new 200 space underground car park will also be built as part of a new museum to be constructed on Cliff Gardens, and the presence of a further 2,800 spaces to the north of the Central Area that had the potential to be used by visitors; but in less convenient locations. It concludes that car parking provisions within and around Southend is relatively high, with visitors likely to be able to find a space except for busy peak days when there is a shortage of capacity close to seafront tourist attractions.
- 4.44 The strategy both acknowledges the allocation of the Seaway Car Park in the SCAAP for development, and the potential for the Gas Work site to enable car parking supply to be maintained, if other parks are reduced in capacity (paragraph 3.5).
- 4.45 With this background established, the Strategy presents a series of Objectives for the Borough, to be incorporated with a Visitor Access and Parking Management Plan.
- 4.46 Objective 1 of the strategy places its focus on reducing demand for parking by residents in key visitor car parks on peak days and congestion hot spots, encouraging walking, cycling and public transport as alternatives. Objective 2 seeks to improve Communications with travellers before they leave for Southend providing visitors with an online parking map, improved information on the Council's parking page, improved information and links to journey planners and car parks. Objective 3, the Council aims to improve travel information for visitors during their trip with improved signage at car park entrances, VMS, local area maps for pedestrians at exit points and payment machines. Objective 4 aims to provide a designated traffic management response crew on busy visitor days to manage the circulation of traffic at key junctions. Objective 5 proposes better collection of data of visitor behaviours to allow for a better understanding of the flows of visitors to Southend. Objective 6 considers improved access options such as bike shared docking stations, seafront bus route, seafront pedestrian/cycle route, cycle route signage, highways work such as Queensway improvement works, and improved walking routes. Finally, the Strategy proposes to increase its seasonal park and ride offer (Objective 7).
- 4.47 The Strategy also proposes a detailed signage strategy, to improve better direct drivers to the most appropriate car parks, especially on days of high demand.

## 5.0 **Planning History**

- 5.1 There is very limited relevant planning history for this long-standing town centre car park. Full details are provided at Appendix 2, but other than the current proposals (i.e. the submission of the request for an EIA Screening Council and the current application), the only relevant history relates to the site of the Former Rossi Ice Cream Factory, that falls within the application site. In July 2017, an application for Prior Approval for demolition for February was approved by the Council. This building has been demolished and the site cleared.

## 6.0 **Planning Considerations**

6.1 Within the context of prevailing Development Plan policy and with due regard to other material considerations, that include additional Policy Guidance, planning history and consultee comments, the following key planning considerations relevant to this planning application have been identified.

- 1 **Principle of Development;**
- 2 **Traffic and Transport;**
- 3 **Parking** (giving consideration to the net change in car parking provision and demand, coach parking and cycle parking);
- 4 **Residential Amenity** (considering noise and disturbance; air quality; daylight/sunlight impacts; views; and, privacy);
- 5 wider **Townscape and Visual Impact** matters;
- 6 **Design** (appreciating use design quality of the contemporary development);
- 7 **Landscaping** (referencing loss of trees, impact on existing open spaces and the quality of the proposed landscape strategy);
- 8 **Socio-Economic Impacts** (concerning both the potential positive and negative impacts upon local business and Southend more generally);
- 9 **Heritage Asset Impacts** (considering the potential impacts on the Conservation Areas and their settings, listed and local listed buildings and their settings and archaeology);
- 10 **Ecology;**
- 11 **Sustainability;**
- 12 **Other Environmental Matters** (considering ground conditions, Flood Risk and Drainage); and
- 13 within the context of the above overall Compliance with **Key Policy CS.1.2.**

6.2 Each is addressed in turn.

### 1) **Principle of Development**

#### **Principle of Loss of Existing Uses**

6.3 *Housing and Visitor Accommodation:* The proposals involve the loss of three properties on Herbert Grove. Nos 1-3, to the north of the road is a double fronted operating guest house. No. 29 that occupies the end of terrace location at the south of the road, is a house.

6.4 The properties are being demolished to facilitate the delivery of the scheme. Considering the loss of the guest house, it is the case that Policy DM12 seeks to encourage the provision of such visitor accommodation within the Central Area. Policy states “*new visitor accommodation will be focused within the Southend Central Area ... and at key locations with good access and a clear and strong relationship with the Seafront...*”.

6.5 However, the application involves the creation of an 80-bedroom hotel, understood to be a Travelodge facility, hence ensuring that the proposals deliver a substantial net increase in both the quality and quantity of visitor accommodation post development. Relevant policy objectives for the Central Area in terms of adding to the hotel offer of Southend are therefore clearly satisfied. It is also noted that the removal of the guest house will enhance the master plan

qualities of the proposals. The area will be given over to an area of open space, extending the 'strip' of open land along the northern part of the site, contributing towards the proposed net increase in green space across the site, and assisting permeability.

- 6.6 The loss of the single residential property to the south of Herbert Grove will reduce the available housing stock within Southend when policy seeks an increase in provision. Policy CP8 states that the Council will “*resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses, and to protect the character of residential areas.*”
- 6.7 However, within the context of Policy CP8, and in particular the value of the residential resource involved, it is important to appreciate the limited nature of the proposed demolition, with the loss of just one residential property. Removal of a single property within the context of housing supply across Southend will not have a material impact on the Borough’s housing stock. The loss will not inhibit the redevelopment of other sites with residential-led schemes. The proposals will also significantly enhance the leisure offer available in the Central Area through the regeneration of this car park site, thus adding to the attractiveness of the Town and its surroundings as a place to live.
- 6.8 As such, No. 29 Herbert Grove on its own as a single property is not considered to comprise a valuable residential resource, as defined by Policy CP8, and hence its removal is acceptable when considered against this policy requirement.
- 6.9 Furthermore, it is relevant to note that the loss of the property is required to deliver the proposed new public square adjacent to Saint John the Baptist’s Church. In masterplan terms, the creation of this new square represents a key positive feature of the proposals. In addition to creating a new public recreational resource, the square will open up the site of the locally listed church, significantly enhancing its setting, and helping to give it increased prominence in the street scene.
- 6.10 *Protected Green Space:* The proposals involve the partial loss of an area of Protected Green Space. As referenced in Section 2.0 of this Report, the designated area extends along the northern boundary of the application site and includes land that is proposed to accommodate the hotel, and the fourth arm off the Queensway roundabout that provides the new site access.
- 6.11 Policy CP4 of the Core Strategy requires development proposals to contribute towards the creation of a high quality sustainable urban environment which enhances and complements the natural and built assets of Southend. The policy states that “*This will be achieved by protecting and enhancing the town’s parks, gardens and other urban open spaces...*”. Policy CP7 of this same document provides further policy guidance for such allocated assets, stating that “*All existing and proposed sport, recreation and green space facilities ... will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and that there will be no loss of amenity or environmental quality to that community*”.
- 6.12 It is not the case, therefore, that the loss of any quantity of allocated green space should necessarily result in a conflict with development plan policy. Policy seeks to protect and enhance such spaces (CP4) but when read together with Policy CP7, there are clearly circumstances where the provision of high-quality alternative spaces will be considered satisfactory, and compliant with policy. If this was not the case, as suggested by a number of objectors to the scheme, Policy CP7 would not expressly reference when alternative provision will be acceptable.

- 6.13 To appraise the development proposal's performance against these policies, it is first appropriate to have regard to the quality of the existing open space. The allocated land has limited amenity value, located immediately adjacent to the Queensway roundabout. It is also dissected by both the entrance and exits from the existing car park as well as the east west footpath, that links Chancellor Road with the north end of Hartington Road. It does include a number of trees including 9 that benefit from recent TPOs. However, it is noted that the Council's Parks Officer and Arboriculturalist has confirmed that the trees to be lost from this area are not rare species and none are category 'A' classification according to relevant British Standards i.e. they are not trees of the highest quality. It is also noted that the area has negligible habitat and biodiversity value (see the findings of the 'Ecology' review, below). The current value of this allocated land to the community is therefore considered to be limited.
- 6.14 The proposals include a comprehensive landscape strategy designed to mitigate this limited loss. The strategy results in the creation of two new areas of public open space (St John's Square and Chancellor Green). Chancellor Green occupies a large proportion of the existing allocated green space, to the north of the leisure building and hotel. The space is in the form of an open green space with a mix of existing and new trees. An undulating grassed landscape is proposed to maintain the local character. Furthermore, with the demolition of Nos. 1-3 Herbert Grove, the width of the existing area of open space in this area is increased, and this extended area continues to the east, with the open space to the north of the leisure building substantially wider than the existing allocation. Planting to the rear of Hartington Road will also be provided, again widening the existing areas of landscaping along this site boundary. It is the case that the main site entrances dissect the green 'corridor', but this is no different from the impact of the existing car park access and exit on the current allocated area.
- 6.15 Across the site, and in addition, the applicant proposes the creation of a new public square adjacent to the St John the Baptist's Church; an extensive tree planting programme involving 93 new specimens; and the creation of a rain garden towards the south of Herbert Grove, to add to the urban greening of the site (whilst performing a SUDs role). It is noted that with regard to all these proposed landscape initiatives, there is a net gain of greenspace of around 2,300sqm.
- 6.16 Whilst the submitted landscaping strategy is detailed, a condition is suggested, requiring full details of both hard and soft landscaping to be submitted and approved by the Authority. In addition the draft s106 agreement requires the applicant to initially provide all landscaping across the site (including the works within the adopted highway). The landscaping shall be maintained by the applicant in perpetuity (on publicly accessible land) or for a five-year period (on highway land land), noting that a five-year period is considered sufficient to enable any landscaping to mature, prior to transfer to local authority maintenance. The exception is in regard to the proposed Rain Garden where the applicants will retain responsibility for upkeep and maintenance, in perpetuity.
- 6.17 Referring back to policy, it is considered that following development, both the quality and quantity of the open spaces across the site will be significantly improved from the existing situation. To a large extent, the existing areas of protected open space will be retained and extended in places, and with the creation of the new public square to the south, the community will secure access to a new external recreational resource. The proposed landscape strategy also delivers enhanced habitat provision. The application proposals, with its alternative green space proposition, clearly demonstrates circumstances where policy accepts the loss of allocated protected green space. As a consequence, and with regard to the loss of protected green space, the proposals are considered to comply with Policy CP4 and CP7.

## Principle of Proposed Uses

- 6.18 The principle of a large-scale leisure-focused development at the application site is strongly supported by prevailing policy at all levels. The site falls within the Central Seafront Policy Area as defined within the SCAAP where the Council has the ambition to “*create a thriving and vibrant tourism, leisure, recreational and cultural destination centred on the iconic Grade II listed Pier, which will be rejuvenated to reinforce its status as a key local landmark and attraction*”. (Central Seafront Policy Area: Aims Paragraph 5.9). Policy CS1: Central Seafront Policy Area Development Principles confirms that the Council will consider favourably proposals which enhance or diversify the range of arts, culture, entertainment, tourism, leisure and recreational facilities, within the area, specifically supporting the provision of hotels and visitor accommodation. It will seek to secure high quality and sustainable redevelopment of poor quality, vacant or underused sites and buildings to improve the local townscape, including provision of active ground floor frontages to add to the vibrancy and vitality of the streetscene. High-quality mixed-use schemes will be developed, including provision of hotel and visitor accommodation to encourage more overnight and longer stays, and heritage and natural assets conserved and enhanced.
- 6.19 With an application proposal that involves the creation of a new leisure facility and hotel, with a range of support facilities that will add to the vibrancy of the site, it is evident that the principle of the proposed development is in accordance with the Council’s ambitions for the Central Seafront Area. It is the case that policy support is subject to an appreciation of particular site and design considerations, with a requirement to ensure developments coming forward are of an appropriate scale, and character, and avoid unacceptable impacts on existing facilities and the environment. Equally, regard must be had to access and parking provision. However, as an overview, it is clear that the mix of uses proposed has the potential to deliver on the Council’s objectives to transform the Area.
- 6.20 This support is carried over in the specific policy for the site. The SCAAP identifies the Seaways Car Park as an Opportunity Site and paragraph 197 states “*Seaways, currently a surface level car park, presents a major opportunity for mixed use development, contributing to the leisure, cultural and tourism offer of Southend Central Area through the provision of uses such as restaurants and cinema, car parking, public open and green spaces, improved access and connectivity through the creation of ‘Spanish Steps’ linking this opportunity site to the promenade of Marine Parade, as well as possibly a hotel or residential.*”
- 6.21 This is then carried over into the site-specific policy (CS1.2) that states “*The Council will pursue with private sector partners, landowners and developers a high quality, mixed use development including the provision of leisure, cultural and tourism attractions, which may include: restaurants, cinema, gallery, hotel, public and private open spaces, and vehicle and cycle parking. The potential for residential development may also be explored.*”
- 6.22 The policy continues, with a series of objectives for the design and layout, and the following paragraphs of this section provide a review against these requirements, with a summary of the performance of the development proposals against each criterion of the policy, included as a summary in the concluding paragraphs. However, as an overview, with the application proposing a mixed-use leisure development, with a major new leisure destination; an 80-bedroom hotel; and a range of supporting A3 and A5 uses that together have the potential to create a new leisure destination for Southend, it is evident that the principle of the development is acceptable.

## 2) Traffic and Transport

- 6.23 The site's existing status as a Primary Visitor's Car Park, and the creation of a new focal point for leisure activities on the site ensures the issues of potential traffic impact and the appropriate provision for alternative sustainable modes of transport are to the forefront of relevant planning considerations for this application.
- 6.24 This interpretation is supported by Policy and in particular, Policy DM15 of the Development Management Document. This establishes that development will only be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity on the local highway network to accommodate the type and amount of traffic generated in a safe and sustainable manner. Access to proposed development and any traffic generated must not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way, whilst development proposals must prioritise the needs of pedestrians, including disabled persons and those with impaired mobility, and cyclists.
- 6.25 The policy continues, requiring all major development proposals to include provision for appropriate access to public transport, provide Travel Plans (which incorporate sustainable transport measures) and cater for servicing and emergency vehicles. Proposals should accord with Car Parking standards. The site-specific policy for Seaways (CS1.2 SCAAP) calls for a stronger relationship with the Town Centre through the provision of safe and legible pedestrian and cycle routes. Proposals should allow for opportunities for a new link to Marine Parade from the Seaway site designed around 'Spanish Steps' and in doing so, ensure that the development does not prejudice its future delivery as a new link between the seafront and Town Centre.
- 6.26 It is also noted that the NPPF provides clear guidance in respect of traffic impacts, advising that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.27 The prominence of traffic and transport issues in respect of this application is reflected in the nature of consultation responses received. Local residents and businesses stressed concerns in respect of the potential for significant congestion around the site, highlighting existing conditions on the Seaway roundabout during peak periods as evidence of an overloaded highway network. Linked to this was the implications arising from the changes to the car parking regime in Southend that would result following implementation of the project, with objectors concerned that displaced visitors to the Seaway car park would need to seek alternative locations to park, adding to local congestion and detracting from the visitor experience.

### Traffic Impacts

- 6.28 The applicant submitted a Transport Assessment (TA) in December 2018. As referenced in Section 3.0 of this report, following this submission, the Highway Officers requested further information, and challenged some of the assumptions made with regard to the nature of linked trips. In response, a Transport Assessment Addendum was submitted during September 2019, that re-ran the traffic modelling work with a sensitivity test, reducing the linked trip inputs from 40% down to 20%. The Highway Officers advise that this amended approach is now compliant with Trip Rate Information Computer System (TRICS) guidance. This approach only takes into account the linked trips between the on-site land uses. It is highly likely that there will be some additional linked trips between the seafront, town centre and proposed development which will reduce the number of vehicle trips to and from the site from the assessed, but these have not been included in these TA results. Therefore, the Assessment can be considered to be robust having taken into account a high number of vehicle movements to and from the site. This

updated modal split was used to assess the impact on car parking and also used for the VISSIM transport model.

- 6.29 The TA work includes a transport model, that predicts future traffic levels on the surrounding highway network, with the development operational. VISSIM transport modelling has been carried out using 2019 data for a Friday 16:00-17:00 peak and a Saturday 12:00-13:00. The VISSIM modelling includes increased traffic predicted from committed developments as well as having taken the background traffic peak for the Friday of 16:00-17:00 added to the developments peak of 17:00-18:00, and for the Saturday (with the background traffic peak of 12:00-13:00 added to the development peak of 13:00-14:00). The modelling has been carried out in accordance with WebTAG guidance with the survey data being used from the neutral month of March 2019. Both the 2019 and 2024 years were modelled.
- 6.30 The results of the model show that on an overall junction and network level, the development is predicted to have little impact on the operation of the modelled network. The development exit from Hartington Road does result in a worsening of the operation at the junction with Marine Parade, the modelling shows that a maximum of an 18 second delay for the left turn from Hartington Road is predicted for the Friday PM peak and a maximum of a 5 second delay for the Marine Parade east-bound link with Southchurch Avenue. However, the modelling concludes that there is predicted to be no significant capacity problems as a result of the proposed development for the Friday and Saturday peaks.
- 6.31 Given these conclusions, it is considered that there will be capacity on the local highway network to accommodate the type and amount of traffic generated, in a safe and sustainable manner, hence according with relevant SCAAP policy. Equally, there is no suggestion that the level of traffic generated will be anywhere near the 'severe' threshold identified in the NPPF, that represents a requirement for the refusal of development proposals on traffic grounds.

### **Traffic Safety**

- 6.32 The proposal involve works to the Seaway roundabout which will be made into a four-arm roundabout with the access and main exit to the proposed site from this new arm. The applicant has provided a Stage 1 Road Safety Audit (RSA), which identified that with the addition of the fourth arm, there could be a risk of side impact collisions occurring if two HGVs attempt to enter the roundabout at the same time heading westbound. As a consequence, the westbound approach entry width is proposed to be increased to ensure safety. The applicant recognises that this is a departure from the Design Manual for Roads and Bridges (DMRB) standards and therefore a Departure from Standards Form has been provided which explains the reason for the proposed widening of the westbound approach.
- 6.33 The Stage 1 RSA also identified the need for a consistent sign and road marking strategy and enhanced and improved street lighting. Proposed detailed highway designs including street lighting will need to be reviewed and formally approved by the Council at the detailed design stage with all the works on the public highway carried out under a S278 agreement. The proposed stopping-up of the highway (e.g. the amendments to the existing car park exit on Queensway) should be determined by the Department for Transport only if and after planning consent has been granted. The adoption of public highway will need to be carried out under Section 38. With these controls in place, it is considered that the proposed highway works will not harmfully impact upon highway safety, with the traffic generated from the development successfully able to be accommodated on the highway network.

## Cycle Parking

- 6.34 The development is proposing to provide 72 cycle parking spaces. A location plan and drawings of the type of cycle parking proposed have been provided which offer covered and secure cycle parking for visitors to the development at various locations on the development site. There appears to be no secure cycle parking offered to staff, and this should be provided separately to the public cycle parking, although staff should be free to use public cycle parking if they wish to do so. A total of 30 additional staff cycle parking spaces is considered necessary.
- 6.35 The level of cycle parking falls below that required by standard. However, as with car parking standards (see below), with a scheme of this nature that involves a concentration of different units and uses in one location, there is the potential for standards to require a level of provision that exceed likely demand. As above, there is scope for significant linked trips both within the site and with other nearby attractions. Given this, it is considered that strict application of the standards in this instance is not appropriate. Overall, therefore, subject to the use of a condition that requires staff facilities to be provided in addition to that shown, it is considered that nature of cycle parking proposed is acceptable. Such a condition is proposed, as detailed in **Appendix 5**.

## Electric Vehicles

- 6.36 As above, Policy DM15 of Southend's Development Management Document *states "The provision of facilities for charging electric vehicles and other ultra-low emission vehicles will be encouraged wherever practical and feasible"*. This planning application proposes to re-use the two existing charging points that are located in Seaways car park, however this is the only confirmed provision in the new scheme (i.e. the applicant proposed the provision of two electric charging points within a car park of 555 spaces). With Southend Council's policy and the Government's latest guidance on electric vehicles it is reasonable to request the provision of more electric charging points. As these car parks will be newly built it will be feasible and practical to ensure that each parking space is future proofed so that electric charging points can be installed when demand requires. At least 20% of the car parking spaces should have electric charging points provided and this should be secured by a condition.

## Coach Facilities

- 6.37 Policy CS1.2(g) of the SCAAP states that *"Design and layout solutions should allow for: relocation of a coach-drop off point within the site. The relocation of coach parking bays may be provided either on or off-site or a combination of both, provided off- site provision is well connected to the Seaway site and would not significantly adversely impact the local transport network."*
- 6.38 As per the policy, the application proposes to provide a coach drop-off bay on Lucy Road, hence satisfying this part of the requirement. It is the case that when the Policy was adopted, Seaways Car Park accommodated in the region of 20 coach spaces. The Council removed these spaces, acting as landowner, without the need for planning permission. This change was made within the broader context of the Council's strategy for the Gasworks site.
- 6.39 As referenced above, in anticipation of the likely redevelopment of Southend's Opportunity Sites, such as Seaways, the Council acquired land at the Gasworks on the Eastern Esplanade and created a car and coach park facility. This currently has 22 coach parking spaces, providing a suitable alternative facility to that previously provided at Seaways. Councils a temporary planning permission and the Council is committed to retaining the facility for at least one-year post opening of the Seaway application proposals. Once this period expires, it is possible that the site will be redeveloped, and whilst both the nature and timing of any redevelopment of the

site is unknown at this time, there is the potential for any scheme to provide some permanent coach parking. The Council ownership of this site (rather than private developer) would make this more likely. Under these circumstances the policy requirement to relocate the Seaway coach parking (or maintain the level of provision that existed at the time of the allocation) would likely be satisfied. Full compliance with the policy cannot therefore be assured at this time and so it is considered more appropriate to approach the application on the basis that there may be a degree of non-compliance with the policy.

## **Servicing**

6.40 The servicing drawings (that include vehicle tracking details) show that servicing vehicles can access and egress the proposed service yard on Lucy Road. Herbert Grove has residential buildings located on the western side, so delivery related traffic movements will need to be time restricted. This is proposed by the applicant. In summary:

- All normal hour deliveries to the leisure building to be via the Lucy Road servicing facility. For the standalone unit on Lucy Road, this will be via the service access to this building on its west elevation. The hotel will be serviced via its car park during this time.
- No delivery related traffic to be allowed on Herbert Grove between Monday - Friday: 1900 hours - 0700 hours, Saturday: 1300 hours - 0800 hours and at no time on Sunday, Bank or Public Holidays. During this time, all servicing activity for the hotel and the leisure building will be via the layby on the main site access.

6.41 With the increase in takeaway food delivery companies there is some concern that cycles, motorbikes, cars and vans could park along Herbert Grove for collections and deliveries once the permit holder restrictions have finished. The site management and A5 businesses will need to discourage vehicles from waiting on Herbert Grove. All deliveries for the units on Herbert Grove must be from the servicing area on Lucy Road, which can be addressed through parking management and servicing plans.

6.42 Subject to the imposition of conditions, the application proposals are capable of according with relevant development plan policy (i.e. the requirements of Policy DM15 of the Development Management Document).

## **Travel Plan and Sustainable Transport Options**

6.43 The site benefits from a sustainable location. It is a central location within a short walk of the seafront and the main retail streets in the Town Centre. The nearby travel centre for buses and the proximity of two railway stations add to the accessibility of the site.

6.44 In terms of pedestrian access, along the northern frontage of the site, the existing shared-use path from the northern end of Hartington Road will be retained, providing pedestrian and cycle connectivity into the site from the east. The shared-use path will be continued across the northern frontage of the site, west of the main site access road (via an uncontrolled crossing), providing access across Chancellor Road via the existing uncontrolled crossing to the shared-use path on the western side of the A1160 Queensway and also continuing west to Herbert Grove. Access into the site from the south will be via Hartington Road, Seaway and Lucy Road. Pedestrian access into the site from the west (towards the town centre) will be via Chancellor Road to the north (as above) and the pedestrian footpath at the western end of Lucy Road, providing access to Church Road and the southern end of the High Street.

6.45 The developer will fund new wayfinding signage in the local area to enable pedestrians to easily navigate to the development from the seafront and Town Centre. Funds will be secured via a s106 agreement with the Council carrying out this work. To enhance pedestrian accessibility to

and through the site, a new segregated north-south connection from Chancellor Road to Lucy Road will be provided. This will enhance pedestrian connectivity between the seafront and Town Centre as well as into the development and retained car parking.

- 6.46 Policy for the site calls for the development to allow for a stronger relationship with the Town Centre through the provision of safe and legible pedestrian and cycle routes. The application responds to this requirement as above, providing a new northern connection across the top of the site; creating a new north south link between Queensway and Lucy Road and the implementation of a new wayfinding strategy. It is the case that major off-site physical improvements are not proposed, with reliance on existing provision, now more clearly signposted. However, such an approach to accessibility is considered appropriate, as the resulting scheme will create a development located within a network of footpaths that efficiently link the site with its surroundings.
- 6.47 The creation of a 'Spanish Steps' feature, improving access between the Marine Parade and the application site has been a long-standing objective of the Council, and hence its incorporation at the time Policy CS1.2 was framed. However, contrary to a number of objections to the application, the policy does not require its provision as part of the development of this site. Instead, it requires layout solutions at Seaways to allow for opportunities for its provision. It must not prejudice its future delivery. The application proposals achieve this. The south side of Lucy Road (i.e. the location where any 'Steps' feature would breakthrough) remains unaffected by the development, and thus would create no impediment to its future provision. With the creation of such a feature requiring the demolition of all or part of one of the existing commercial properties on the north side of Marine Parade, it would not be appropriate to make the provision of the Steps an obligation upon developers of the Seaway site. Policy does not require it and the non-provision of such a feature as part of the application proposals should not carry any weight in the planning decision. In contrast, it is considered that the application accords with Policy CS1.2 in this regard.
- 6.48 To enhance the sustainable transport options available as a result of the site's central location, a Framework Travel Plan has been provided with the planning application. The Travel Plan includes measures to increase use of sustainable travel modes and monitoring actions to report performance, although the Highway Officer notes that whilst this is welcomed, a more detailed Travel Plan will need to be agreed with the Council, prior to occupation. The Officer advises that in addition to the suggested measures, Travel Packs will need to be provided to the businesses for staff, and at six months of the development opening, travel monitoring surveys shall be carried out by the applicant in order to collect data on the flows and modes used at the site. This shall then be used to provide an up-to-date Travel Plan including updated targets and actions. The Travel Plan monitoring will need to be undertaken 6 months thereafter and then at least once a year during the first 5 years. The Travel Plan including the targets shall be updated yearly with SBC agreement to include the latest travel survey results for all visitors and staff who use the site. Council costs in respect of monitoring the Travel plan will also need to be met.
- 6.49 With the Travel Plan in place, it is considered that the application proposals will ensure the site takes benefit from its sustainable location, encouraging the use of attractive sustainable transport options, satisfying prevailing national and local policy in this regard.

### **Traffic Regulation Order (TRO) Amendments**

- 6.50 In detail, the proposals involve the following required amendment to highway conditions (that will necessitate amended TROs and Council costs in this regard provided by the applicant). The s106 will require the TROs to be implemented prior to occupation of any part of the development:

- 6.51 Existing permit holder restrictions on the eastern side of Herbert Grove and existing double yellow lines on the western side of Herbert Grove will be retained. The emergency access will no longer be required and therefore the yellow hatching at this access will be removed. The TRO for this section will need to be updated and its associated costs provided. There are proposals for the current turning head located on the eastern side of Herbert Grove to be relocated to the western side of Herbert Grove.
- 6.52 The proposal includes a number of changes to Lucy Road as shown in drawing 0213-WSP-00-GF-DR-TP-0002-01 including, widening from 7.3 metres to 8.8 metres, provision of a coach drop-off bay for one average sized coach (average length of a coach is 12 metres) provision of a 39m shared-use pay and display and evening taxi parking bays, service yard entrance and exit, build-out and uncontrolled pedestrian crossing as part of the car park exit arrangement. The addition of the coach drop-off bay and servicing area mean a reduction of the current pay and display on-street parking bays and a reduction of the taxi parking bays, however a 39 metres shared-used pay and display and taxi rank will still be provided on the north side of Lucy Road.
- 6.53 Currently there is a secondary entrance into Seaway car park accessed from Hartington Road, the proposed development would see this changed from an entrance to an exit only. The proposed revised exit arrangement will result in a loss of the on-street pay and display or permit holder parking (approx. 4 spaces) located either side of the entrance to the flats. The existing double yellow lines will also need to be amended.
- 6.54 The proposed s106 agreement requires that all contributions towards the identified highways works must be paid six months prior to occupation.

### **3) Parking**

- 6.55 With the proposals involving the redevelopment of both a Primary Visitors Car Park as defined within the Boroughwide Parking and Access Strategy, and a facility that is well connected to both Southend Town Centre and the seafront, the issue of car parking and the potential for a change to car park capacity within Southend post implementation is a key consideration for this planning application. The importance of this issue was reflected in the consultation comments received from local residents and businesses, with car parking concerns the most frequent reference for those objecting to the scheme. The focus of representations was the potential for reduced parking capacity in the area, with the new development attracting more demand, adding to existing parking pressures, especially during peak periods.
- 6.56 Site specific policy for the site (SCAAP Policy CS1.2), whilst recognising the car park as an appropriate location for a high quality, mixed use development also seeks to address the need for replacement car parking provision in line with SCAAP Policy DS5. This Transport, Access and Public Realm policy establishes an objective for the Council to maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites (such as the Seaway Car Park). Specifically, it *"requires any development proposal that comes forward on key visitor car parking areas in the south of the Southend Central Area... to ensure that there is no loss of key visitor car parking..."* (SCAAP Policy DS5 (b)). Planning applications are required to demonstrate the impact associated with the additional demand generated through redevelopment on key visitor car parks, with reference to parking standards, the potential for linked trips and opportunities for modal shift (i.e. to reduce the need for additional spaces), the availability of other parking, and any need for additional provision.
- 6.57 Compliance with policy, therefore, is dependent upon the application demonstrating no loss of key visitor car parking. It is not a policy requirement that provision of car parking needs to be

on-site, but rather following implementation of the proposals, there is no loss of provision. There is also a requirement for the Council to be convinced that the proposals will maintain parking capacity at a level that protects the vitality and viability of the Central Area. Increased demand associated with the proposed new uses is therefore relevant. Objections received on the application incorrectly call for a level of car parking at the site that both maintains existing levels and provides sufficient spaces for all associated new demand. This is not the case. Policy requires development proposals at allocated opportunity sites to consider “the impact of the additional parking demand generated by the proposed development on the identified key visitor car parks” (i.e. to assess the wider implications on Southend’s car parking stock from this additional demand). So long as the proposals do not result in a loss of key visitor parking, and the impact of additional demand on other car parks is acceptable, policy requirements are satisfied

6.58 The car park at the application site has recently been remodelled, with the coach parking relocated and the space converted to additional car parking. As a consequence, the capacity of the site has, more recently increased from 478 (as referenced in Table 5 of the SCAAP) to 661 car parking spaces. The proposals are for 555 spaces, that will be publicly available on a first come first served basis. Reference is made to closing certain car park areas during periods of low demand, but there is an expectation (that can be reinforced through planning conditions) that all spaces will be available during peak periods. Any comparison between existing and proposed provision should, therefore, have regard to the new capacity figure of 555 spaces. Hence, following development, there will be a decrease in spaces from the recently reconfigured car park of 106 spaces. However, importantly in terms of Local Plan policy, there will be a net increase of car parking capacity of 77 spaces at the Seaway site from that at the time of the adoption of the Plan. Given this, the application proposals accord with the policy requirement to avoid a loss of key visitor spaces.

6.59 As above, the policy requirement to understand the full implications arising from the additional demand on the other car parks (and associated with this, the vitality and viability of Southend) remains. The starting point in appreciating the nature of any impact arising from increased car parking demand within Southend (as referenced in Policy DS5) is the application of adopted car parking standards to the development. In this case, the relevant standards are set out in Development Management Document (2015). This establishes the following requirements, noting that the standards are expressed as a maximum.

Use	Vehicle	Maximum Requirement
A3	1 space per 6 sqm	Between 0-753
A5	1 space per 25 sqm	Between 0-166
C1 Hotel	1 space per bedroom	80
D2 Cinema	1 space per 5 seats	250
D2 Other Uses	1 space per 20 sqm	273

6.60 Relevance of these car parking standards is lessened by an appreciation of the proposed development, and in particular, the make-up of likely visitors. Unlike standalone developments, the proposals have the potential for a range of type of visitors. Whilst some visitors will simply attend the Cinema or a restaurant, others will visit multiple units on the site during one visit. It would be a common occurrence for visitors to the cinema to also include a trip to a restaurant in their stay. Furthermore, due to the proximity of the development to the seafront and town centre, there will be a high propensity for linked trips to occur, with individuals or groups linking town centre shopping with a trip to the cinema, or seafront visitors extending their trip with a visit to a restaurant. Given this, the direct application of these car parking standards tends towards a significant over estimate of likely demand. In any event, they are maximum standards, allowing for a reduced provision in appropriate circumstances (i.e. in urban areas

including Town Centre locations where there is good access to alternative forms of transport and existing car parking facilities.).

- 6.61 The limited applicability of parking standards to developments of this nature is reflected in the Essex Planning Officer Association Parking Standards document, that provides the background study that supports the Development Management Document. This makes it clear that grouping parking standards into use classes will inevitably result in some developments not falling into any categories, advising that in such circumstances, each case should be considered on its merits. Here, the developer is advised to demonstrate that the level of provision is appropriate and will not lead to problems of on-street parking on the adjacent highway network. This will normally be demonstrated through a Transport Assessment (paragraph 2.1.1). Whilst in this example the land use classes are clear, the relationship between the different uses dictates that strict application of car parking standards does not provide a sensible appreciation of likely car parking demand.
- 6.62 The applicants have submitted a TA in support of the application proposals (updated in a TA Addendum, September 2019) that includes an assessment of the likely car parking demand arising from the proposed development and the implications for existing car parking facilities within Southend. The Addendum responded to feedback on the TA from the Council's Highway Officers, and in particular, initial concerns regarding the adopted daily mode share and level of linked trips used in the TA to predict the additional multi-modal trip generation, to and from the proposed development. The Addendum, therefore, includes alternative daily mode share and linked trip assumptions that were agreed with Officers, with this data now informing a revised car parking impact assessment. Officers are confident that the linked trip deductions now applied in this revised study provide a robust assessment of potential development-related traffic demand and impacts arising.
- The car parking impact assessment undertaken by the applicants demonstrates that the proposed 555 car parking spaces are sufficient to ensure that for the majority of the year, the Seaway car park will accommodate existing and development generated car parking demand. However, there will be days when demand exceeds capacity. In summary:
  - For the majority of the year the Seaway car park can accommodate the existing and development-generated car parking demand on-site with no overspill parking to surrounding car parks;
  - The analysis presented demonstrates that on typical weekday, typical Saturday, Bank Holiday, Friday and summer peak period weekdays, the Seaway car park will accommodate the existing and development generated car parking demand;
  - On a busy Saturday and seasonal peak periods (bank holiday weekends and summer weekend periods) not all the predicted development generated car parking demand can be accommodated on-site. The excess car parking demand that cannot be accommodated comprises both developments generated demand and existing users of the Seaway car park including seafront visitors and town centre users. During these times (11.00 to 19.00) car parking demand is likely to rely upon accommodation within other car parks within Southend.
- 6.63 The applicant's appraisal then provides an account of how the projected overspill car parking can be accommodated within other Southend car parks. This assessment concludes that on a busy Saturday and peak summer Saturdays all the excess demand could not be accommodated in surveyed Key Visitor South car parks. However, additional capacity in non-surveyed car parks (taken from 2015 and 2016 surveys) suggested that a proportion of the excess demand could be accommodated here. Failing that, all overspill could comfortably be accommodated within available spaces in the Central Area North. Overall, the applicants conclude that there is

sufficient car parking availability elsewhere in the Central Area South and North to accommodate the excess Seaway parking demand during peak seasonal periods.

- 6.64 It is important to note that for the majority of typical weekdays and weekends, the detailed car parking demand assessment shows that the proposed level of on-site car parking will be able to accommodate demands. Overspill is only likely to occur during particularly busy days with sufficient capacity for the rest of the year, and only then, during peak periods of the day i.e. during the afternoon period from around lunchtime to early evening. Furthermore, as demonstrated in the applicant's submission, there is likely to be sufficient capacity in other Southend car parks to accommodate demand.
- 6.65 Highway Officers having considered this assessment are satisfied that the conclusions are robust. It is noted that the Assessment is based upon an incorrect assumption regarding the existing capacity of the Seaway car park (i.e. 528 rather than 661), but such is the nature of existing capacity elsewhere (that exceeds this shortfall) and the limited occasions when this will be needed, this is not considered to undermine the results of the Assessment.
- 6.66 The applicant is proposing mitigation measures to assist with the efficient use of car parking supply in the Central Area. Improved VMS signage on radial routes into Southend to be secured via the proposed draft s106 agreement will inform seafront, development and town centre users in advance of the level of car parking availability within the Seaway car park. During peak seasonal demand periods when the Seaway car park is fully occupied, the signs will state where alternative car parking capacity exists. This measure will be combined with improved wayfinding signage into the town to direct people to the Seaway development from off-site car parking locations. The developer will provide a financial contribution through the proposed s106 agreement to fund these improvements to the VMS and wayfinding signage and the Council's officers have confirmed that this will be an important measure, particularly during seasonal peaks.
- 6.67 Prevailing policy requires development proposals on opportunity sites to provide a level of car parking that supports vitality and viability of the Town Centre and does not undermine the Central Area's ability to accommodate visitor trips. Given the increased capacity of the site to accommodate car parking demand; the level of the demand associated with the proposed uses; the limited requirement for car parking demand to be accommodated off-site; and, the extent of capacity in other Town Centre car parks, it is considered that the level of car parking provision at the site is appropriate. With the mitigation proposed, the operation of car parks during the periods of maximum demand can be better managed, increasing efficiency and positively contributing towards visitor experience. Overall, therefore, the proposals will maintain a level of parking that supports the prevailing vitality and viability of the Town Centre and does not undermine Southend's ability to accommodate visitor trips.
- 6.68 During the construction phase of the development, it is anticipated that the car park at Seaway will be shut. The applicants have suggested that there may be scope for the surface level car park to be constructed as an initial phase of the development, and this would be welcomed. A condition is included that requires the provision of such capacity if circumstances allow. However, with no guarantee that the early development of car parking capacity at the site can be guaranteed provided during the construction period of 12-18 months, for the purposes of this report and consideration of this application, it is assumed that the capacity of the Seaway car park will be lost.
- 6.69 Members will be aware that following a decision by Cabinet on 20 June 2017, the Council acquired the freehold of the former Esplanade House Site (i.e. part of the former Gas Works). The Council purchased the land as a long-term development opportunity, and to provide

strategic car parking capacity to address parking displacement while other major development proposals are progressed.

- 6.70 Temporary planning permission was granted for the use of this site for a car park from June 2018, for a period of 5 years (ref. 18/00634/BC3M). This facility has the capacity to accommodate 283 car parking spaces and 27 coach bays, and work to date has provided 156 car park spaces, 11 disabled parking spaces and 22 coach bays. A letter from the Head of Corporate Property and Asset Management (see Appendix 6) confirms that the Council is committed to retain the site in use for this facility until the Seaway development has been completed and is open and operational for no less than one summer season.
- 6.71 The loss of Seaway car parking capacity during construction (661 spaces) cannot be completely mitigated by the provision of the Gas Work facility, either partially built out (169) or fully developed (283). However, with reference to the surveys of current car park use at Seaway, it is evident that in most circumstances, there will be sufficient spaces at the Gas Works site to cater for displaced car parking from the Seaway site. Only during key peak periods will this facility have insufficient capacity to cater for all demand. The availability of parking in other locations in Southend Town Centre during these times (again as evidenced in the submitted studies) gives confidence that whilst this facility can only meet a proportion of demand, full visitor demands can be met across Southend. The Highway Officer identifies a requirement for a Displaced Parking Management Strategy (along with a detailed Construction Management Plan) to be agreed with the Council (via an appropriately worded condition).
- 6.72 The temporary nature of the construction period reinforces the view that the reduction in the capacity of the Seaway car park during the construction period will not harm prevailing vitality and viability.

### **Disabled Parking**

- 6.73 Provision is made for 32 disabled car parking spaces, that exceeds the minimum standard provision (27 spaces). Selected locations for these spaces have been confirmed. This appears to exclude any provision at the Hotel. This will need to be amended and further detail can be secured by way of an appropriately worded condition, to secure provision at key access points in the development.

## **4) Residential Amenity**

- 6.74 Policy DM1 of the Development Management Document (2015) requires that schemes “*protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight*”. The applicant has submitted a range of assessments addressing these issues. The applicant's interpretation of the potential impacts, and proposed mitigation is as follows:

### **a) Privacy and Overlooking**

- 6.75 There is potential for loss of privacy and overlooking for properties along Chancellor Road, Hartington Road and Herbert Grove, but landscape screening within the application may address these issues, along with the use of obscured glazing for hotel windows overlooking properties.

### **b) Outlook**

- 6.76 A Visual Amenity Assessment has been conducted by the applicant that concludes that residential properties on Herbert Grove, Chancellor Road, Hartington Road, Seaway and Queensway are expected to experience a significant change in their outlook. This primarily

arises due to the inevitable change in circumstance from a surface car park to a developed site accommodating a form of development that reflects its allocation in the SCAAP (i.e. a large building, with a cinema and other leisure uses).

### **c) Noise and Disturbance**

- 6.77 A Noise Assessment was submitted with the application in December 2018 and updated through the submission of an Addendum in September 2019. This work concludes that there is potential for noise impact in the absence of mitigation. The applicant identifies the following measures to mitigate impact, including the control of working hours during construction and delivery and opening hours during operation; use of continuous flight auger piling during the construction of the development; the use of plant and machinery screening; and careful consideration to the use of external areas during the evening and night through management. All the measures are to be secured by condition.

### **d) Pollution**

- 6.78 An Air Quality Assessment was submitted with the planning application in December 2018 and a technical note provided in September 2019. The applicants conclude that the main impacts are anticipated to occur during the construction period in relation to dust that can be controlled by on site management activities, with the details secured by a condition. During the operational period, the applicant proposes measures established in an Extract Ventilation Strategy to prevent nuisance from plant and extraction associated with the leisure uses.

### **e) Daylight and Sunlight**

- 6.79 A Daylight, Sunlight and Overshadowing Assessment has been conducted by the applicant which concludes that, for the majority of surrounding properties, that standards of daylight and sunlight will be achieved in accordance with guidance established by the Building Research Establishment (BRE).
- 6.80 For some properties in the south of Herbert Grove, there will be a noticeable reduction in daylight and sunlight in comparison with the existing conditions where lighting is not obstructed in any way across the open car park. The applicants conclude that, within the central urban area of Southend, an area that is characterised by high density development and tall buildings, the moderate impact predicted is not judged to be unreasonable and will not be so great as to be detrimental to health.

### **f) Residential Visual Amenity**

- 6.81 The applicant has prepared a Residential Visual Amenity assessment in September 2019. Some of these issues are also considered under 'Townscape and Visual Impact' below. However, this acknowledges that neighbours to the site are likely to have a substantial impact on current visual amenity due to the new buildings replacing current views. The landscaping proposals and choice of materials incorporated into the development can be considered to address the issues to some degree, but the subjective nature of how a viewer observes the development will also be of relevance.

### **Review of Key Issues**

- 6.82 *Privacy and overlooking:* To appreciate the nature of potential impacts on privacy it's important to understand the separation distances between various proposed buildings and existing properties on nearby roads. In some circumstances, these distances are substantial. As a minimum, it is noted that the separation distance between the leisure building and the

properties on Herbert Grove is 26 metres; between Chancellor Road and the leisure building is 60 metres; and between the hotel (i.e. the nearest building) and properties on Hartington Road is approximately 30 metres. Distances between the Hartington Road properties and the leisure building range from 68 metres to 90 metres (although the boundaries of the rear gardens of these properties are as close as 35 metres).

6.83 In addition to the above separations, a consideration of the potential impacts on Herbert Grove have regard to:

- The existing public highway and proposed pedestrian and cycleway that separates the facades;
- The proposed landscaping along the east of this road, to add to the existing trees etc, that help screen views between the two;
- The elevated nature of the ground floor of the residential properties along this road;
- The lack of elevated windows on the leisure building, above ground floor;

6.84 It is the case that Herbert Grove will see an increased pedestrian footfall as a result of the development, bringing more activity to the road than existing. Whilst this has the potential to impact on prevailing privacy, the detailed design of this road environment helps mitigate impacts, with the new footpaths created alongside the leisure building most likely to attract the majority of new activity. Overall, given a combination of the above factors, it is not anticipated that the proposals will give rise to an unacceptable material loss of privacy on Herbert Grove.

6.85 With regard to Chancellor Road, it is noted that:

- There is a large area of landscaping greenspace proposed between the properties on this road and the site;
- A number of existing trees are to be retained in this area;
- There are no elevated windows on the leisure building, above the ground floor entrance to the Cinema and the A3/A5 units on the corner of the building.

6.86 Again, an increase in pedestrian footfall is predicted along Chancellor Road whilst the bus stop adjacent to the site on this road is expected to be busier. On this second point, the applicants suggest that in the region of 60 additional users will visit the bus stop per hour during peaks, but during this period, there are approximately 10-13 buses per hour. Hence whilst there will be more individuals waiting at the bus stop, the actual impacts arising from this will be limited given the typical short period between services (on average 5-6 minutes between buses). As such, with due regard to the application's design characteristics referenced above as well as the separation distances between buildings, it is not anticipated that the proposals will give rise to a significant loss of privacy on Chancellor Road.

6.87 Considerations in respect of Hartington Road properties relate to:

- The proposed location of the hotel, that 'blocks' any scope for overlooking etc from the leisure unit to the north. To the south, the leisure building accommodates the multi-level car park on this elevation, that has perforated cladding installed, restricting views across towards the residential properties;
- The existing landscaping along the eastern site boundary to the rear of the properties will be both retained and reinforced through new planting;
- The hotel will adopt obscured glazing along its eastern elevation, with limited window openings (required in any event for health and safety), limiting the potential for overlooking.

- No material increase in pedestrian footfall is anticipated along the road.

- 6.88 Given these characteristics and with the imposition of a condition that requires obscure glazing in the eastern elevation of the hotel, it is considered that the privacy of those residents in Hartington Road will be protected. As such, the requirements of Policy DM1, of the Development Management Document, that seeks to protect the amenity of the site, neighbours and surroundings with due regard to privacy and overlooking are satisfied.
- 6.89 *Outlook and Visual Enclosure:* The outlook for residents in properties in the surrounding streets will undoubtedly change. Whereas current views are dominated by a car park, with a corresponding array of parked vehicles, following implementation of the scheme, the outlook will be much changed. Views inwards towards the site will be dominated by a large leisure building and/or hotel, that is of a striking design embracing the principles of contemporary architecture. The open nature of the site will disappear, replaced with buildings of bulk and scale.
- 6.90 However, whilst this change will be substantial, it is not the case that it necessarily results in a negative impact on prevailing amenity. The quality of the design proposed will ensure that the buildings will create a development that sits well with its surroundings, positively referencing local colours and materials. The approach taken to the proposed development and the detailed design of each of the buildings allows the Council's Design Officer to conclude that the development integrates successfully with its setting. It is certainly not the case that the scheme will result in any sense of significant visual enclosure, given the separation distances referenced above, and the site layout proposed (with its associated landscaping and surface car parking).
- 6.91 Reference in this regard can be made back to the National Design Guide (2019) and its appreciation of the characteristics of developments that evidence good design (see Section 4.27). The proposal sits well within its context, establishing an appropriate north-south axis, framing protected views from the north down towards the Estuary. It adopts a distinctive design, contemporary in nature, to create a new architectural feature for Southend. The proposed pedestrian and cycle links that cross the site, linking to existing paths and routes beyond the site boundary, will create a permeable development. This will be supplemented by a proposed wayfinding strategy and detailed landscaping that enhances movement to, from and through the site. The net increase of green spaces across the site and the extensive tree planting, delivered as part of a landscaping strategy, will ensure the natural environment is protected, whilst the use of active frontages and a new public square provides safe, social and inclusive public spaces to the betterment of the local community. The proposal provides an appropriate mix of uses in the three main buildings on site, seeking to establish a new leisure destination for the Town. The proposals embrace sustainability, not least through the use of a previously developed site, but also through a range of sustainable and renewable energy design criteria. Exhibiting such characteristics points to a development that is well designed, and which will help add to a sense of community.
- 6.92 As such, with the proposals adopting good design characteristics, it is considered that whilst the outlook of the site will clearly change as a result of this development proposal, the change will not materially harm residential amenity. As such, the policy requirements of Policy DM1, of Development Management Document, that seeks to protect amenity with due regard to outlook, are satisfied.
- 6.93 *Noise and disturbance:* The issue of noise from the proposed development is a repeated concern raised by local residents, referring to potential for increased noise nuisance from a variety of sources, including construction; building services (plant etc); amplified sound from the new leisure and restaurant premises; noise from external seating areas; and from servicing activities.

- 6.94 The Council's Environmental Health Officers have also had regard to the relationship between the various buildings with active frontages and existing residential properties, particularly those along Herbert Grove. Officers have considered the scope for the 'canyoning' of noise, where noise levels increase beyond that predicted given the presence of large building frontages, that reflect noise towards the houses. Consideration has also been given to the likelihood of an increase of footfall along Herbert Grove and Chancellor Road, as visitors to the new buildings will be siphoned along this route, that will also now provide a more attractive option to access the Town Centre for those existing visitors to entertainment premises along Lucy Road.
- 6.95 With regard to this operational noise, (i.e. noise resulting from the operation of the development following completion), Officers had due regard to the applicant's proposed mitigation, that included the use of plant wells to screen equipment; the use of acoustic screening around the hotel roof plant; restricted hours of use in respect of the outdoor seating; and an agreement to avoid amplified noise in the seating area along Herbert Grove.
- 6.96 Environment Health Officers concluded that using a combination of planning conditions and other primary legislation, noise during operation could be limited to an acceptable level. Alternative noise conditions are recommended to that proposed by the applicant, to ensure conditions are enforceable and easier to address – conditions require that all the noise sources from each of the A3/A5/D2 units will not exceed 10 dB(A) below the background noise level over a 15-minute period. This will include building services and extract ventilation. This will result in a cumulative condition of 5 dB(A) below background noise level at the nearest noise sensitive premises (i.e. the combined noise from all the units) that is considered an acceptable level of noise generation.
- 6.97 In order to establish background noise levels to inform this condition, a representative survey will need to be undertaken prior to commencement of development in accordance with British Standards. Such an approach will ensure any concerns regarding changes since the original surveys were undertaken by the applicant can be addressed. In addition, conditions are proposed that curtail potentially noisy activities at the site, including hours of operation of the external seating areas across the site, and hours restriction on opening times (also see delivery restrictions proposed below). In order to maximise noise reductions from on-site management (i.e. through good housekeeping - door staff, signage, management control), a further condition is proposed that requires a noise management strategy to be submitted prior to the commencement of the development. With such conditions in place, residential amenity during operations will be satisfactorily protected (noting this creates a higher level of protection than achievable by statutory nuisance controls).
- 6.98 Noise from vehicles at the site (both cars and servicing) will increase as a result of the development. Officers reference the noise from slamming car doors and voices late in the evening (although it is noted that the multi-level car park facility will internalise this noise to some extent, and the site is currently an existing 24-hour car park facility). In response, Officers highlighted the need for robust acoustic screening on the eastern boundary of the site, as well as a screen around the hotel site. Such conditions are proposed.
- 6.99 In terms of deliveries, Officers highlight the relatively limited number of delivery movements anticipated at the site, stating that noise from such activity is unlikely to create significant noise problems. However, to protect prevailing amenity, hours restrictions on the use of Herbert Grove by delivery vehicles are proposed. All out of hour servicing must be via the servicing layby located on the main site access, i.e. away from noise sensitive premises.
- 6.100 It is also noted that an electricity substation is proposed on the eastern boundary, and in response, a condition is proposed that requires appropriate acoustic insulation of this facility.

- 6.101 In terms of construction impacts, it should be expected that the applicant or main contractor for construction and demolitions applies for a Prior Consent under section 61 of the Control of Pollution Act 1974. This is also recommended in the applicant's report. This will be particularly important in Herbert Grove due to having the closest proximity to the demolition proposals. A Prior Consent ensures that methods all phases of demolition and construction can be undertaken without fear of prosecution under the Control of Pollution Act 1974. The consent is conditional in that the applicant must demonstrate that they shall use the best practicable means at all times with regards to the plant and equipment that they use and the operational times. It also relies heavily on consultation with neighbours that are likely to be affected and a continual relationship including a point of contact throughout.
- 6.102 Additionally, a condition is recommended, requiring the applicant to submit for approval a detailed Construction Management Plan, again designed to respect prevailing residential amenity.
- 6.103 Potential noise impacts arising from the development are therefore considered to be acceptable, with residential amenity protected through a combination of proposed conditions and secured applicant mitigation. Policy DM1 of the Development Management Document that identifies a requirement to protect amenity, with regard to noise impacts is therefore capable of being satisfied. Equally, the NPPF requirement to mitigate and reduce to a minimum potential adverse impact from noise, and to avoid noise giving rise to significant adverse impacts are capable of being satisfied (paragraph 180).
- 6.104 *Pollution:* As above, the Air Quality Assessment by WSP dated 2 December 2018 and the Air Quality Technical Memorandum dated 11 July 2019, has concluded that there will be harmful adverse impacts on air quality during the operational phase of the development. The Environmental Health Officer agrees with this conclusion. Officers also conclude that any temporary impacts during the construction phase can be addressed by a requirement for a Construction Method Statement, to include a dust management plan with mitigation measures and boundary particulate monitoring during demolition and construction.
- 6.105 Traffic will increase through the Air Quality Management Area at Bell Junction (approximately 2.5 kilometres from the site), but this will only have a negligible impact on prevailing air quality conditions. Whilst this is harmful, it is noted that the AQMA is the subject of an Air Quality Action Plan, that confirms that the Council is considering highway improvement schemes to assist in reducing air quality impacts at Bell Junction. The construction of improvements is scheduled for July 2020 (LAQM Annual Status Report, 2019).
- 6.106 Paragraph 181 of the NPPF requires development decisions to contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMA, although noting this should direct plan preparation, rather than the consideration of planning applications. The air quality impacts predicted will not have material impact on national objectives, and only a negligible impact on the AQMA. The impacts will not prejudice the Council's AQMA Action Plan that, through the planned highway improvements, scheduled for next year will address existing air quality conditions. This has enabled Council Officers to conclude that the proposed development will not have unacceptable air quality impacts.
- 6.107 In respect of ground conditions, the Officers accept the findings of the Phase 1 Geotechnical and Geo-environmental assessment submitted by the applicants. Standard planning conditions are recommended requiring the submission of a follow up investigation, the agreement and implementation of a remediation scheme and a verification report. Requirements of Policy DM14 of the Development Management Document, that requires the submission of an appropriate Contaminated Land Assessment and the subsequent confirmation that no risks to human health, the environment and water exist, are therefore satisfied.

- 6.108 In respect of odour emissions, the Officers reference The Extract Ventilation Strategy report submitted with the application (along with its Addendum) and conclude that the control of odour from the site can be addressed by the use of an appropriately worded condition. Such a condition is proposed.
- 6.109 The prospect of lighting pollution (with reference to the submitted Lighting Strategy) has been considered with feedback from the relevant officers confirming that any risk of harm from artificial illumination which includes advertising, security lighting and delivery access areas can be addressed by the production of a suitable scheme which is undertaken in general accordance with the submitted Lighting Strategy and the guidance issued by the Institute of Lighting Engineers. Such a scheme is secured by a planning condition. The NPPF requirement to limit the impact of light pollution can therefore be achieved (paragraph 180).

### **Daylight Sunlight**

- 6.110 The implications for the Daylight Sunlight environment following the implementation of the project must be set within the context of an understanding of the site's existing character. It is an open site and residents in surrounding properties benefit from open and unobstructed views. The site's allocation for major new development dictates that this context will change, but it remains appropriate to understand the nature of this change, and the potential for harmful effects that result. In this regard, relevant considerations include both daylight and sunlight availability, and impacts of overshadowing on open amenity areas and (including existing gardens). These matters are considered below.
- 6.111 *Daylight:* As referenced in Section 6.0 of this Report, the Council Officer responded to the submitted applicant's assessment of potential daylight sunlight impacts, concluding that the methodology adopted was compliant with relevant guidance (in this instance, BRE Guide: Site layout Planning for Daylight and Sunlight, A Guide to Good Practice, 2011), and that the nature of the identified impacts was correct.
- 6.112 Reviewing this work, following an initial test of obstruction of daylighting where the majority of properties around the site demonstrated compliance with Guidance, further tests were applied in respect of both the Vertical Sky Component (VSC) (i.e. the amount of sky visible from a centre point within a window) and a No Sky line assessment (i.e. consideration of the amount of direct sunlight a room receives before and after development). In respect of the VSC assessment, 91% (562) of windows assessed comply with standard; whilst 9% (56) fall outside of standard. Of these 'failing' windows, 5.5% (33) are predicted to have a low impact, 3% (20) are predicted to experience a medium impact and 0.5% (3 windows) are predicted to have a high impact.
- 6.113 All of these windows are in the southern half of Herbert Grove. Further consideration of the 3 'high impact windows' confirms that they are located in recessed positions, at first floor on the Herbert Grove terrace. Here, an existing overhang already impacts daylight conditions. When tested without the overhang, the same windows pass the VSC test, with negligible impact between the baseline condition and the environment post development.
- 6.114 As above, the applicant also undertook a No Sky Line assessment for properties on Herbert Grove and Chancellor Road. This second level assessment concluded that of the 42 windows tested on Herbert Grove, 50% indicate an impact, with 21% indicating a low magnitude of change and 29% indicating a medium magnitude of change. No rooms have a high impact.
- 6.115 Combining the results of the VSC and No-Sky assessment, as recommended in the BRE Guide, results in 23 rooms in Herbert Grove experiencing a reduction in daylight conditions outside of the overall BRE criteria with level of impacts ranging from low to medium. Affected properties are Nos. 9-27 Herbert Grove. This level of impact, however, whilst creating a below BRE

guidance reduction in conditions, is not considered to be unacceptable given the nature of existing site conditions, the policy allocation of the site to accommodate a landmark building and its location in the Central Area of Southend. It is also relevant to note that Nos. 11-15 Herbert Grove is currently a guesthouse, with BRE guidance only applying to residential properties.

- 6.116 Sunlight: The majority of the properties (99.2%) around the site assessed (i.e. those within Hartington Road, Forest Avenue, St Leonards's Road, Stanley Road, Chancellor Road, Herbert Grove and Seaway) satisfy sunlight criteria. Those that do not meet the criteria are located on the southern part of Herbert Grove (Nos 1-29). In these properties, only 5 windows fall below the BRE standard and the impact on these windows is either low or medium, with no windows reported to have a high impact.
- 6.117 *Overshadowing*: all open amenity areas within the proposed development and the rear gardens of properties along Hartington Road will receive at least 2 hours of sunlight on 21st March (i.e. the worst case) and as such, will meet the requirements of BRE guidance.
- 6.118 Overall, it is important to note that for the vast majority of surrounding properties, the issue of daylight sunlight does not raise planning concerns given the limited nature of the impacts predicted. It is only with regard to Herbert Grove and in particular those properties to the south of this road that are located close to the new leisure building where impacts raise concerns in respect of compliance with guidelines. Here, the nature of predicted impacts ranges from low to medium. It is also important to note as referenced in the Council Officer's response to the application that these guidelines are just that i.e. they should not be seen as absolute targets or instruments of planning policy. Within this context, and with regard to the existing open nature of the site, the officer is able to conclude that the nature of the daylight sunlight impacts predicted are acceptable, and as such residential amenity will not be unduly harmed. As such, the requirements of Policy DM1 that seeks to protect the amenity with due regard to daylight/sunlight impacts are satisfied.
- 6.119 Policy DM1 of the Development Management Document requires the protection of the amenity of the site, its immediate neighbours and the surrounding area. With reference to the above assessment, it is considered that the development will not significantly harm existing levels of privacy; will change the outlook of the site, but not to the detriment of local residents; will not result in unacceptable impacts on the prevailing noise environment; and will not cause more than a negligible level of harm on air quality conditions, including conditions within the AQMA at Bell Junction. With regard to daylight sunlight impacts, referencing the nature of existing site conditions and the findings of the detailed assessment, the predicted impacts on properties on Herbert Grove are not considered to be unacceptable. Overall, through the imposition of conditions, residential amenity will be suitably protected.

## **5) Townscape and Visual Impact**

- 6.120 Policy KP2 of the Core Strategy (2007) states that development should (among other matters) *"9. Secure improvements to the urban environment through quality design [and] 10. Respect the character and scale of the existing neighbourhood where appropriate"*.
- 6.121 Policy DM1 of the Development Management Document (2015) requires that schemes 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..."*.

- 6.122 Policy DM4 relates to tall and large buildings and states that they will be acceptable where “(i) they are located in areas whose character, function and appearance would not be harmed by the scale, mass or bulk of a tall or large building; and (ii) they integrate with the form, proportion, composition, and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level and (iii) individually or as a group, form a distinctive landmark that emphasises a point of visual significance and enhances the skyline and image of Southend...”
- 6.123 The Area Action Plan identifies at Policy DS2 that “New development within Southend Central Area will be expected to demonstrate that it is compatible with/or enhances key views of:- The Seafront (and specifically views to and from the seafront); Southend Pier; The Kursaal (and specifically views from Lucy Road to the Kursaal); Royal Terrace and Clifftown Parade; All Saints Church (off Southchurch Road and outside of the AAP boundary); Porters (a predominantly Victorian residential area outside of the AAP boundary) and St Mary’s Church (at Prittlewell and outside of the AAP boundary)”
- 6.124 A number of representations have been received objecting to the overall scale of the development and its impact on local views and the local townscape. It is acknowledged that the successful regeneration of the existing Seaways Car Parking site, consistent with the site's allocation will inevitably lead to the introduction of a building(s) of some scale, that will always result in a considerable change to views, for those who live, work and visit the area. To quantify the nature of this inevitable change, the applicant has conducted a Landscape and Visual Impact Assessment which was submitted with the planning application in December 2018 and was updated in September 2019 with the Residential Visual Amenity Assessment (RVAA). The commentary below relates to the updated assessment. A site visit was conducted by Officers and the applicant’s assessor in July 2019 and additional information provided as a result. The applicant states that the assessment has been conducted in accordance with guidance including that published by the Landscape Institute.
- 6.125 The assessment states that the development will be seen mainly within a zone of influence extending up to 1-2km from the site. It is acknowledged that there may be potential for long range views from the south (even from the Isle of Grain or Sheerness in certain weather conditions) but the assessment considers that these are unlikely to be discernible to the naked eye.
- 6.126 Analysis has been carried out of 11 representative viewpoints of the development. These views are from public access positions around the site, selected to best represent the potential visual effects on the local setting (for example, views from the corner of Chancellor Road and Herbert Grove; looking east from Lucy Road, approach from the Queensway). In addition, analysis has been carried out of 12 of the key views within Southend to assess the impact of the development on those views. Policy DS2 identifies key views which comprise views of the seafront; Southend Pier; The Kursaal; Royal Terrace and Clifftown Parade; All Saints Church; Porters; and St Mary's Church. The Policy requires development to be compatible with and/or enhance views of these features. The applicant selected 12 views to demonstrate the intervisibility between these locations and the proposed development (noting that Policy DS5 does not identify an exact view considered to be important) and that some of the key views 'overlap' with representative views and were assessed as such.
- 6.127 Turning first to the **11 representative viewpoints** of the development, the most significant impacts are identified during the winter months when trees are not in leaf. During these winter months, the assessment concludes the following: -

- Slight adverse impact on views for pier visitors looking north from near the pierhead (view 10) and views for road users and pedestrians looking east from the junction of Chancellor Road and Church Road (view 11).
- Slight to moderate adverse impact on views: -
  - a For road users, pedestrians and residents from the corner of Chancellor Road and Herbert Grove (view 1)
  - b For road users and pedestrians looking east from end of Lucy Road (view 2)
  - c For road users, pedestrians and residents looking northwest from the corner of Lucy Road and Hartington Road (view 3)
  - d For road users approaching from the east along Queensway (view 4)
  - e For road users, pedestrians and residents looking south-west above Queensway (view 5)
  - f For road users and pedestrians on the approach from the south along Queensway (view 6)
  - g For visitors to the Pier looking north from near the Pier shorehead (view 9)
- Moderate adverse impact for visitors to the esplanade looking northwest from Marine Parade (view 7) and for visitors to the Pier looking north-east from Southend Pier (view 8)

6.128 In relation to the 12 key views within Southend, the assessment concluded no visual effect for most of the views but with a slight adverse impact looking south-west from the shops at Southchurch Avenue (important in the setting of the Kursaal), looking west from the jetty at Southchurch (important as part of Eastern Esplanade) and looking west from Gunners Park (contextual view of the entire seafront). A moderate-slight adverse impact is identified looking west along the Eastern Esplanade.

6.129 Nicholas Pearson Associates, Chartered Landscape Architects and a Registered Practice of the Landscape Institute were appointed by the Council to first contribute to providing a Landscape and Visual Impact Assessment and associated Residential Visual Amenity Assessment (LVIA/RVAA) scoping feedback to the applicant of the Seaway Scheme and then subsequently to carry out a peer review of the adequacy of the content of the submitted LVIA and of its quality.

6.130 The consultancy was able to conclude that the landscape and visual assessment report which forms part of the September submission had been prepared in a manner which reflects the guiding principles for landscape and visual assessments, and was consistent with industry best practice. It considered that the LVIA identifies and provides a commentary on an accurate and generally complete range of construction and operation effects and that the LVIA and RVAA cover day and night time visual effects and allow for seasonal and diurnal variations. Some minor limitations within the assessment were noted and some differences between the assessment findings and professional judgments regarding the nature of the identified landscape and visual effects were highlighted.

6.131 With regard to the 11 Representative viewpoints, the consultants agreed with the applicants, other than in respect of the following minor differences:

- for the residential receptors on Chancellor Road, the effects would likely be moderate to substantial adverse for the closest residents and moderate to slight adverse for road users and pedestrians (rather than moderate and/or slight adverse). Slight to moderate adverse effects (rather than moderate adverse) were predicted at night;
- for the users of Marine Parade, at night time, slight to moderate adverse or neutral (as opposed to slight adverse or neutral) effects were predicted;

- for users of the Pier, moderate adverse for both parts of the Pier are predicted (not moderate to slight).

6.132 In relation to the key views as *'identified'* in Policy DS2, the consultants again mainly agreed with the applicants other than that the impact looking south-west from the shops at Southchurch Avenue should be a slight to moderate adverse (not slight adverse); the view from the jetty at Southchurch should be slight to moderate (not slight adverse); and the view from the Eastern Esplanade looking along the seafront should be moderate adverse or moderate to slight adverse (not moderate to slight adverse or slight adverse).

6.133 However, the consultancy was able to conclude that *"Overall, the submitted LVIA is considered to comprise an adequate and proportionate assessment of the landscape and visual effects of the scheme. The limitations identified, in places within the assessment, are not enough to lead us to a different conclusion nor to have inhibited the assessment process. Despite their being differences in some professional judgments, we are in agreement with the LVIA overall conclusions where, after accounting for proposed embedded mitigation and enhancement measures, the main effects of the Seaway scheme would be localised. We also have identified that there would be limited landscape or visual effects above 'moderate adverse' level and where some visual effects on immediate residents were initially potentially 'substantial' these have been mitigated to reduce and moderate associated residual effects"*.

6.134 As part of its assessment, the consultancy welcomed the additional positive measures included in the September submission which have improved the scheme and further reduced landscape and visual effects. If referenced the positive effects associated with the:

- Retention of some more mature trees on the northern frontage;
- Some additional and better positioned proposed tree planting in the northern greenspace to mitigate effects of the scheme on viewers, from the north;
- Some additional proposed trees along Herbert Grove to provide filtered views to residents toward the new leisure building, where previously there was a gap in the tree line;
- Re consideration of the sitting area and layout in front of 1-4 Seaways to maintain front pedestrian access and move seating areas further away from private amenity areas;
- Improved building design and materials informed by further Historic England consultation;
- Improvements to the pedestrian and cycle access route through the car park area to the seafront;
- Better passive surveillance and active building frontage to Lucy Road;
- Creation of new views from the leisure building and standalone unit on Lucy Road to St John the Baptist's Church and out over the estuary;
- Some improvement in the coordination of building colouring across the scheme to add some unity; and
- Greater variation/irregularity in the top line of the building and rhythm and a more harmonious colour palette to panels which break down the mass of the new leisure building façade.

6.135 To secure these betterments, the following conditions were recommended:

- Arboriculture method statement and tree protection fencing proposals,

- a Construction Management Plan and a Landscape and Ecological Management Plan to ensure protection of existing features and maintenance and aftercare of features that contribute to the scheme's mitigation;
- Agreement of the planting details to the rear of Nos. 47-53 Hartington Road;
- Further visual containment around elevated external dining areas in Herbert Grove;
- the use of semi mature tree stock in the landscaping strategy;
- a detailed planting scheme which secures a planted knee-high buffer to the wall, at ground level to protect the gable end and provide a buffer to the southern property on Herbert Grove, after demolition.
- Planning Condition that secures the inclusion of unobtrusive lighting design details and the submission of evidence of how this will be secured, in particular for sensitive areas including alongside adjacent residents.
- a Planning Condition referring to the submission of a detailed planting scheme would also need to include reference to effective coordination with drainage and other services being evidenced;
- detailed treatment of the plant room of the proposed leisure and hotel buildings, to use mid grey colouring and removal of lighting from this building component.

6.136 Such conditions have been included within the schedule of suggested conditions provided at **Appendix 5**.

6.137 Adopting the Council consultant's interpretation of effects (i.e. the highest effects predicted) it is clear that the development will result in changed views, albeit with a largely localised impact. The assessment work has identified a number of moderate adverse and moderate to slight adverse visual effects on key views (i.e. **from** Southend Pier, Marine Esplanade and the Eastern Esplanade) whilst views **to** the sea, the Pier, the Place Hotel and the Kursaal are changed, but from positions close to the site. The development is not expected to be visible from Pier Hill, Royal Terrace, Clifftown, Westcliff on the Eastern Esplanade, St Mary's Church or Porters (i.e. the other key views).

6.138 Policy DS2 requires development proposals to be compatible with key views (or to enhance them). The assessment work identifies at worst, a moderate effect on these views. Policy DM4 protects against adverse impacts on important local views where they contribute to the character of the area. It also protects against tall buildings that adversely impact upon the Skyline of Southend, as viewed from the shoreline, and other important viewpoints within or outside the Borough. The assessment work undertaken does identify changes in local views, (in one case moderate to substantial adverse). Views including those of the Estuary and Pier will also change, but it is not the case that these views will be completely lost. Views of the Estuary along Herbert Grove and views of the Kursaal along Lucy Road, will still be possible, albeit now framed by proposed buildings. Hence local views are not considered compromised to the extent of conflicting with this part of Policy DM4. However, with moderate impacts predicted from the Pier, any adverse impacts on important viewpoints as required by Policy cannot be avoided.

6.139 Policy DM6 requires development not to detrimentally impact on the Thames Estuary's openness, or views to the Thames and beaches. It is not considered that the openness of the Thames will be affected by this development, given its location, set back from the seafront, and appearance as a continuation of the built form of the seafront. This view already accommodates many modern alterations. However, some key views will be affected, and in this regard, the precise requirement to avoid all detrimental impacts cannot be satisfied.

- 6.140 However, set against these detailed considerations, the assessment work shows that the visual effects of the development are within a relatively tightly drawn zone around the site with most of the key views in the town unaffected by the development. Long range, it is accepted that the development is unlikely to be discernible to viewers towards Southend. This also needs to be measured against the likely softening over time within the short-range views due to the maturing of vegetation.
- 6.141 Importantly, it is the case that the existing open nature of the site as a surface-level car park combined with the delivery of development in accordance with the site's allocation (i.e. a large-scale building accommodating a mix of leisure uses including a cinema) will inevitably result in a change of local conditions. Bringing forward a development at this location that satisfies this policy context, whilst making good use of a previously developed site, regenerating a key site within the Central Area of Southend, can only be achieved with a change in some local views. The impact on views also needs to be considered against the identified and likely positive impacts on local townscape arising from the regeneration of the site to provide an appropriate range of uses, public realm improvements and new landscaping. Overall, whilst the development does not avoid all detrimental impacts on views and hence does not comply with the detailed requirements of Policy DS2 of the SCAAP (2018) and Policies DM4 and DM6 of the Development Management Document (2015), the level of effect predicted is considered acceptable in planning terms to enable the delivery of a development that satisfies the Council's key policy objective of delivering a major mixed-use leisure-led development at this allocated opportunity site.

## 6) Design

- 6.142 The selected design for the development at this strategically important site, with its modern contemporary approach to building design, the inclusion of a key landmark building within a landscaped and legible setting was referenced in a number of objections to the application. Design is an important consideration for this application, with the Façade making clear that good design is central to achieving sustainable development. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. The NPPF advises that *“where design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development”* (Paragraph 130). It continues, confirming that *“great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*. (Paragraph 131).
- 6.143 Relevant local design policy in respect of the Seaways site is provided by Policy CS1.2 (SCAAP) that expressly calls for the development at the Opportunity Site to adopt an *“innovative design which allows the site to take advantage of the elevation and creates a legible environment with views of the estuary, respecting residential amenity”*. The policy provides further guidance, highlighting a requirement for active frontages to existing streets and new spaces, the adoption of good quality materials to reflect the vibrancy of the seaside, the inclusion of new public and private green space and as an overview, to provide a north-south axis to provide a clear sight-line from Queensway dual carriageway to the sea.
- 6.144 Further policy advice is provided in Policy DS3 that (with cross reference to Table 3, Appendix 3), identifies the application site as a location for a potential landmark building. The policy confirms that the Council will support and encourage the creation of new landmarks at the application site where development proposals demonstrate a design, detailing and use of materials of exceptional quality and interest and where it helps to reinforce local character and

distinctiveness. Proposals are required to provide a focal point for an existing vista/sight line or generate a new one, whilst not adversely affecting the amenity of local residents or harm nearby heritage assets.

- 6.145 Comments on the design of the proposals from interested parties range from concerns regarding the bulk and massing of the proposed development; the associated impact on prevailing character of the site and its surroundings, and on key views towards the Pier, The Kursaal, and the seafront; the loss of the historic grain of the site and impacts on heritage assets; the inappropriate nature of a tall building in this location; the choice of materials selected; the inappropriate nature of the green spaces created; and a failure to create an enhanced link through to the Town Centre.
- 6.146 The issue of townscape and visual impacts arising from the development is referenced above and this material is not repeated here, other than to highlight that the proposed design, whilst involving tall and distinctive buildings does not give rise to material concerns in respect of predicted impacts on the site and its surroundings. Equally, the impact on heritage assets is detailed below. Conclusions in this regard are not repeated other than to highlight the success of the proposals in protecting nearby heritage assets.
- 6.147 *Form, Massing and Scale:* The concept behind the development proposals is to create a bold sculptured form of the main leisure building towards the centre of the site, supplemented by the hotel and Lucy Road buildings that create site features, whilst also contributing towards the sense of enclosure for new open spaces. Together, the buildings adopt a form that frames views from the north towards the estuary, from the Queensway along both Herbert Grove and between the hotel and leisure building, across the proposed surface car park, to the south. To the west side, the proposed standalone building on Lucy Road provides additional enclosure to a new public square focussed on the gable of St John the Baptist's Church, whilst also creating a new southern gateway to the site, providing a positive transition between the historic church and the new leisure building beyond. The leisure building is set back from Herbert Grove, with a landscaped buffer creating an appropriate separation between the activity associated with this building and the residential properties along this road. Clear routes through the site are created with shared footways and cycleways drawing pedestrians and cyclists through from the north, to either end of Lucy Road. To the north of the site, similar routes are created to link the site to the Town Centre and the existing public access close to the end of Hartington Road.
- 6.148 The leisure and hotel buildings are large in scale, with the leisure building in particular creating a new landmark building for Southend. The site allocation recognises this location as an opportunity site for a high-quality mixed-use development (which may include restaurants, cinema, hotel, and a gallery) and, the principle of a large-scale development such as that proposed, that is carefully designed to respect its surroundings, is considered appropriate. Furthermore, Policy DS3 specifically references the site as a potential location for a landmark building, and whilst this policy support is subject to design quality criteria (considered below) it is the case that this location can successfully accommodate buildings of the scale proposed, creating a new focal point for Southend whilst adding to the distinctiveness of its surroundings.
- 6.149 In more detail, the massing and layout of the proposed development establishes the north south axis on the Seaway site as required by policy, with the sightlines specified by Policy CS1.2 from Queensway south toward the Estuary firmly established, and appropriately framed. The environment is legible, with distinct routes through the site. Comments from the Council's Design and Conservation Officer confirm the appropriate nature of the adopted layout and scale of the proposals, concluding that *"The scale of the development proposal is significant, but the building sits comfortably in this context close to the town centre, subject to achieving a good quality design, materials and detailing"*.

- 6.150 *Detailed Design: Leisure Building:* the proposed building was the subject of substantive design changes in the September 2019 submission, as referenced in Section 2.0 of this report. The main feature of the northern block of the leisure building is the application of feature cladding in angled panels around the building at upper levels to conceal the inactive facades of the cinema and give the building a distinctive profile. The lower floor is wrapped with active uses to ensure a lively frontage at street level. The adopted colour scheme for the cladding was amended in the September 2019 submission, with the introduction of warmer tones and a reduced squarer format for individual panels. This change has enriched the design and will provide a positive reference to the stonework on the adjacent church, helping to integrate the proposal into the wider streetscene.
- 6.151 The southern end of the building contains much of the parking element of the proposals and again, the September submission amended the design, with the use of greater articulation and vertical rhythm to the cladding. This breaks up the scale of the building and better references the finer grain of the surrounding area. This has been achieved by layering a series of full height 'sail' like panels set at an angle along the facades of the building. The materials for this element remain perforated metal sheeting but the finish, colours and gradation pattern of the panels have been amended to reduce the reflective nature of the material and to reference the new warmer colour palette of the northern end of the development. It is considered that these changes successfully break up the bulk of the building and provide improved cohesion for the design.
- 6.152 The south elevation of the building has also been amended to significantly increase the level of glazing and active frontage both at ground and upper levels and this is also welcomed. The proposal now has a large double height glazed corner feature and glazed stair tower to this side which provides a focal point for the southern end of the building, greater natural surveillance and visually balances the impact of the service yard walls and solid car park plinth on this side.
- 6.153 The Design and Conservation Officer has called for the detailed treatment of the cladding to be the subject of a condition, to ensure that the appearance can be appropriately controlled, whilst the detailed treatment of the A3/A5 units on the ground floor should also be the subject of a design code, to be agreed with the Council prior to commencement of detailed facade works, to ensure this elevation retains an appropriate and cohesive approach. (This code should be extended to cover the Hotel, to again assist with the delivery of a cohesive development at 'street level'). These matters are addressed in the schedule of proposed conditions.
- 6.154 *Hotel:* the design of the hotel now includes significantly more glazing to the ground floor on its main west frontage and additional glass to the north and south flank elevations than originally proposed. The changes at ground floor will give the building a much more active frontage to the street and a more lightweight appearance generally and this is positive. The additional glass to the flanks and feature signage has added interest to these elevations and this is also an improvement. As with the leisure building warmer tones have been introduced into the cladding colours to provide greater cohesion with the rest of the site. It is noted that the gabions to the plinth of the hotel and throughout the site have also been changed from grey to warmer sandy tones and this has softened their impact in the streetscene and is also welcomed.
- 6.155 *Standalone Building on Lucy Road:* this building has also been the subject of amendments in September 2019 that have improved the design quality of the proposals. Additional windows, including a feature glazed corner, have been introduced to the south west of the site on the Lucy Road elevation. These changes will complement the enhanced glazed corner feature on the leisure building creating a southern gateway for the site and increasing the natural surveillance in Lucy Road both of which are to the benefit of scheme's integration with its surroundings. Other alterations to this block include a change in cladding materials to natural terracotta tile to

the front section to better reference the materiality of the adjacent church and a change in colour and lowering of the gabion wall parapet to Lucy Road and introducing additional planting in this location which will provide a softer appearance to the street and this is also welcomed. Overall this building will provide a positive transition between the historic church and the new leisure building.

- 6.156 *Landscaping:* In addition to the changes to the built form the landscaping scheme to Lucy Road has also been enhanced to include additional trees bringing additional softening and height to the planting scheme in this location and instant green screens are proposed instead of gabion walls to mask views of the service yard. Whilst this will maintain an inactive frontage to part of the south elevation this is mitigated by the increased planting which will create a more attractive environment for pedestrians.
- 6.157 Overall, the Design and Conservation Officer positively concludes that *“the amendments to the building design and landscaping have significantly enhanced the proposal on a number of levels including improvements to the detailed design of the buildings themselves, reducing the impact of the proposal in longer views and on the setting of nearby heritage assets and ensuring a more positive pedestrian experience for visitors generally. These changes have all added to the design quality of the proposal and the design and impact on the wider area, including the setting of heritage assets, is now considered to be acceptable.”*
- 6.158 The response of Historic England is also noted, detailed in paragraphs 6.193 - 6.194. In summary, it does not retain an objection to the project, acknowledging that the changes to the scheme secured in September 2019 allowed the amended proposals to sit more successfully within Southend's townscape in longer views, whilst the choice of palette of materials and the reduction in height ensures that the development better responds to its immediate locality.
- 6.159 The performance of the application when considered against the National Design Guide 10 Good Design Criteria, referenced at paragraph 6.91 is also noted. It is therefore considered that the application proposals successfully address key design requirements of policy, creating an innovative design that achieves assimilation of what will be key landmark buildings into the prevailing streetscene. It meets the expectation of Core Strategy, Development Management Document and SCAAP policy with a high-quality design set within a legible masterplan, that will create a new distinctive focal point for Southend.

## **7) Landscaping**

- 6.160 The applicant proposes a comprehensive landscape strategy for the site that results in the creation of two new areas of public open space (St John's Square and Chancellor Green).
- 6.161 Chancellor Green is a large area to the north of the leisure building and hotel where the applicant proposes to create an arrival space that promotes pedestrian and cyclist circulation. The space is in the form of an open green space with a mix of existing and new trees with a sinuous path running through the area to provide accessibility despite the change of levels in this area. An undulating grassed landscape is proposed to maintain the local character.
- 6.162 St John's Square is located to the north of the Standalone unit on the site of the former ice cream factory. The area is intended to comprise a multi-functional space where activities and events can take place. Existing mature trees are retained and the applicant identifies the opportunity for an art wall to be created on the end unit wall of Herbert Grove. A condition is proposed that will require the applicant to submit details of any art installation in the proposed new square, for approval by the Council.
- 6.163 A range of different coloured and textured paving is shown for the square. Street tree planting and seating is proposed alongside the road and, further south and adjacent to the Standalone

unit, a rain garden is proposed that will also form part of the SuDS network within the site. The rain garden takes advantage of the natural gradient as the site falls towards the seafront.

- 6.164 Other elements of note forming part of the landscape strategy include a wayfinding strategy to link the site to other areas of interest within Southend. The applicant also proposes to create a sense of identity to the development through a reduced palette of materials that accords with the Council's Design and Townscape Guide. A similar approach will be given to street furniture to avoid a cluttered environment.
- 6.165 The landscape strategy also proposes a range of potential native, structural and ornamental planting for the site that maintain local character and create interest through the year.
- 6.166 In relation to trees, the applicant has submitted a tree survey in November 2018 that was updated in September 2019. The document records that 46 individual trees, one group of trees and one area of trees are located within the site. 21 trees within the site are covered by a Tree Preservation Order (TPO). A total of 22 trees will be felled as a result of the development which includes 9 trees covered by a TPO. The remainder to be felled are identified as low quality. The Arboricultural Report also set out a range of lopping and monitoring works to various existing trees within the site.
- 6.167 93 new trees are proposed to be planted as a result of the development. The applicant proposes coastal resistant species that are specifically chosen for the location.
- 6.168 The arboricultural report recommends that, subject to planning permission, a detailed Arboricultural Method Statement and Tree Protection Plan should be prepared. This can be secured by way of a planning condition ensuring that these strategies are in place before any works that affect trees are carried out.
- 6.169 Policy DM2 of the Development Management Document seeks to encourage the use of urban greening measures within development both for aesthetic reasons and also to improve efficiency in the use of energy and resources. Urban greening includes plants, trees and open space within urban areas. Policy DM4 seeks to ensure that public realm includes landscape features to be integrated with their surroundings.
- 6.170 Policy CS1.2 of the SCAAP (2018) also establishes various policy tests to be met on the site including: -
- A palette of good quality materials to reflect the vibrancy and colour of the seaside;
  - Urban greening projects, including the creation of new public and private green space within new development;
  - Innovative design which allows the site to take advantage of the elevation
  - The provision of appropriate seating, signage and way-finding aids to improve connectivity to other locations within the town centre and seafront.
- 6.171 With reference to the above description of the approval of landscaping adopted by the applicant, it is considered that the landscape proposals accord with policy and deliver substantial improvements to the public realm and significant new planting for the site. It is also considered that through the implementation of the proposed landscaping works, with the net increase in green space of approximately 2,300sq.m and the significant planting across the site, prevailing biodiversity of the site will be enhanced (see 'Ecology' below). Conditions are proposed to ensure implementation of a detailed landscaping scheme in general conformity with the applicant's initial proposal, to be approved by the Council whilst long-term maintenance is secured via the required draft s106 agreement.

## 8) Socio-Economic Impacts

- 6.172 Socio-economic benefits arising from the development proposals represent an important consideration for the application. The NPPF makes it clear that pursuing a strong and responsive and competitive economy represents a key objective (one of three) of sustainable development. Under the section title of *'Building a Strong, Competitive Economy'*, it advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. (Paragraph 80). Consistent with this, Strategic Objective 1 of the SCAAP seeks *"to improve and transform the economic vitality, viability and diversity of Southend Central Area by encouraging the establishment of a wider range of homes, businesses and shops whilst providing new opportunities for learning, recreation, leisure and tourism."* Reference is made to improving town centre vitality and viability and encouragement given to the expansion of businesses in the wider Southend Central Area.
- 6.173 It is evident that transforming a car park within the Central Area into a new focus for leisure activities will undoubtedly bring with it a host of economic benefits for Southend. However, the impact of bringing forward a scheme of this nature within prevailing economic conditions also requires careful consideration. Objections to the application from local businesses including the Seafront Traders and the Stockvale Group raise concerns in respect of the direct and indirect impacts on the High Street, and other important local business operators. This includes concerns about the impact upon the only other cinema within Southend (the Odeon) and the leisure business (including a bowling alley in the Kursaal). The suggestion is that with the opening of the new development at Seaways, these existing businesses that are important to Southend, will be forced to close, as trade is drawn away to the new operators. For the Kursaal, this could have implications for the historic building's long-term viable future. Concerns were also expressed regarding the accuracy of some of the claims made by the applicant in terms of the economic benefits claimed.
- 6.174 By way of background, it is important to note that the issue of the economic benefits likely to arise from the development of the site was considered during the SCAAP Plan preparation process. The Inspector for the Local Plan examination concluded that *"Taking into account the above considerations, I am persuaded that firstly, the implementation of Policy CS1.2 would be an important catalyst in the regeneration of the seafront, especially if the scheme could open up direct pedestrian access to the seafront and views to the sea; secondly that the facilities proposed would be either supportive of or at least complementary to tourism..."* (Paragraph 97). Whilst the development proposal do not create the direct pedestrian access the opportunity for its future provision remains and these comments do create a positive context for the consideration of the potential economic implications arising from the application.
- 6.175 The applicant submitted an Economic Benefits Assessment in support of the application in the original submission, and supplemented this with an Addendum document, that responded to some of the above criticisms. Headline figures from these documents suggest that the development will be responsible for:
- An expected capital expenditure on construction of £47m, likely to support 78 FTE jobs during the construction phase with a further 16 FTE indirect and induced jobs. It is estimated that the construction expenditure would support Gross Value Added (GVA) equivalent, for comparison purposes, of approximately £4.4m GVA in the local economy over the construction period.
  - During operation, the development would create between 270 to 323 FTE net additional jobs, delivering an additional £12.6m to £15.1m of GVA per annum.

- The net additional expenditure generated from the hotel accommodation is estimated to contribute some £0.96m to £1.23m per annum to the local economy, whilst the leisure element is estimated to yield an overall turnover of between £14.4m and £15.6m per annum;
- The linked trip potential to the town centre is estimated at between £1.5m and £1.7m.
- Between £0.77m and £0.84m per annum could be linked to additional tourism spend as a result of the proposed development.

6.176 The objectors to the application proposals suggest these figures are overstated, referencing a failure to have regard to displacements, leakage, or deadweight in the construction employment calculations, plus the potential for offsite build techniques to reduce job numbers during this phase. Further criticisms include the approach to calculating the GVA per worker, the type of job created (i.e. towards the entry level), and the nature of tourism benefits arising, all pointing towards an over-estimate of benefits by the applicant. Perhaps the primary concern relates to a failure of the applicants to give due consideration to the harmful effects of the development and the trade draw that could result.

6.177 Comfort in this regard is provided by the applicant in its Economic Addendum submitted in September 2019 that references both the nature of existing provision of leisure facilities within Southend-on-Sea and the high commercial demand from potential occupiers, that are new to the Town. With regard to cinemas, it highlights that there are no destination cinema anchored leisure facilities within the Town which is unusual given its size. The existing 8 screen Odeon Cinema was opened in 1996 and offers a different experience to that to be provided at the site. The applicants contend that there is a tendency for residents of Southend to currently leave the town and visit Basildon, for a multiplex experience. Similarly, there is no provision for trampolining, ten pin bowling or climbing walls within Southend, all of which can be accommodated within the leisure building and again, residents tend to visit the facilities in Basildon for these experiences. It also highlights that the Kursaal bowling alley has now closed. With regard to restaurant supply, the applicants suggest that Southend is under represented in terms of the supply of nationally branded facilities.

6.178 With reference to demand, the applicant confirms that Empire Cinemas Hollywood Bowl and Travelodge have now committed to the site, suggesting that the arrival of these new businesses will create valued investment in the Town. It also details the nature of commercial discussions with A3 operators, highlighting a strong interest from a number of branded restaurant operators, whilst also suggesting that the scheme will accommodate an element of local independents. Whilst any planning permission will not guarantee particular occupiers in any given unit, the evidence submitted by the applicant provides a strong case that there is latent demand within Southend-on-Sea for the type of accommodation on offer. It will create a new attraction, drawing in trade that is currently diverting to other facilities beyond the Borough's boundaries, often at out-of-centre locations. As such, with a strong demand and limited supply, and the proposals in any event offering a bespoke destination family scheme not replicated elsewhere within Southend-on-Sea, any resulting impact on existing businesses from the creation of new accommodation is likely to be much reduced.

6.179 This concern regarding trade draw, however, fails to have any regard to the planning status of the site, and in particular its allocation as a site for a major new leisure development. The merits of the allocation have already been assessed and found to be acceptable in the context of the preparation and adoption of the SCAAP, that included consideration of the economic impacts of the development on the seafront and existing businesses in the Town. The outcome of this debate was the successful allocation, that allows for, and positively encourages, the creation of a cinema, restaurants, and hotel as part of a high quality, mixed use development. As such, subject

to compliance with prevailing policy, any trade issues associated with development coming forward at this site relates more to competition between businesses, and as such, falls outside the scope of relevant material considerations for this proposal.

6.180 Returning to the nature of economic benefits arising, the criticisms of the applicant's methodology are noted. However, whilst there may be scope for a reduction in the precise 'quantities' referenced above, it is accepted that the scheme will deliver economic benefits to the Town, through job creation, capital expenditure, linked trip expenditure and increased tourist spend. As such, the proposals support the policy ambition of SCAAP objectives, bringing economic vitality to the Southend Central Area. Furthermore, consistent with the NPPF, the evidenced positive contribution the scheme makes towards the local economy should be given significant weight in the consideration of this application.

## 9) Heritage

6.181 As detailed in section 1.0 of this report, the site is located within close proximity to a number of heritage assets whilst the application boundary, as it extends to include the existing footway adjacent to St John the Baptist's Church, falls within the Clifftown Conservation Area. There are a number of Grade II listed buildings along Marine Parade and the scale of the proposed development gives the proposals the potential to affect the character and appearance of the wider area, impacting on a number of important heritage assets.

6.182 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Section 66(1) of this Act states for development which affects a Listed Building or its setting that special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.

6.183 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) requires that "*...special attention be paid to the desirability of preserving or enhancing the character or appearance...*" of a conservation area.

6.184 The NPPF notes at Paragraph 192 that in considering applications, account should be taken of "*...the desirability of sustaining and enhancing the significance of heritage assets...*" and paragraph 193 confirms that "*great weight*" should be attached to conservation of designated heritage assets, "*the more important the asset, the greater the weight should be.*" Should harm or loss result from alteration, destruction or development within its setting, it requires "*clear and convincing justification*" (paragraph 194).

6.185 The NPPF continues, requiring local planning authorities to refuse consent for development which leads to "*...substantial harm...or total loss of significance of a designated heritage asset...*" unless it can be demonstrated that the harm/loss is necessary for substantial public benefits that outweigh that harm/loss, or the nature of the asset prevents all reasonable uses of the site; there is no viable medium term use; conservation by grant-funding or charitable/public ownership is not possible and the harm/loss is outweighed by the benefit of bringing the site back into use (Paragraph 195). For development proposals that lead to "*less than substantial harm*" to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. (Paragraph 196).

6.186 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage to be taken into account. Where a non-designated heritage asset will be

affected, a balanced judgement is required that considers the scale of any harm or loss and the significance of the heritage asset.

- 6.187 This guidance is reflected in local plan policy. SCAAP Policy CS1(d) provides clear guidance regarding the need to protect heritage assets, confirming that development proposals within the Central Seafront Policy Area that affect all designated heritage assets should conserve and enhance these buildings and their settings. Cross reference is made to policy DM5 of the Development Management Document, that adds to this requirement, highlighting the need for applications that affect heritage assets to be accompanied by an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value. 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.
- 6.188 DM5 continues, requiring development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, to normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits.
- 6.189 Consultation responses highlighted concerns in respect of the potential impact of the development on nearby assets, referencing the proximity of listed buildings to the site, and the potential for impacts resulting from the scale of the new buildings proposed. Impacts on the Kursaal and the Pier were referenced in a number of objections received. Historic England, a key statutory consultee, provided its initial comments in February 2019. As detailed in Section 3.0 of this report, whilst recognising the potential for large buildings at the site, it raised concerns regarding the impact of the development on the Clifftown Conservation Area. Its updated response that appraised the amended design as submitted in September 2019, however, concluded that it had no objection to the application on heritage grounds (a more detailed account of comments is identified below, to inform the appraisal).
- 6.190 In accordance with policy requirements, the applicants informed the submission with a Heritage Assessment (amended in September 2019) that assessed the significance of all the heritage assets potentially affected by the development, including the extent to which their settings contribute towards their significance. This concluded that the proposed development will not affect the significance of any of the listed buildings. It stated *“For the most part the development will be blocked from view and will not adversely affect views of the primary elevations of the buildings. While views down Marine Parade will change (particularly from the east), the change will not distract from the appreciation of the form, roof scape and group values of the heritage assets. The skyline features of the dome of the Kursaal and the Palace Hotel, will remain the dominant, and most visual, structures in the area”*.
- 6.191 The report concludes that *“the only view affected from within the Clifftown Conservation Area will be the one from the listed pier. This view has been greatly considered in the design of the buildings, and due to this the proposed buildings would not stop the important elements of the view being appreciated, and would also fit into the view and add another dimension to it. No other views from within the conservation area, or important views from outside the conservation area, would be changed. Overall, the proposals would have a neutral effect on the character and appearance of Clifftown Conservation Area”*.
- 6.192 Objectors to the application have highlighted that this assessment fails to properly appreciate the importance of the relationships between historic buildings on the Seafront and incorrectly assesses the effects of the proposals on the fine grain of the Southend Old Town character area. Impacts are therefore understated.

- 6.193 In appreciating the nature of heritage impacts, the position of Historic England, that has no objection to the application, is clearly an important consideration. In addition to this supportive position, it did make some detailed comments on the amended proposals. It welcomed the use of greater vertical emphasis on the elevations of the leisure building, that *“better reflect the vertical emphasis found in more traditional buildings in the townscape nearby, albeit at a greater scale and in a contemporary scale”*. The changes to the standalone building on Lucy Road were also welcomed, with the new design recognised for creating *“a more appropriate sense of rhythm and responds more positively to its immediate neighbouring buildings including St Johns and the public space to the north”*. It stated that the use of terracotta or other clay-derived tiles in the colour palette complements the Church to a greater extent than the previous design approach.
- 6.194 It is also important to note its concluding two paragraphs:
- “Overall, as we have previously set out, we consider the development of this site has the potential to result in an enhancement to the setting of the conservation area and other heritage assets, with the introduction of an element of urban form to an otherwise underutilised open space. The development proposals remain considerable in scale, and will result in a new building that appears in multiple views and vistas within Southend. However, in comparison to the earlier scheme, we consider that the changes to the materials and design reduce the proposed development’s visual impact, and despite its scale and massing will allow it to sit more successfully within Southend’s townscape in longer views.*
- The alterations to the R1 building in terms of its palette of materials, and reduction in height to the south, are considered likely to better respond to its immediate locality, including the locally listed church and Clifftown conservation area, but we would suggest that the proposed public space could be enhanced further through the incorporation of public art, to increase visual and aesthetic interest to the south facing wall of that space”*.
- 6.195 This positive interpretation of the application proposals is also reflected in the Council’s Design and Conservation Officer comments on the application. In addition to the support given to the design of the scheme, detailed earlier in this report, the Officer identifies the potential for heritage impacts. In respect of the Conservation Area, the Officer acknowledges that to the west side the site adjoins and slightly overlaps with the boundary of Clifftown Conservation Area. The Officer confirms that this Conservation Area is a combination of different character areas. The character area to the eastern end includes the former Palace Hotel and St John the Baptist’s Church and Pier Hill and has a distinctly different more lively character to the main residential area to the western side. The Palace Hotel, which sits on the cliff top and is much taller than the surrounding buildings, acts as a buffer between the site and the majority of the Conservation Area to the west. It is therefore considered that the impact of the site on the Conservation Area is principally limited to the impact on the Palace Hotel and Church.
- 6.196 The Palace Hotel commands a significant presence on the skyline and is a key landmark for the seafront. The scheme will be seen in conjunction with this landmark, but the historic hotel will remain separate in the skyline and significantly higher than the proposal. As such it will still be the dominant landmark in wider and closer views of the seafront. The Officer concludes that as a consequence, the proposals will have a neutral impact on this heritage asset and its setting.
- 6.197 St John the Baptist’s Church is less visible in these longer views and does not have the landmark presence of the Palace Hotel in this respect however, it will nevertheless remain a distinct feature in the panorama. In terms of the close views of this heritage asset, the proposal has sought to enhance its setting by creating a public plaza to the east side of the church which utilises the east gable of the church as its focal point. The proposal here includes simple

landscaping and high-quality paving to compliment the historic building and create a quieter area of public space which is distinct from the terraces on the west side of the leisure building. The Council's Design and Conservation Officer considered that this new public space will significantly enhance the setting of the historic church and wider conservation area in this location and is a positive aspect of the proposal. Overall, the Officer concludes that the proposal will have a positive impact on the setting of the Church and the Conservation Area in this location.

- 6.198 The Landscape Visual Impact Assessment confirms that the proposal will not be visible from other parts of the Conservation Area to the west and will only be seen in the same view as the Conservation Area in long views from the pier where the former Palace Hotel will serve as a buffer between the development and the listed buildings in Royal Terrace and the clifftop development beyond. The Officer's conclusion in this regard is that the proposal will have a neutral impact and will not cause harm to the character and appearance of the Conservation Area or its setting.
- 6.199 Turning to the potential impact on nearby listed buildings along Marine Parade, it is noted that the proposed changes to the scheme have successfully addressed earlier concerns. The change in form and materials for the southern end of the leisure building, for example, has softened the impact of the development in longer views from the seafront. Concerns were previously raised in relation to the impact of the bulk and form of the proposal which will form the backdrop to the Marine Parade frontage in longer views and in particular the impact that this would have on the setting of a number of listed and locally listed buildings within this frontage and in the wider vicinity. However, the Council's Design and Conservation Officer concludes in this regard that *"It is considered that the increased glazing, the feathering of the façade cladding and the more varied and softer tones of the cladding have all contributed to a more articulated design which has successfully managed to break up the mass of the development and diminish its impact in these longer views. The proposal now sits more comfortably against the finer grain of the surrounding townscape including the heritage buildings on the Marine Parade frontage"*.
- 6.200 In detail, with regard to the proposed changes within the setting of the historic assets and the potential for an effect on an asset's significance, it is considered that:
- *Hope Hotel (Grade II)*: The Hope Hotel is the closest listed building to the proposed development as it sits directly south of the site. The significance of this heritage asset is derived from its age, historical associations and its principal frontage onto Marine Parade. The listed building is set within the busy commercial frontage of Marine Parade and is surrounded by a variety building forms. The majority of these buildings have no historical interest. The principal view of the listed building is of its main frontage to the south which is best appreciated in close views. The visual impact assessment confirms that proposal will not impact on these as the proposal will only be seen in the backdrop of the Hope Hotel in longer views. The amended design with its enhanced form and finer grain, increased transparency and softer material finishes will enable it to blend in the wider lively context of the seafront in these longer views so it will not appear out of place in this context. It is also noted that the proposed landscaping of Lucy Road to the rear of the listed building will have a positive impact on its setting on this side. Overall it is considered that the proposal will have a neutral impact and therefore cause no harm to the significance and setting of this heritage asset;
  - *Nos. 1-3 and 4 Marine Parade (Grade II)*: The buildings on Marine Parade would block views of the proposals to the north from view points along the seafront. Equally, the view from the pier would be blocked by Adventure Island. Hence, the change within the setting of the buildings would not inhibit the appreciation of the building. The significance of the buildings would not be harmed;

- *The Kursaal (Grade II)*: Close views of the Kursaal would not be affected within limited inter-visibility between the site and this asset. Views of the dome may be affected from the car park, and longer views from the pier would change, but given the separation distances (i.e. 120 metres) the appreciation of the Kursaal would not change. The change within the setting of the Kursaal would not harm its significance;
- *Pleasure Pier (Grade II)*: The view from the pier will change, with the upper floors of the leisure building visible. Key views of the pier will not be affected. The change to the view from the pier, however, will not affect the significance of the structure and the change to its setting will not harm its significance;
- *St John the Baptist's Church (Locally Listed)*: As above, the proposed new public square will improve the view out of the Church, and hence improve its setting and the proposals will not harm the significance of the building;
- *Palace Hotel (Locally Listed)*: The Hotel will remain the dominant building in the area and views of the Hotel will remain largely unchanged. Longer views from the pier and along Marine Parade will change, but not to affect the appreciation of the building, nor harm its significance;
- *Cornucopia and Falcon Public Houses*: The proposed buildings will not be visible to close views, and in longer views, along Marine Parade, there will be changes, but not to the detriment of the building's appreciation. The building's significance will not be harmed by the changes in its setting

6.201 In each of the above cases, it is considered that neither the existing car park nor the buildings on Herbert Grove scheduled to be demolished, contribute to the significance of any listed building. These changes would only have a neutral effect.

6.202 The above assets will not be less significant as a result of the proposed changes to the setting, as a result of the implementation of the application proposals. No harm to the heritage assets is therefore predicted.

6.203 Overall, and in accordance with the NPPF, the effect of the application on the significance of designated and non-designated heritage assets should be taken into account, making a balanced judgment. It is evident that the proposals involve the addition of large new buildings at a location in close proximity, and in the setting of, a variety of heritage assets. However, as a result of a combination of existing site conditions and the adoption of sensitive detailed design for the proposed buildings and the masterplan as a whole, along with the use of new public open spaces (particularly adjacent to the Church), the impact on these assets has been successfully mitigated.

6.204 As above, the Officer references an acceptable impact on the Conservation Area, highlighting proposed enhancements to the setting of the Church and the wider area, and the protection of the Palace Hotel, that will remain a dominant landmark in key views. Historic England reference the amended scheme now sitting “*more successfully*” in Southend’s historic townscape and sustains no objection to the proposals. Hence whilst it is accepted that there will be a change to the setting of the Conservation Area, this change is considered to have a neutral effect on the appreciation of the appearance and character. The only view affected would be from the pier, but this change would not be necessarily harmful. Overall, therefore, impacts on the Conservation Area and its setting are predicted to be neutral.

6.205 Equally, the approach taken to all aspects of the design of the development, ensures that the proposals do not cause harm to the significance of any designated heritage assets or their setting.

- 6.206 With a neutral impact on the Conservation Area and a lack of harm to both non-designated and designated assets, the proposals accord with prevailing policies. There is no need to apply the balanced judgement, weighing harm against a wider public benefit of the scheme. Should Members consider that contrary to the above account, the proposals would result in an element of harm to the historic assets, in accordance with the NPPF, it would be necessary to have regard to the wider public benefits of the scheme, to establish if they offset any harm associated with its implementation. The wider benefits of the scheme are discussed in more detail in consideration of the planning balance towards the end of this Section. In short, the benefits relate to the regeneration of the previously developed site within Southend's Central Area, creating a new leisure destination for town; creation of an enhanced open space provision across the site, including the new square adjacent to the Church; the creation of improved pedestrian and cycle links across the site to aid permeability; biodiversity enhancements (with an increase in tree and green space, and new habitat provision), and economic benefits for the town in terms of job creation, capital expenditure, linked trip expenditure and tourist spending. There is strong policy support for the principle of the proposed development at the site and a planning balance case that overwhelmingly supports the application proposals. Should Members take the view that the proposals do cause some harm to heritage assets, it is suggested that any harm to heritage assets would be less than significant. Whilst considerable weight must be given to any such harm to designated heritage assets, it must be weighed against the public benefits from the scheme. With regard to non-designated heritage assets to the church, a balanced judgement needs to be taken. Officers are clear that in either eventuality, the public benefits that would be secured from the implementation of the project would out-weigh this harm, and permission would not need to be refused.
- 6.207 With regard to archaeology, Officers are clear that overall, it is unlikely that features of archaeological interest are located within the development area. The assessment work undertaken, including the test pit evaluations, demonstrates insufficient archaeological potential to require any further investigation prior to commencement of development.
- 6.208 There remains a requirement for appropriate conditions in respect of materials, cladding, details of balustrades for the leisure building balconies, art in the public square etc, and the requirement for a design code for the proposed A3/A5 units on the ground floor of the leisure building, but the application proposals are considered to respond appropriately to the heritage context of the site, and are considered more than acceptable in this regard.

## **10) Ecology**

### **Habitat Regulations Assessment**

- 6.209 A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites and European Offshore Marine Sites identified under these regulations are referred to as 'habitats sites' in the National Planning Policy Framework.
- 6.210 All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects either alone or in combination with other plans or projects on that site. This consideration - typically referred to as the 'Habitats Regulations Assessment screening' - should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the

potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured.

- 6.211 Officers have carried out an assessment of the application under the Conservation of Habitats and Species Regulations 2017 (as updated). The Habitat Regulations set out a two-step process. Firstly, it is necessary to consider whether the development is likely to have a significant effect either alone or in combination with other plans or projects and if it does, the next step is to then conduct an appropriate assessment.
- 6.212 The applicant has submitted a Habitats Regulations Assessment Screening Report (July 2019). This is concerned with the recreational impact of visitors to the development on European sites. It establishes a 10km zone of influence which is identified as the anticipated recreational catchment from the site. It identifies three European zones within this area as follows: -
- *Benfleet and Southend Marshes SPA and Ramsar*: located 100 metres to the south of the site;
  - *Outer Thames Estuary SPA*: located 100 metres to the south of the site. However, this site has been discounted from further consideration as the nature of the site means that it is highly unlikely to be significantly affected by recreational activity from the hotel; and
  - *Foulness (Mid Essex Coast Phase 5) SPA and Ramsar*: located 4.5km to the east. However, this site has been discounted from further consideration as access to the site for recreation is heavily restricted by the Ministry of Defence.
- 6.213 In relation to the Benfleet and Southend SPA and Ramsar, consideration has been given to the various types of possible recreational activity that hotel visitors may undertake. As the main interest of the designated site is in the winter months when recreational activity from hotel visitors will be relatively low, then there is limited potential to impact and no significant effect are considered likely (either alone or in combination with other plans or projects). The applicant notes that they have consulted with local bird watching groups and conservation bodies as part of the HRA and they have made it clear that current levels of dog walking within the Benfleet and Southend SPA and RAMSAR is not a significant problem with respect to the disturbance of wintering birds that are the designated interest features of the SPA. Dog walking is also not considered to be a problem by Natural England in its condition assessment of the Site. This is mainly due to the fact that the most important high tide refuge areas for wintering SPA birds are not accessible to dog walkers. It is not considered that any increase in levels of dogs walking in the local area as a direct result of dogs staying at the new hotel is likely to be significant given the existing restrictions in place to keep key SPA bird areas free from recreational disturbance.
- 6.214 In relation to the rest of the development, the report concludes that it is primarily an indoor recreational facility. Its use will pose no direct threat to designated sites and will provide a new recreational opportunity away from the designated sites.
- 6.215 It is therefore considered that the proposals will not have a significant effect, either alone or in combination with other plans or projects, on habitat sites. As such, an Appropriate Assessment is not required in respect of the development.

## Site Ecology

- 6.216 Local planning policy in respect of ecology is set within the Core Strategy Policy CP4, that requires development proposals to enhance and complement prevailing natural assets, protecting and enhancing biodiversity values of an area. The NPPF states the following:
- 6.217 “When determining planning applications, local planning authorities should apply the following principles:
- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest...”. It continues, confirming that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.
- 6.218 A Preliminary Ecological Appraisal (November 2018) was submitted with the planning application. This report has been updated and resubmitted on a number of occasions, reflecting a requirement to provide further clarification in respect of Bats (see below). The most recent of these submissions (in October 2019) confirmed that the site carries no wildlife designation but is in relatively close proximity to the Outer Thames SPA and the Benfleet and Southend Marshes RAMSAR and SSSI. Consideration of the latter two designated sites is considered earlier in this report under ‘Habitat Regulations Assessment’ but it is noted that the site is separated from the designated sites by existing uses on the seafront. Natural England has confirmed that the proposals would not have a significant adverse impact on statutory protected sites or landscape.
- 6.219 The Ecological Appraisal (October 2019) confirms that the majority of the site is hard standing with negligible habitat and biodiversity value “with smaller areas of amenity grassland, introduced shrubs, semi-mature planted trees and species poor semi-improved neutral grassland/tall ruderal mosaic of low relative habitat and biodiversity value”. The report concludes that none of the habitats on site present a development constraint and their loss is of minor adverse impact. In contrast, reference is made to the proposed new landscaping to be provided across the site that offers the opportunity for biodiversity enhancements. In this regard, benefits associated with the proposed herbaceous/shrub planting, the rain garden and the planting of new trees all assist with delivering benefits.
- 6.220 The Report goes on to recommend restrictions on the cutting back and clearance of trees or shrubs that may have value for bird nesting, to ensure this work is undertaken outside of the nesting season. It also suggests that further biodiversity enhancement can be secured through the provision of integrated bird and/or bat boxes into new buildings where it is practicable to do so. A planning condition is proposed to address these recommendations.
- 6.221 As above, planning policy at a national and local level seeks to ensure that biodiversity has been taken into account as part of the decision-making process and that opportunities to enhance biodiversity are taken into account. It is considered that through the implementation of the proposed additional tree and shrub planting within the site, plus the proposed rain garden, there will be an enhanced habitat provision across the site, as part of this development with a

net gain in biodiversity. Policy ambitions to deliver a net improvement in site conditions have therefore been achieved.

## **Bats**

- 6.222 The original Preliminary Ecological Appraisal in November 2019 identified three buildings as having *low* potential for bat roosting and recommended that further bat activity surveys (two in number) should be conducted within the recognised May to August survey window. The recorded buildings were identified as those at No 29 and 1&3 Herbert Grove as well as one of the collection of small low buildings in the south-east of the site in use (partly) as public toilets (recorded by the applicant as 'building 7'). None of the other structures on site were recorded as being of interest as possible bat roosting sites. None of the trees on site were identified to be of a size or condition that means that they have potential value to tree-roosting bat species.
- 6.223 An updated Preliminary Ecological Appraisal was submitted by the applicant in July 2019 which outlined the findings from a follow up bat roost survey conducted in May 2019 along with a bat roost emergence survey conducted of 1&3 and 29 Herbert Grove. The report confirmed that no bats were seen to emerge from either property during the survey. Two foraging common pipistrelle bats were heard and were recorded foraging in the church yard and back gardens off Herbert Grove.
- 6.224 Clarification was sought from the applicant to confirm whether a bat emergence survey was conducted for Building 7 as outlined in the November 2018 report, and if a second survey was undertaken of all three buildings, again reflecting the recommendations of the first submitted report. This resulted in the submission of the October 2019 Preliminary Ecological Appraisal. Within this document, the applicant confirmed that a bat emergence survey was not conducted at Building 7 as the conclusions of the follow up bat roost survey conducted for the whole site indicated that Building 7 should be reclassified as being of *negligible* value for bat roosting. The applicant indicated that the survey reported in the November 2018 report was over-precautionary and did not take account of the building's isolated location. The applicant noted that the building is surrounded by extensive hard standing, some distance from habitats that could be considered to offer value to foraging bats. With the wider site generally lacking bat activity and with no evidence of bat presence at the building, it was appropriate to downgrade the building. The downgrading of the building's value means that a bat emergence survey for this building was not deemed to be required in this circumstance. The report also confirmed that a second bat activity survey to supplement the May 2019 findings was unnecessary, given that no bats were seen to emerge from No 29 and Nos. 1&3 Herbert Grove during the original survey work.

## **11) Sustainability**

- 6.225 To appreciate the sustainable credentials of the development proposals, it is appropriate to initially set out the key aspects of sustainable development, as defined by prevailing policy. The NPPF, as referenced in Section 4.0 of this Report, confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development, which is delivered through the pursuit of three overarching objectives. The economic objective requires support for the economy, encouraging growth, innovation and improved productivity. The social objective looks to support strong, vibrant and healthy communities, whilst the environmental objective seeks to protect and enhance the natural, built and historic environment, making effective use of land, helping biodiversity, minimising waste and pollution, and adapting to climate change.
- 6.226 Policy KP2 of the Core Strategy reflects of the sustainable themes referenced in the NPPF, calling for development proposals to make best use of previously used land; avoid flood risk; reduce the need for travel; ensuring good levels of accessibility; the promotion of public

transport; protection for natural and historical assets; a reduction in the use of resources; the adoption of renewable and recycled energy, water and other resources (including a target of 10% of energy needs to be met by on-site renewable options); and the adoption of SUDs techniques. Policy KP1 embraces the economic objectives of sustainability, identifying a spatial development strategy that identifies the Southend Town and Centre and Central Area as the primary focus for regeneration. Policy CP4 of the Core Strategy mirrors much of these policy requirements, again prioritising the use of previously developed land; the adoption of sustainable and renewable resources in construction and development; creating accessible development and spaces; protecting heritage assets and existing open spaces; and reducing all forms of pollution.

6.227

Applying these identified sustainable themes to the application proposals results in a positive appraisal of the development's sustainable credentials:

- 1 *Previously developed site:* the proposals involve development on the Seaways Car Park, a previously developed site with limited landscaping. Whilst the proposals involve the loss of a small area of public open space, the existing quality of this area (i.e. linked to the highway infrastructure along Queensway and adjacent to the Seaway roundabout) mitigates this loss, and the development proposals present a new landscaping scheme, with a net increase in open space provision, including the creation of a new public square;
- 2 *Location:* The car park is centrally located, in the Southend Central Area, within convenient walking distance of both the Town Centre and the seafront. The area is the planned focus for Council regeneration initiatives, and its allocation as an Opportunity Site in the SCAAP further supports the suitability of the site's location to deliver sustainable development;
- 3 *Sustainable Travel:* The site's connections with the Town Centre and its public transport facilities ensures it offers opportunities for visitors to the location to embrace sustainable transport alternatives to the private car. The on-site improvements to pedestrian and cycle circulation, aids this process. The site is an accessible location and this characteristic is enhanced by the development proposals;
- 4 *Economy:* with the transformation of a car parking site into a mixed-use leisure focused development, creating a new destination attraction for Southend, the proposals accord with the varied economic strands of sustainable development. Whilst the precise nature of the economic benefits arising are open to detailed interpretation consistent with the finding of the SCAAP inquiry Inspector it is clear that the application proposal will deliver job creation, increased capital expenditure, additional linked trip expenditure and increased tourist spend;
- 5 *Renewable Technologies and Energy:* The application is accompanied by a BREEAM Pre-assessment Report which predicts that the scheme can achieve a BREEAM rating of very good. In addition, the proposals involve the installation of solar photovoltaic panels to deliver 10% of predicted energy demands through renewable sources;
- 6 *Open Space and Landscape:* As above, a loss of open space is compensated by the creation of new spaces, including the delivery of a public square immediately adjacent to St John the Baptist's Church. Overall, there is a net gain of 2,300sqm of green space, following implementation of the proposals. Some 28 trees and part of a tree group will be lost, including 9 trees that benefit from TPOs, but this loss is mitigated with the proposed planting of 93 new trees, across the site;
- 7 *Heritage:* As referenced in paragraphs 6.198 above, the proposals are found to have a neutral effect on the character and appearance of Clifftown Conservation Area and its setting. Equally, the approach taken to all aspects of the design of the development ensures that the proposals do not harm the significance and setting of any designated heritage assets;

- 8 *Biodiversity*: the development is not predicted to impact upon statutory designated sites, whilst the site itself has negligible habitat and biodiversity value. A Preliminary Ecological Appraisal submitted with the application confirms that buildings proposed for demolition do not accommodate bat roosts, whilst through the implementation of the landscape strategy proposed as part of the development, overall biodiversity value of the site can be enhanced.
- 9 *Flooding*: The majority of the site is at very low risk (<0.1% Annual Exceedance Probability (AEP)) of flooding from surface water. The proposals will adopt Sustainable Drainage Systems (SuDS) and will provide betterment of surface water quality treatment over the existing site network.
- 10 *Pollution*: With the application of a number of appropriately worded conditions relating to noise, prevailing residential amenity in nearby residential properties can be protected. There will be negligible impacts on air quality during the operational phase of the development and any temporary impacts during the construction phase can be addressed by a rigorous construction method statement, to be agreed with the Council. Conditions are also proposed in respect of existing ground conditions, again to the protect amenity.

6.228 With regard to energy and the reliance on the installation of solar photovoltaic panels to deliver 10% of predicted energy demands through renewable sources, and achieving the BREEAM rating of 'Very Good', RPS on behalf of the Stockvale Group raises concerns in respect of the ability to meet these policy standards through the renewable technologies proposed. In response, the applicants have submitted a Technical Note that further evidences the approach proposed, that give confidence that the required policy standards can be achieved. To secure performance in this regard, appropriately worded conditions are suggested, that notwithstanding the nature of submission made in support of the application, require both the BREEAM and renewable energy standard to be satisfied, prior to occupation of any building.

6.229 Overall, it is considered that the development proposals are sustainable in nature. The above review of project characteristics demonstrate that the sustainable benefits delivered through the implementation of the development, most noticeably through the transformation of a previously developed Central Area car park into a new leisure-focussed destination for Southend are of considerable merit. The NPPF identifies a presumption in favour of sustainable development, requiring local authorities to approve such proposals where they accord with the development plan. In this instance, the proposals are considered to comply with the Development Plan with the scheme consistent with majority of policies within the statutory documents. Hence the application proposals should benefit from this presumption, and it is appropriate that the sustainable nature of the development proposals should weigh heavily in favour of the application, in the consideration of the overall planning balance.

## **12) Other Environmental Matters**

### **Ground Conditions**

6.230 Policy DM14 of the Development Management Document (2015) requires that an appropriate contaminated land assessment be conducted in respect of the site. A Phase 1 Desk Study has been included with the planning application which does not identify any significant sources of contamination at the site other than arising from the current use of the site as a car park (e.g. from leaks and spills from vehicles).

6.231 The users of the development are not anticipated to come into contact with any contaminated soils at the site and risks are therefore considered low. However, it is recommended that prior to any development taking place that a detailed investigation be conducted, and a strategy put in

place for reducing the risk of construction operatives or future users or workers coming in contact with any areas of concern. This can be achieved through remediation or management strategies during both the construction and operational periods. These can be secured via planning condition.

### **Flood Risk and Drainage**

- 6.232 A Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy have been submitted with the planning application. The site is in Flood Zone 1 with a low risk from river or sea flooding. The site was not flooded during the flooding events in 2013 and 2014.
- 6.233 Hartington Road to the south-east has a high risk of sewer flooding (and has been affected by an event in the past) which is considered to place the site at medium risk (albeit it is considered that sewer drainage will generally be away from the site). There are existing Anglian Water sewers below ground under the site.
- 6.234 Foul and surface water will be discharged via connections to existing surface water and sewerage drainage systems and Anglian Water have confirmed their acceptance. Capacity has been identified in the foul drainage network to accommodate the development.
- 6.235 In relation to surface water, a vortex flow control device will be utilised to control flow to the surface water drainage network and SuDS will be utilised on site to control flows to 90% of the current unattenuated rates. Maintenance of the SuDS will be by the landowner or a nominated party.
- 6.236 With the application of an appropriate condition requiring the submission of full details of the drainage proposals prior to commencement of development and the on-going maintenance of the system throughout the lifetime of the project it is considered that the approach adopted by the applicant to site drainage is acceptable and policy compliant.

### **13) Policy CS1.2**

- 6.237 The above review of the planning issues relevant to the consideration of this planning application has repeatedly referred to Policy CS1.2 of the SCAAP, that provides a site-specific policy against which to appraise the current proposals. It is considered helpful to summarise the performance of the proposals when assessed against this policy. Whilst it remains one policy in the development plan and clearly other policies are also relevant in this regard, the performance of the scheme against Policy CS1.2 is considered important and should carry significant weight in any decision. Reference should also be made to Appendix 3, where a detailed appraisal against all relevant policies is provided.

<b>Policy CS1.2 Opportunity Site: Seaways</b>	<b>Commentary</b>	<b>Compliance</b>
<b>Introduction</b>		
The Council will pursue with private sector partners, landowners and developers a high quality, mixed use development including the provision of leisure, cultural and tourism attractions, which may include: restaurants, cinemas, gallery, hotel, public and private open spaces, and vehicle and cycle parking.	Proposals involve the creation of a mixed-use leisure development; an 80-bedroom hotel; a range of supporting A3 and A5 uses that together have the potential to create a new leisure destination for Southend.	Compliant

<b>Policy CS1.2 Opportunity Site: Seaways</b>	<b>Commentary</b>	<b>Compliance</b>
<p>The potential for residential may also be explored. Design and layout solutions should allow for:</p> <p>a) remodelling of the urban form to create a north-south axis on the Seaway site, providing clear sight line from the Queensway dual carriageway to the sea</p>	<p>The masterplan for the site is based on a north-south axis with sight lines protected from the north of the site at the Seaways roundabout through to Lucy Road and beyond.</p>	Compliant
<p>b) a stronger relationship with the Town Centre through the provision of safe and legible pedestrian and cycle routes</p>	<p>Pedestrian access to the site is via either Chancellor Road to the north or the existing footpath that passes St John the Baptist's Church to the south. Within the site, new connections are provided that cross the site, north to south, and footways are created along the north of the site adjacent to Seaways roundabout. The opportunity to improve the footway that passes the church has not been taken and this is unfortunate, but it remains the case that safe and legible routes are provided that link to the Town Centre</p>	Compliant
<p>c) opportunities for a new link to Marine Parade from the Seaway site designed around the 'Spanish Steps' and in doing so ensure that development does not prejudice its delivery as a new link between the seafront and town centre;</p>	<p>No provision of the Spanish Steps, but policy does not require this. Instead, the proposals do not prejudice its future delivery, with the south side of Lucy Road free from development.</p>	Compliant
<p>d) addressing the need for replacement car parking provision in line with Policy DM5</p>	<p>On site provision is increased from that when the SCAAP was adopted (spaces increase from the 478 available at that time to 555, in the application proposals). On site capacity is sufficient for all but the busiest days and off-site capacity is sufficient to cater for this overspill.</p>	Compliant
<p>e) active frontages to all new and existing streets and spaces</p>	<p>The development proposals provide active frontage to all new and existing streets and spaces. It is not the case that all building facades comprise such active uses, but rather an appropriate proportion is active, as part of a design for the site that is supported by Council Design Officer</p>	Compliant
<p>f) a palette of good quality materials to reflect the vibrancy and colour of the seaside</p>	<p>The amended design adopts an appropriate array of colours that enable the development to positively respond to its setting. Precise material specifications can be secured by condition</p>	Compliant
<p>g) relocation of the coach-drop off point within the site. The relocation of coach parking</p>	<p>A new coach drop off is provided within the site. Whilst it is noted that no coach parking is currently provided at the</p>	Part Compliant

<b>Policy CS1.2 Opportunity Site: Seaways</b>	<b>Commentary</b>	<b>Compliance</b>
bays may be provided either on or off-site or a combination of both, provided off-site provision is well connected to the Seaway site and would not significantly adversely impact the local transport network	Seaways site, no permanent alternative coach parking is provided to off-set those spaces that were on-site at the time of the adoption of the Plan.  The alternative provision at the Gasworks site provides temporary mitigation and it may be the case that coach parking is retained following the redevelopment of this site, providing a permanent provision. However, given this cannot be guaranteed at this time, some degree of non-compliance with this element of the policy remains possible.	
h) Urban greening projects, including the creation of new public and private green space within new development	New public green space is created to the north of the site, adjacent to the Seaways roundabout and Chancellor Road. Whilst some allocated public open space is lost, overall there is a net gain of greenspace of around 2300sqm.	Compliant
i) Innovative design which allows the site to take advantage of the elevation and creates a legible environment with views of the estuary, respecting the amenity of neighbouring residential uses	The design is distinctive, contemporary, and bold. The environment created is legible and accessible, with framed views to the seafront created from the roundabout, drawing pedestrians through the site. The amenity of residents is protected.	Compliant
j) the provision of appropriate seating, signage and way finding aids to improve connectivity to the Town Centre, Seafront and Opportunity Site Marine Plaza	An appropriate level of seating, signage and way finding is provided (and secured by condition) to ensure the site is well connected to its surroundings, ensuring visitors ease of passage between Seaways and these other key locations.	Compliant

## 7.0 **Other Issues**

### **Community Infrastructure Levy Charging Schedule (CIL) (2015)**

- 7.1 With the proposals providing a net increase in floorspace over 100sqm, it is liable for the Community Infrastructure Levy. The amount charges for the development will be calculated in accordance with Regulation 40 of the CIL Regulations 2010, with all charges based on the gross internal floorspace area created (with deductions for existing floorspace to be lost). The Council's CIL charges taking into account inflation, will attract a rate of £12.23 currently.
- 7.2 This application is CIL liable and there will be a CIL payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of approximately 14,322 sqm, which may equate to a CIL charge of approximately £175,158.06 (subject to confirmation).

## 8.0 Planning Obligations and Conditions

### Planning Obligations

- 8.1 Paragraph 56 of the NPPF states that *“Planning obligations must only be sought where they meet all of the following tests:*
- (a) Necessary to make the development acceptable in planning terms;*
  - (b) Directly related to the development; and*
  - (c) Fairly and reasonably related in scale and kind to the development”*
- 8.2 Paragraph 57 of the NPPF states *“where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage”.*
- 8.3 Core Strategy Policy KP3 requires that:
- “In order to help the delivery of the Plan’s provisions the Borough Council will:- ...*
- ... 2. enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as; a. roads, sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”*
- 8.4 The Council is the freehold owner of the Seaway Car Park, and it is only in the event of a planning permission for the redevelopment of the site being issued that the applicants will enter into a long-term lease for the site. Given that the Council is unable to enter into a S106 agreement with itself, it is necessary in this instance to move away from the typical scenario of executing the s106 prior to the issuing of a planning permission. Instead, a planning condition is proposed, that prevents any form of development at the site (or the discharge of any planning conditions) prior to the execution of an appropriate s106 agreement. The condition requires that the details of the s106 must be substantially the same as a draft of this document, the Heads of Terms of which are provided at **Appendix 8** to this Report.
- 8.5 Whilst not a typical approach, it is noted that the relevant guidance allows for such an arrangement in exceptional circumstances. A negatively worded condition such as that proposed, requiring a planning obligation to be entered into before certain development can commence is considered appropriate. The guidance requires that there needs to be clear evidence that the delivery of the development would otherwise be at serious risk. In this regard, it is noted that at Seaways, with the Council as the landowner, and reflecting the pending signing of the lease post-decision, it would not be possible to secure the s106 any earlier.
- 8.6 The guidance continues, stating that where such a condition is proposed, it remains necessary to satisfy the ‘6 tests’ as defined by Paragraph 55 of the NPPF. In this regard, it is considered that the condition requiring the applicant to enter into a planning obligation satisfies these tests, in

that it is necessary, relevant to planning; relevant to the development permitted; enforceable; precise; and reasonable in all other respects.

- 8.7 The guidance is also clear that where consideration is given to using a negatively worded condition of this sort, it is important that the local planning authority discusses with the applicant before planning permission is granted, the need for a planning obligation or other agreement and the appropriateness of using a condition. The Heads of Terms or principal terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency. In this regard, it is confirmed that the applicant is fully aware and supportive of the use of the condition. Furthermore, a draft s106 planning obligation has been both discussed and the contents agreed with the applicant. The draft Heads of Terms are detailed at **Appendix 8**. Confirmation of the applicant's position is provided at **Appendix 9**.

### **Heads of Terms of Required s106 Agreement**

- 8.8 As above, the Heads of Terms for the s106 agreement are provided at **Appendix 8** of this Report, and suggested condition No. 1 requires the execution of a s106 that is substantially the same as this, prior to any work (or any discharge of planning conditions) taking place.
- 8.9 The key features of the draft s106 related to highway and open space considerations. In summary these are as follows:

#### **Highways**

- 1 Prior to commencement of development, a requirement to enter into a Section 278 and Section 38 agreement in relation to the highway works shown on plan no. S019/P3056 rev. pl2 including inter alia a new access from Queensway/Chancellor Road, access restrictions on Lucy Road and Herbert Grove, extension of shared used path, road widening at Lucy Road and the provision of a segregated path through the site. The highway works must be completed prior to occupation.

#### **Traffic Regulation Order (TRO) Contribution**

- 2 Prior to commencement of development, £15,000 is required to cover the cost of amending the signing (£3,000) and the lining (£6,000) and amendment to existing traffic regulation orders and/or implementation of any future traffic regulation orders (£6,000) in relation to the Development and adjacent roads.
- 3 TROs to be in place prior to commencement of highway works approved under any Section 38 or Section 278 agreement.
- 4 TROs must be implemented prior to occupation of the development.

#### **Travel Plan**

- 1 Travel Plan to be approved prior to opening and first use of the development.
- 2 The Travel Plan must include a communication strategy, which shall include the provision of individual travel packs to engage with future owners/occupiers of the commercial units of the development to ensure their compliance with the Travel Plan.
- 3 A contribution of £4,000 per year for five years after the year of opening of the development for the Council's costs in respect of monitoring the Travel Plan implementation and operation. The first payment is to be made prior to opening and first use of the development and then annually thereafter.

## **Transport and Highway Works Monetary Contributions**

- 4 The following contributions would be payable within six months of commencement of development:
  - a A contribution of £35,000 for a Variable Message Sign (VMS) to be located on the internal access road that displays the availability of spaces and provides directions for the multi-storey and surface car parks. This sign must be integrated with the Council's VMS system. The location and design of the equipment must be agreed with the developer prior to installation.
  - b Contribution of £150,000 for the temporary and fixed VMS signage for the construction period to be put towards upgrading the VMS signs, which must be integrated with the Council's system. This cost will cover the council's contractor installing four VMS signs and the associated electrical work and communications protocol.
  - c Contribution of £25,000 for the Council to provide onsite wayfinding pedestrian and cycle signage that links to the existing town centre signage in order to direct people from the site to the main travel locations, High Street and seafront. This cost will cover the Council's contractor installing three wayfinding signs on the site.
  - d Contribution of £25,000 for the Council to provide offsite pedestrian and cycle wayfinding signage that links to the existing town centre signage in order to direct people to the site from the main travel locations, High Street and seafront. This cost will cover the Council's contractor installing three wayfinding signs offsite. The location and design of the signs must be agreed with the developer prior to installation.
  - e A contribution of £46,000 for real time information screens to be provided within the site at key locations to inform of bus times and services for both Chancellor Road and the Travel Centre. This cost will cover the Council's real time contractor installing one indoor display in the hotel, one indoor display in the cinema and one double sided outdoor display located at the main entrance to the site and restaurants. The location and design must be approved by the developer and relevant tenants prior to installation.
  - f The Council will be granted access to the site as necessary in order to undertake the works set out above, provided such works do not fetter or interrupt the construction of the development or fit-out works. The Council must agree the programme and specification of all works with the developer.

## **Open Space and Landscaping**

- 5 Prior to commencement of development, details of the open space and landscaping works shown on plan no. 739\_PL\_001\_P07\_General Arrangement Plan must be agreed with the Council.
- 6 Requirement to provide the trees and soft landscaping within the open space areas shown on 739\_PL\_001\_P07\_General Arrangement Plan on adopted public highway land; and a requirement to maintain these areas for a period of 5 years from the completion of the soft landscaping/planting under the terms of a Section 278 agreement, during which time any planting must receive regular maintenance and watering with any trees and soft landscaping that die during this time being replaced.
- 7 Requirement to provide the trees and soft landscaping within the open space areas shown on 739\_PL\_001\_P07\_General Arrangement Plan that are not on adopted public highway land; and a requirement to maintain these areas for a period of 5 years from the completion

of the soft landscaping/planting, during which time any planting must receive regular maintenance and watering with any trees and soft landscaping that die during this time being replaced.

- 8 Requirement to provide rain gardens within the open space on the adopted public highway land under the terms of a Section 278 agreement and maintain in perpetuity.
- 9 Requirement for notice to be served to the Council at the end of the 5 year maintenance period and provision for the Council to confirm if the trees and soft landscaping are in good condition and have been maintained to the Council's reasonable satisfaction in accordance with the Maintenance Programme, which is to be agreed pursuant to a planning condition. If not, the maintenance period can be extended for a further five years. When the owner/developer has received written confirmation from the Council that the trees and soft landscaping have been satisfactorily maintained for the required period, the open space areas shown on 739\_PL\_001\_P07\_General Arrangement Plan on adopted public highway land shall thereafter be maintained by the Council and the open space areas shown on . 739\_PL\_001\_P07\_General Arrangement Plan that are not on adopted public highway land shall thereafter be maintained by the developer/owner.
- 10 The above requirements will survive any adoption of public highway by the Council pursuant to an agreement made under section 38 or section 278 of the Highways Act 1980.

#### **S106 Monitoring Contribution**

- 11 £10,000 towards the monitoring of compliance with the terms of the Section 106 Agreement payable prior to commencement

8.10 The s106 contributions as set out above are considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Should the application be approved, the identified contributions are deemed necessary to make the scheme acceptable in planning terms, they are directly related to the development and are reasonably related in scale and kind to the development.

#### **Planning Conditions**

8.11 A full schedule of suggested conditions is provided at **Appendix 5** of this Report. In addition to the condition referred to above in respect of the s106 agreement, additional conditions are proposed in respect of a range of matters including construction, noise, landscaping, contamination, odour, flooding, hours of operation, lighting, waste management, design, car parking, energy and sustainability, ecology, CCTV provision, public art and highways.

## 9.0 Conclusions and Recommendation

### Application Proposal

- 9.1 The application, submitted by Turnstone Southend Ltd. seeks detailed planning permission for the comprehensive redevelopment of the Seaway car park, to create a mixed-use leisure-led development at the site. Proposals involve the erection of three main buildings:
- 1 a mixed-use leisure building set back from and parallel with Herbert Grove incorporating a cinema, potentially a bowling alley and a mix of restaurant and cafes, and hot food takeaways and more leisure uses (noting that the precise breakdown of uses is not known at this time). This building will also incorporate a new multi-level car park;
  - 2 an 80 bedroom hotel with café located towards the Queensway roundabout; and,
  - 3 standalone building on Lucy Road that will either be a restaurant/café, a takeaway, or a further leisure facility.
- 9.2 Proposals involve the demolition of Nos. 1, 3 and 29 Herbert Grove and the existing toilet block on Lucy Road. A new access to the site will be created via a fourth arm off the Seaway Roundabout, with access to Herbert Grove retained as existing. A surface car park will be created to the south of the site, accessed as above, with an exit from this car park facility will be provided onto Lucy Road. New public open space will be created across the site, including a new square adjacent to St John the Baptist's Church. The erection of an electricity sub-station on the eastern site boundary is also proposed.

### Policy

- 9.3 A full schedule of development plan policies relevant to the application proposals is provided at **Appendix 3**. This includes an appraisal of the proposals against each policy objective. Policy CS1.2 of the SCAAP (2018) provides a specific policy in respect of the application site, identifying it as an Opportunity Site. This confirms that the Council will pursue a high quality, mixed use development at the Seaways Car Park that will include the provision of leisure, culture and tourist attractions. It may include restaurants, a cinema, a gallery, hotel, public and private open spaces, and vehicle and cycle parking. The policy continues with a detailed schedule of further design criteria against which the application proposals will be assessed.

### Consultation

- 9.4 In response to the Council's consultation exercises undertaken in respect of the application, a total of 199 responses have been received raising comments across a wide range of issues. The most repeated concerns expressed related to the inadequacies in the level of car parking provided; traffic impacts associated with the scheme; the impact on local businesses from a loss of trade; a lack of need for the proposed facilities; the quality of the design adopted, a failure to provide an enhanced pedestrian links to both the Town Centre and the seafront; impacts on residential amenity (noise and crime); heritage and townscape impacts; and ecology concerns.
- 9.5 The Stockvale Group employed consultants, RPS, to comment on the application proposals. These representations are extensive in nature and cross refer to a number of consultant studies submitted to support the representations made. Copies of these representations are provided at **Appendix 7**.
- 9.6 Subject to the application of appropriate conditions, no statutory consultee objects to the application proposals, including Historic England, Natural England and the Environment Agency.

- 9.7 Council Officer input was received in respect of design, heritage, noise, air quality, land contamination, drainage, odour, lighting, parks and trees, waste daylight and sunlight and archaeology. Subject to the imposition of conditions, all officers feedback was in favour of the development proposals, with no in-principle objections raised.

### **Compliance with the Development Plan**

- 9.8 As detailed in Section 4.0 of this Report, Section 38(6) of the Planning and Compulsory Purchase Act requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plans for Southend comprise the Core Strategy (2007), the Development Management Document (2015) and the Southend Central Area Action Plan (SCAAP, 2018). Within these documents there are key policies that provide site specific policy requirements for the Seaways car park site. Central to the consideration of this application, therefore, is the extent to which the application proposals are consistent with these key policies, namely Policy CS1.2 and Policy DS5 2(b) of the SCAAP.
- 9.9 To assist in this regard, Part 13 of Section 6.0 provides a detailed appraisal of the scheme's compliance with the full requirements of Policy CS1.2, which identifies the Seaways Car Park as an Opportunity Site. Overall, the development proposals are considered to comply with all but one aspect of Policy CS1.2. The land uses proposed accord with policy requirements, with the proposals creating a high-quality mixed-use leisure-focussed development. The layout incorporates a north south axis; establishes a stronger relationship with the Town Centre through enhanced access and permeability; it does not prejudice the future delivery of 'Spanish Steps'; protects key visitor car parking provision and ensures sufficient provision to support town centre vitality and viability; creates active frontages on all streets; adopts quality materials and an appropriate colour palette; provides a coach drop off point; enhances the quantity and quality of green spaces; adopts an innovative design; and, incorporates seating, signage etc.
- 9.10 It is noted that the development proposals do not provide replacement coach parking as required by part of this policy. However, it is acknowledged that there is currently no on-site provision (there were spaces when the policy was adopted) and there is alternative coach parking facilities within the Gas Works car park. The Council is committed to retaining this temporary facility until at least one year after opening of the Seaways site. This commitment helps to mitigate potential impacts. Following this period, there is uncertainty as to the timing of any redevelopment and in any event, redevelopment proposals of the Gas Works site may well permanently retain coach parking. However, the non-provision of coach parking as part of the application proposals remains, and this is inconsistent with this part of the policy (the second requirement of part g). This contrasts with the application's compliance with the remainder of the policy (the introductory text and parts a-f, h-j and the first part of part g).
- 9.11 Part (d) of Policy CS1.2 cross refers to Policy DS5 Transport Access and Public Realm and a requirement to address the need for car parking. Part 2(b) of Policy DS5 requires any development proposals that come forward on key visitor car parking areas in the south of the Southend Central Area (i.e. the application site) to ensure there is no loss of key visitor car parking. The SCAAP references a capacity of the Seaway Car Park site of 478 car parking spaces. The proposals involve the creation of 555 spaces, hence delivering a net increase in provision, in accordance with this policy requirement. This compliance with policy remains regardless of the more recent increase in capacity at the site with the policy seeking to protect the identified 478 spaces.

- 9.12 Policy DS5 Part 2(b) continues, requiring development proposals to include an appraisal of parking demand generated by the proposed development, on the identified key visitor car parks. Car park studies undertaken by the applicant and endorsed by Council Officers demonstrate that the car parking at the site will typically have sufficient capacity to accommodate both the existing site demand, and that likely to be generated by the new uses. Only on the busiest days will there be overspill and, in these circumstances, other Southend Town Centre car parks have sufficient capacity to cater for demands.
- 9.13 As referenced in paragraph 6.58 since the SCAAP was adopted, the Seaways car park has been remodelled and it now accommodates a total of 661 car parking spaces and no coach facilities. Council Officers have confirmed that this increased existing capacity does not affect the conclusions of the car park capacity assessment work undertaken, with the increase in numbers still able to be accommodated in existing car parks during peak periods. The applicant's proposed contributions towards the Council's VMS system will assist with the efficient distribution of car parking demand during peak and off-peak periods. As such, with a net increase in key visitor car parking numbers and the availability of sufficient spaces both on and off site to accommodate demand from the proposed new uses, the application accords with this key policy requirement.
- 9.14 In terms of proposed demolition works, the loss of the single residential property to the south of Herbert Grove does not represent the loss of a valuable residential resource, and hence its loss does not conflict with development plan policy (Policy CP8, Core Strategy). It is just one property and hence, not material in the context of the Borough's housing demand. It is also relevant that the demolition of the property is required to deliver the proposed new public square adjacent to St John the Baptist's Church, a key benefit of the scheme from an open space, heritage and community perspective.
- 9.15 The demolition of Nos. 1-3 Herbert Grove involves the loss of a guest house. This is more than compensated for by the creation of a new 80-bedroom hotel as part of the development proposals. The principle of the demolition of this property and its replacement with an hotel, with an associated net increase in accommodation, therefore, accords with policy objectives for the Central Area, where increases in visitor accommodation will be welcomed (SCAAP Policy CS1.1 and Development Management Document Policy DM12).
- 9.16 The principle of the proposed uses is strongly supported by policy at all levels. In addition to the above policy requirement (SCAAP CS1.2) for a high-quality mixed-use development (that may include a cinema, hotel, open spaces and parking) to be brought forward at the site, there is additional support in the Council's stated objectives for the Central Seafront Area. Policy CS1.1 calls for proposals that enhance the range of entertainment, tourist, and leisure facilities on offer in the Area with hotels specifically supported. The policy support for hotels is repeated in Development Management Document Policy DM12. The nature of the proposal therefore accords with development plan policies. Support in the NPPF calling for the efficient use of previously developed land provides further weight to this benefit.
- 9.17 Traffic impact assessment work undertaken in support of the application demonstrates that the development proposals will not give rise to unacceptable impacts on the local network, with sufficient capacity on local roads to accommodate predicted traffic flows. Equally, there is no suggestion that the level of traffic generated will be anywhere near the 'severe' threshold identified in the NPPF, that represents a requirement for the refusal of development proposals on traffic grounds. Development at this centrally located site with its good access to existing public transport provision will ensure availability of alternative modes of transport to the car. With the provision of an appropriate level of cycle parking (to be supplemented with additional staff facilities, secured by condition), the adoption of a Travel Plan, and a servicing arrangement

that respects prevailing residential amenity as well as road conditions, it is considered that the proposals are consistent with the requirements of Policy CP3 of the Core Strategy and Development Management Document Policy DM15.

- 9.18 The protection of residential amenity encompasses a number of different potential impacts, particularly in a site of this nature that is in close proximity to existing residential properties. Policies reference the need to protect privacy, outlook, and prevailing daylight sunlight conditions, whilst adverse impacts from pollution are to be avoided. The scheme will inevitably result in the creation of a large-scale building at the site, to deliver on its specific site allocation. With this comes change to the local environment. Those living close to the site will experience adverse harm to prevailing visual amenity. However, whilst site conditions are transformed, it is not the case that the amenity is significantly harmed - privacy is largely protected, and the outlook of the site, whilst now accommodating buildings of bulk and scale, remains appropriate. Daylight Sunlight impacts are limited to an acceptable level. Pollution in all its forms (including noise, air quality, ground conditions) is limited. Overall, therefore through the adoption of good design principles, the changed nature of the environment will not give rise to unacceptable residential amenity impacts. Subject to the imposition of planning conditions the scheme is capable of appropriately protecting residential amenity and is therefore capable of being controlled so as to ensure compliance with development plan policy in this regard. (Core Strategy Policies KP2, CP4, and CP6; Development Management Document Policies DM1 and DM4, and SCAAP Policies DS3 and CS1). The scheme appropriately protects residential amenity and therefore accords with development plan policy in this regard. (Core Strategy Policies KP2, CP4, and CP6; Development Management Document Policies DM1 and DM4, and SCAAP Policies DS3 and CS1).
- 9.19 The proposals will result in moderately harmful effects on a number of key views. Policy DS2 requires development proposals to be compatible with key views (or to enhance them). Policy DM4 protects against adverse impacts on important local views where they contribute to the character of the area. It also protects against tall buildings that adversely impact upon the Skyline of Southend, as viewed from the shoreline, and other important viewpoints within or outside the Borough. The assessment work undertaken does identify changes in local views, including those on the Estuary and Pier, but it is not the case that these views will be completely lost. Views of Estuary along Herbert Grove and views of the Kursaal along Lucy Road, will still be possible, albeit now framed by proposed buildings. Hence local views are not considered compromised to the extent of conflicting within this part of Policy DM4. However, with moderate impacts predicted from the Pier, any adverse impacts on important viewpoints as required by Policy cannot be avoided.
- 9.20 Similarly, Policy DM6 requires development not to detrimentally impact on the Thames Estuary's openness, or views to the Thames and beaches. It is not considered that the openness of the Thames will be affected by this development, given its location, set back from the seafront, and appearance as a continuation of the built form of the seafront. This view already accommodates many modern alterations. However, some key views will be affected, and in this regard, the precise requirement to avoid all detrimental impacts is not satisfied. However, it is noted that the nature of the impacts is limited, predominantly to within a tightly drawn zone around the site and long-range views are unlikely to be affected. Furthermore, as landscaping matures, local impacts are reduced. However, it remains that the visual impact of the project conflicts with the above policy requirement.
- 9.21 The proposals offer a distinctive design approach to the site, embracing contemporary architecture and creating what will be a new feature building in Southend. The detailed design treatment adopted will result in the development sitting comfortably within its setting. Detailed design features of the proposals now work to reduce the sense of bulk. With the adoption of a

landscaping strategy to complement the built form, with areas of planting (both for screening and place creation), the scheme integrates well with its surroundings. The leisure building will be a landmark feature, and this is specifically supported by Policy DS3 of the SCAAP. The NPPF's support for good design is also noted, and with the proposals regenerating a car park that currently detracts from the prevailing streetscene, the design of the application proposal is considered to positively transform the site. Also, with regard to the Government's National Design Guide, it is evident that the application proposals successfully adopt key characteristics of good design, ensuring the development creates a physical environment that sustains a sense of community whilst respecting and enhancing its environmental setting. It is noted that the NPPF confirms that when the design of the development accords with clear expectations in plan policies, design should not be used as a valid reason to object to the proposal. With compliance with design requirements set out within a combination of Policy CS1.2, DS3, and DS5, it is considered that policy expectations are satisfied.

- 9.22 In landscaping terms, the loss of part of an allocated protected green space is noted, along with the felling of 22 trees (9 of which are covered by a TPO). However, the noted quality of the trees to be lost; the replacement public spaces created; the net increase in greenspace across the site; the increase in tree planting (93 new trees are to be planted); and the quality of the landscaping strategy proposed, all contribute towards a considered net enhancement of local conditions. As a consequence, it is considered that the landscape impacts of the project are broadly positive. It is also noted that Policy CP7 of the Core Strategy allows for the loss of green spaces where it can be demonstrated that alternative facilities are provided, with no loss of amenity or environmental quality to the community. The replacement green spaces at the site are both larger and of a higher quality than the spaces lost, offering a far enhanced resource for the local community, whilst also improving biodiversity. As such, the proposals accord with the requirements of Policy CP7.
- 9.23 The proposals, through job creation, capital expenditure, linked trip spending and increased tourist spending, will bring economic benefits to Southend, both to the site, the Town Centre and the seafront. The potential for negative economic impacts is recognised, but an appreciation of the extent of demand for the proposed facilities, and the distinct nature of what is proposed compared to existing businesses, should reduce the risk of any such negative economic impacts materialising. Within the region of 300 new jobs created as a result of the proposals, and a significant new capital investment within the Central Area, the overriding economic impact of the proposals will be positive. The economic credentials of the development are in accordance with policy C1 of the Core Strategy, and DM10 of the Development Management Document, delivering on the Council's ambitions to strengthen the local economy.
- 9.24 With regard to the heritage setting of the site, it is considered that due to a combination of existing site conditions and the adoption of a sensitive design approach, along with the creation of the St John the Baptist's Church new public square the application proposal responds well to its heritage setting. The impact on the application proposals on the Clifftown Conservation Area is considered to be neutral, thus complying with relevant policy, including Policy DM5 of the Development Management Document (2015) and Policy DS2 of the SCAAP (2018). Furthermore, no harm is predicated to both designated and non-designated heritage assets, again in accordance with the above policy requirements as well as Core Strategy Policies KP2 and CP4; Development Management Document Policies DM1, DM6, DM14; and SCAAP Policies DS4, and CS1.1.
- 9.25 The site has negligible habitat and biodiversity value at present, given its existing character, with large areas of hard standing, and limited areas of grassland. Debate regarding the bat roosting potential of existing buildings on site due for demolition concluded that the likelihood of bat roosting across the site was negligible. The proposals involve the implementation of a soft

landscaping strategy, that provides urban greening within the site, with the inclusion of native and ornamental planting, rain gardens, hedges, climbing plants and open grass areas, alongside an extensive tree planting strategy. The area of green spaces across the site also increase in size, by an estimated 2,300sqm. As such, it is considered that the proposals are likely to deliver enhancements to the habitat provision and biodiversity value of the site, in accordance with prevailing policy (Core Strategy Policies KP2 and CP4; and SCAAP Policies DS4, and CS1.1). The NPPF's guidance to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity, is also satisfied.

- 9.26 The planning system is required to deliver sustainable development. The application proposals exhibit a series of sustainable characteristics. The proposals create the opportunity to transform a previously developed site, at an accessible location within Southend's defined Central Area. The application will contribute towards job creation, establishing a leisure destination facility for the Town's community and its visitors alike. The masterplan adopts sustainable design principles, in a scheme layout that secures enhanced provision of green spaces and biodiversity and delivers a new public square, whilst appropriately protecting local heritage assets, ecological conditions and prevailing residential amenity. The detail of the project includes the provision of renewable energy sources for generation, and a commitment to deliver the buildings as BREEAM Very Good standard. Development Plan policies embrace and support the principle of sustainable development - Core Strategy (KP2, CP1, CP3, CP4, CP6); Development Management Document Policies DM1, DM2, DM10, DM15 and SCAAP Policies DS4, and DS5.
- 9.27 The NPPF is clear regarding the presumption in favour of development. Where an application accords with an up-to-date Development Plan, the presumption should apply and planning permission should be granted, without delay.
- 9.28 Overall, in respect of the development plan, it is clear that the proposals are substantially compliant with prevailing policy. In all but one aspect (i.e. off-site coach provision), the proposals accord with the site's specific policy allocation (SCAAP Policy CS1.2). With a net increase in key visitor car parking numbers and the availability of sufficient spaces both on and off site to accommodate demand from the proposed new uses, the application accords with Policy DS5 2(b) of the SCAAP. The loss of the single residential property to the south of Herbert Grove does not conflict with Policy CP8, Core Strategy. The principle of the proposed uses at the site is supported by both the site allocation (SCAAP CS1.2) and Policy CS1.1 and Development Management Document Policy DM12. The traffic and transport implications of the scheme comply with policy (Core Strategy Policy CP3). The scheme promotes good design as required by policy (Core Strategy Policies KP2, CP4; Development Management Document Policies DM1, DM5, DM6; SCAAP Policies DS3 and CS1.1); and the economic benefits of the scheme deliver on a range of policy objectives (Core Strategy Policy CP1; Development Management Document Policy DM10).
- 9.29 Whilst recognising that some residents living in close proximity to the site will experience some harmful effects to visual amenity, overall, given the location and policy allocation at the site, the impact on amenity is not considered unacceptable. Subject to the imposition of planning conditions the scheme is therefore, capable of appropriately protecting residential amenity (Core Strategy Policies KP2, CP4, and CP6; Development Management Document Policies DM1 and DM4, and SCAAP Policies DS3 and CS1). Environmental policy requirements including those relating to ecology, green space protection and heritage considerations are also similarly satisfied (Core Strategy Policies KP2 and CP4; Development Management Document Policies DM1, DM5, DM6, DM14; and SCAAP Policies DS4, and CS1.1).

9.30 It is only with regard to coach parking (Policy CS1.2 - the second requirement of part g), and impacts on some views (Policy DS2, part of Policy DM4 and part of Policy DM6) where there are elements of actual and potential conflict with detailed policy requirements. Despite this where compliance exists with the majority of policies as is clearly the case here, it still remains appropriate to consider that the development proposal accord with development plan when read as a whole. Given the above review and with cross reference to the detailed assessment undertaken in Section 6.0 of this Report, it is considered that the application proposals at Seaways Car park do comply with the development plan when read as a whole. There are no material considerations which warrant a decision other than in accordance with the development plan. Given the absence of coach parking on site today, the planned provision of a drop off and pick up coach parking point on Lucy Road is considered adequate provision. The impact on views does not warrant refusing this scheme which would deliver the council's longstanding policy objectives for the regeneration of this site. As such and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act and paragraph 11 C) of the NPPF , the application is recommended for approval, subject to the planning conditions provided at **Appendix 5.**

### **Planning Balance**

9.31 With the statutory status of the Development Plan as the starting point for decision-making, this conclusion regarding Development Plan compliance is clearly central to the planning merits of the proposal. A planning balance exercise is typically undertaken when non-compliance with development plan policy is identified, and it is necessary to consider if other material considerations indicate that the policies within the development plan should not be followed. The above assessment does not identify such a conflict.

9.32 Notwithstanding this conclusion, it is considered helpful to undertake a planning balance exercise, to illustrate the identified planning benefits and disbenefits of the scheme, to help inform the decision.

### **Benefits**

9.33 The proposals will deliver a new leisure destination in Southend Central Area, transforming a site currently used as a car park to create a vibrant focus for leisure activity in the heart of the Town. It offers bespoke facilities not found elsewhere within the Borough, that will add to the leisure attraction of Southend. Additionally, it will increase the capacity, range and quality of available visitor accommodation at this strategically important location, thereby encouraging more overnight and longer stays within the Town. The regeneration of this previously developed, centrally located site for a range of appropriate new uses that will positively contribute towards Southend's status as a leisure and tourist destination represents a key benefit of the project and one that one that should carry significant weight in the planning balance.

9.34 From an economic perspective, through job creation, capital expenditure, linked trip expenditure, and increased visitor expenditure, Southend will receive an economic benefit as a result of the implementation of the development. Substantive new job creation and the provision of a new major leisure and visitor attraction in the centre of Southend will represent a significant boost for the local economy, particularly given the nature of evidenced demand and current supply. The NPPF is clear that significant weight should be given to proposals that support economic growth and productivity, and as such, these benefits should weigh heavily in the planning balance, in favour of the application.

9.35 The proposals will also deliver benefits by way of the proposed landscaping strategy, adding significantly to the areas of the site given over to greenspace, whilst creating new habitats that

ensure a net increase in biodiversity. Trees will be lost, and some of these are TPO specimens but with an extensive tree planting scheme proposed, as part of this site-wide landscaping strategy, the proposals will be responsible for the delivery of landscape improvements. This is not confined to the 'green' areas across the site, as the development will create a new public square adjacent to the Church, that will act as a new local community resource. Landscaping considerations therefore contribute positively to the overall planning balance with moderate weight.

- 9.36 From a design perspective, the application will create a new landmark building at the site in a manner that allows the development to sit comfortably within its setting. In contrast to the existing car park that detracts from the prevailing streetscene, the new buildings proposed will add interest to this important location, creating a contemporary feature that will add positively to the identity of Southend. Design considerations should therefore contribute positively towards the overall planning balance, with moderate weight.
- 9.37 The location of the site, and in particular the proximity of available public transport facilities (both rail and bus) underlies the sustainable transport credentials of the development. With this availability of alternative modes of transport to the private car, there is every prospect of increased patronage of existing public transport services, and this support will be further enhanced through the operation of the applicant's proposed Travel Plan (secured by the required s106 agreement). Pedestrian links across the site and towards public transport services will also encourage increased public transport use. The proposals, therefore, will result in increased use of public transport services, enhancing the sustainable credentials of the scheme but also adding to the patronage of existing services. As such, the public transport accessibility of the site will add to the planning benefits of the project, contributing positively to the planning balance to a moderate degree.
- 9.38 A key planning benefit of the proposals relates to its sustainable characteristics. Transforming a previously developed site at an accessible location, the scheme embraces the principles of sustainability, and this positive context is reinforced by adopted design details, referenced above, that further accord with these principles. The development will deliver a sustainable development for the Town that will over the long term continue to contribute towards its economic well-being, whilst supporting the community and typically enhancing prevailing environmental conditions. The sustainable nature of the development proposals should weigh in favour of the planning application and should carry substantial weight in this regard.

### **Neutral Considerations**

- 9.39 The proposals do add to the overall number of key visitor car parking spaces available whilst at the same time adding to prevailing demand, with the introduction of new attractions at this the central Southend site. The technical assessment submitted with the application, endorsed by the Council's Highway Officers concludes that on all but the busiest of days, car parking demand will be accommodated within the 555 spaces to be created across the site. During peaks, when there is an element of overspill, this demand can be accommodated within other existing car parks. Hence, the issue of car parking provision is considered as a neutral contributor towards the overall planning balance.
- 9.40 Similarly, the technical work in support of the application demonstrates that the type and amount of traffic generated by the development can be accommodated on the existing highway network in a safe and sustainable manner. Traffic matters, therefore, are not considered to either weigh in favour or against the development proposals.
- 9.41 The impacts on heritage assets including enhancement of the setting of St John the Baptist's Church are detailed in length at Part 9 of Section 6.0 and the conclusions of this work confirm

that there will be a neutral impact on the Conservation Area and no impact on other designated and non-designated heritage asset. As such, in the overall planning balance, this matter is considered to offer a neutral consideration.

- 9.42 Prevailing residential amenity will change as a result of the development proposal, but as above, it is not the case that change necessarily results in a significant negative impact. Views of the car park site from surrounding residential properties will change, which is an inevitable consequence of bringing forward development at this important site. Separation distances that range from 26 metres to 90 metres help to mitigate impacts and further mitigation is provided via the adoption of master planning, landscaping, and detailed design characteristics. As a consequence, privacy is largely protected, and the outlook of residents from residential properties whilst changed, is considered acceptable. Pollution in terms of predicted noise levels, air quality conditions and contamination is also limited to an acceptable level. Only with regard to daylight/sunlight impacts (considered below) are impacts considered to comprise a disbenefit of the scheme. In all other aspects, amenity issues are considered a neutral contributors towards the planning balance.
- 9.43 Similarly, the loss of one house as part of the development proposals is noted, but such is the limited nature of this loss within the context of Southend's housing supply that this matter does not weigh against the proposals to any material extent.

### **Disbenefits**

- 9.44 As above, the proposals will result in harmful effects on the townscape of the site and its surroundings, impacting on a number of key views, albeit this impact is limited. With maturing landscaping over time, this impact is likely to reduce, but despite this, it must be the case that this matter is seen as a disbenefit of the scheme, weighing moderately against the development proposal.
- 9.45 The lack of coach parking within the new parking areas at the site is again a disbenefit of the project. In this instance, however, with the lack of any existing facilities at Seaways, and the role of the Gas Works site referenced above, this matter is not considered to contribute with anything more, no real weight should be given to the loss of coach parking on site because a) there is none there now and b) you have provision for drop off and pick up and off site provision elsewhere albeit not on a permanent basis.
- 9.46 Finally, very localised daylight/sunlight impacts are predicted to arise as a result of the implementation of the application proposals. For the vast majority of surrounding properties, the limited nature of predicted impacts do not give rise to planning concerns. For a number of properties along Herbert Grove, a range of low to medium impacts are predicted, and whilst the nature of these impacts are not considered unacceptable, they do weigh in the planning balance against the development proposals with moderate weight.
- 9.47 It is very clear, therefore, that any assessment of the overall planning balance of the merits of the proposals weighs heavily in favour of the development with the planning benefits of the proposals far outweighing the limited harm identified. The conclusions of this exercise supports the above appraisal of the development when considered against development plan policy, where clear compliance has been established. As above, the application is recommended for approval, subject to the planning conditions detailed in **Appendix 5**.

### **Recommendation**

- 9.48 Members are recommended to GRANT PLANNING PERMISSION subject to planning conditions detailed in **Appendix 5** of this Report.