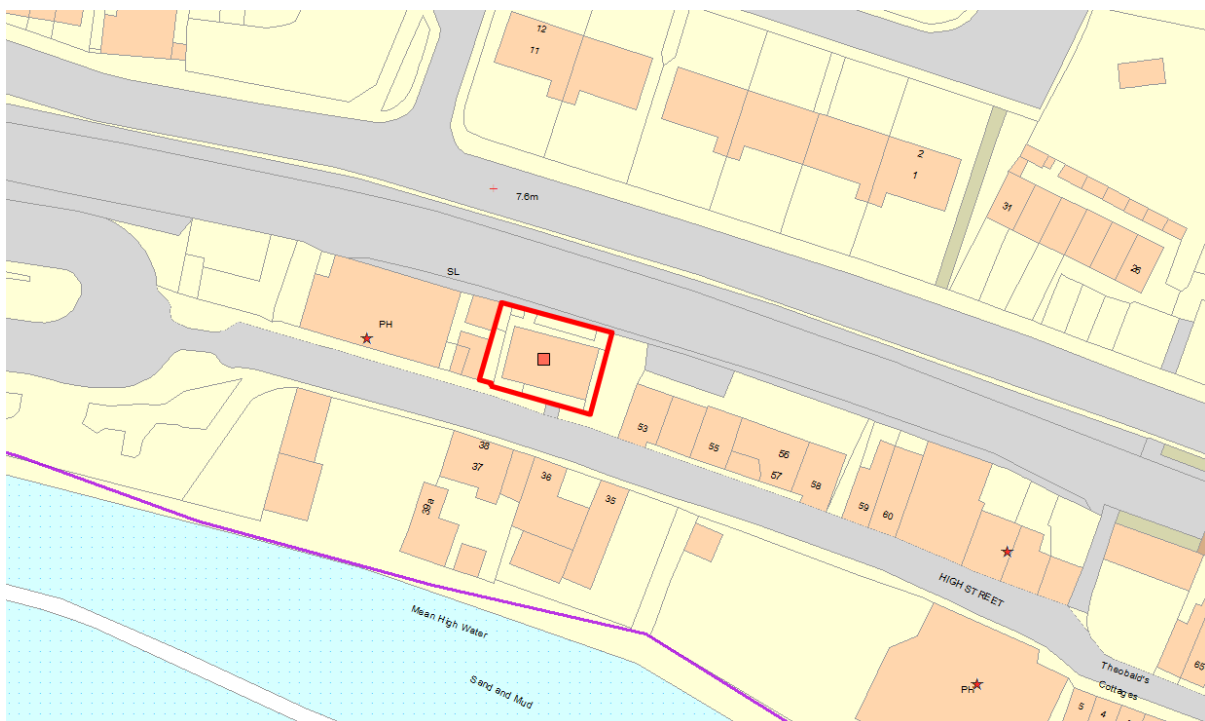


Reference:	20/01467/FUL	
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Erect single storey rear and side extension, lean to porch to west elevation, install metal canopy to front with corrugated metal roof, metal balustrading to front and side elevations and alter elevations	
Address:	Scout Hall, 52 High Street, Leigh-On-Sea	
Applicant:	Mr J Batson	
Agent:	Mr Colin Stone of Stone Me Ltd	
Consultation Expiry:	22nd October 2020	
Expiry Date:	8th January 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	1920-01, 1920-02G, 1920-04D, 1920-05C, 1920-07a Design, Access and Heritage Statement Flood Risk Assessment	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The existing building dates from the early twentieth century and was originally built as the Fisherman's Chapel. It was more recently owned by Southend West Scouts however it is understood that the building has not been used by the scouts from some time. Planning permission was granted in 2018 for the conversion of the building to a restaurant under application reference 17/02280/FUL. Works have commenced on this project but have since stalled. The building is currently vacant.
- 1.2 The building is sited on a raised concrete plinth which affords it additional presence in the streetscene. It is a simple gabled form, clad with feather edged weather boarding which was originally stained black, but this has since worn off to give a more natural wood finish. The building has tall sash windows to the front which originally extended into the roof. The top sections have since been over clad with weatherboarding. The roof is modern felt which is considered to have a negative impact on the historic character of the building, particularly when viewed from Leigh Conservation Area to the north where it is more prominent. The original wrought iron railings to the raised terrace have also been lost. Nevertheless the building is still very distinctive and makes a positive contribution to the character of the conservation area. There is, however, potential for enhancement through the reinstatement of the lost features and materials.
- 1.3 The site is located at the western end of Leigh Old Town Conservation Area adjacent to the Crooked Billet Public House. The pub is grade II listed and one of the oldest buildings in the conservation area. The Billet marks the entrance to the Old Town from the west. The rest of the conservation area to the east contains some traditional and modern housing of modest scale, three other pubs and a few retail outlets.
- 1.4 To the rear of the site, across the railway, is the southern boundary of Leigh Conservation Area, which comprises the development on the hillside facing the Old Town.
- 1.5 The site is part in flood zone 3, part in flood zone 2 and part in flood zone 1.

2 The Proposal

- 2.1 The proposal is seeking to erect single storey rear and side extensions, a lean to porch to the west elevation, a metal canopy to the front with corrugated metal roof, metal balustrading to the front and side elevations and alter elevations.
- 2.2 The proposed extension will increase the width of the existing flat roofed addition at the rear of the building from 5.6m in width to 12.5m. The depth and height of the extension would be the same as the existing at 1.9m and 2.6m respectively (not including plinth). The extension is proposed to be clad in black timber weatherboarding with a flat roof to match the existing building. It will provide storage for the restaurant.
- 2.3 The canopy to the front will stretch the width of the building and provide shelter for the terrace in this location. The proposed canopy measures 12.2m in width and extends over the full depth of the terrace (1.4m) with a mono-pitched roof which has an eaves height of 2.5m and a maximum height of 3.3m above plinth level. The canopy will be constructed of black painted metal posts with a corrugated metal roof.

- 2.4 A smaller canopy/porch is proposed to the west side near to the rear of the building to provide shelter for the rear door. This addition measures 2.1m wide and 2.2m deep. It also has a mono-pitched roof with an eaves height of 2.5m and a maximum height of 3.3m above plinth level and will be constructed of metal with a corrugated metal roof to match the front canopy.
- 2.5 The application also includes metal balustrading to the terrace and two sets of French doors to the front. The metal balustrading is the same as that approved under application reference 17/02280/FUL. The French doors are the same as that proposed under the pending application 20/01518/AMDT.

3 Relevant Planning History

- 3.1 20/01518/AMDT - Application to vary conditions 02 (approved plans), 04 (details of new doors, new dormer windows and terrace balustrading/railings) and 13 (operate as restaurant only) - amendments to fenestration and to provide takeaway facilities - (Minor Material Amendment to Planning Permission 17/02280/FUL dated 25.01.2019) – pending consideration
- 3.2 18/01760/AD - Application for approval of details pursuant to condition 03 (Details of Materials), condition 04 (Details of Doors and Balustrades), condition 05 (Details of Waste Storage), condition 06 (Details of Cycle Storage), condition 07 (Details of Chimney) and condition 08 (Details of Extraction and Mitigation) of planning permission 17/02280/FUL dated 4/4/2018 – details agreed
- 3.3 17/02280/FUL - Change of use from scout hall/gym (class D2) to restaurant (class A3), install extract flue to rear, refuse area to west side and alter front elevation – granted

4 Representation Summary

4.1 Public Consultation

33 neighbouring properties were consulted, a site notice posted and a press notice published. A second consultation was undertaken in relation to amended plans. In total 24 letters of representation have been received for the two consultations raising the following summarised issues:

- Impact on neighbour amenity
- Increased rubbish and pollution
- There are enough eating establishments and licenced premises in the Old Town
- Impact on heritage character of the building
- Nuisance caused by customers blocking the street
- Out of keeping
- Awning inappropriate
- Impact on fishing village character
- Concerns over ownership of land to the west
- Inaccuracies in Design Statement and application form
- Lack of disabled access
- Loss of privacy
- Overdevelopment
- Traffic, parking and congestion and safety of pedestrians

- Noise
- Concerns over gentrification of the Old Town
- Public safety and antisocial behaviour
- Lack of site notice and website issues
- Kitchen smells
- The awning will enable the plinth to be used for longer adding to noise and privacy concerns
- No space for queuing customers
- The opening hours are too late in this residential location

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. It is noted that some of these concerns relate to the use of the building as a restaurant which has been previously consented or as a takeaway which does not form part of this application.

Natural England

- 4.2 No objection.

National Grid

- 4.3 There is a low or medium pressure gas pipes within the vicinity of this proposal (west side of the building). The applicant is advised to contact Cadent regarding this.

Call In

- 4.4 The application has been called to committee by Councillor Mulroney.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007) Policies KP1(Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.5 Development Management Document (2015) policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources) DM3 (Efficient and effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront) and DM15 (Sustainable Transport Management)
- 5.6 Southend Design & Townscape Guide (2009)
- 5.7 Leigh Old Town Conservation Area Appraisal (2010)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of development including flood risk, design and impact on the character and significance of the historic building and the wider Leigh Old Town Conservation Area, any impact on residential amenity and CIL. As the proposal relates to canopies and a rear extension only, it is considered that there would be no highways implications arising from this proposal.

7 Appraisal

Principle of Development

- 7.1 The proposal seeks to make alterations to the building. The change of use to a restaurant has been previously granted under application reference 17/02280/FUL and work has commenced but has not been completed. The principle of the development in this instance relates to the proposed extensions and alterations only.
- 7.2 This proposal is considered in the context of the above policies. These policies and guidance support alterations and extensions to properties where they respect the character of the existing building and wider conservation area and the amenities of neighbours. The principle of extensions in this location is therefore acceptable.
- 7.3 The site is part within flood zone 3, part within flood zone 2 and part within flood zone 1. The proposal relates to extensions only which are located at the higher ground level which are looking to provide canopies or store rooms and constitute a 'less vulnerable' use. The proposal will not lead to an increased flood risk. It is therefore considered that the principle of the development is acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

- 7.4 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 defines conservation areas as '*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'. In determining this application the Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.5 Paragraph 124 of the NPPF states '*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. Being clear about design expectations and how these will be tested, is essential for achieving this.*'

- 7.6 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 7.7 Policy DM1 of the Development Management Document advocates the need for the Council to support proposals that add to the overall quality of an area, respect the character of the site, its local context and surroundings giving appropriate weight to the protection of heritage assets.
- 7.8 Policy DM5 of the Development Management Document seeks to protect the special character of the Boroughs Conservation Areas. In relation to this the preamble to Policy DM5 of the Development Management Document states that:
- ‘To conserve and enhance the character and quality of the Conservation Areas, development proposals, both traditional and modern, will have to be carefully considered and demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness.’*
- 7.9 Policy DM6 of the Development Management Document also seeks to protect the unique character of the seafront including Leigh Old Town.
- 7.10 The problems and pressures facing the conservation area are identified in the Leigh Old Town Conservation Area Appraisal which states that:
- ‘6.1.1 The primary pressure on the Conservation Area is the need for the businesses to operate in a modern and profitable manner. This is resulting in loss of character owing to increasingly inappropriate advertising and signage, cheap and ugly additions to buildings and inappropriate boundary treatments among other problems.’*
- 6.6.6 The number of tourists visiting in fine weather puts pressure on the town in the same way as it does in most resorts. This has an impact on car parking and traffic levels as well as pubs and cafes which must stretch to accommodate these.’*
- 7.11 The existing building was originally a chapel. It has simple elevations which are domestic in appearance. The building makes a positive contribution to the character of the conservation area.
- 7.12 The policies above support improvements to the leisure offer in the Old Town provided these are not at the expense of its heritage assets including the special character of historic buildings in the conservation area.
- 7.13 The proposal is seeking planning permission to install a canopy to the front to provide shelter for the outside dining terrace. The canopy design takes its reference from other original canopies in the area, including on other weatherboarded buildings in Leigh Hill, a short distance to the north east. These existing canopies are characterised by their distinctive metal corrugated roofs and are supported on timber or metal posts.

There are examples of both simple and more decorative designs for the supporting framework in the local area. Given the simplicity of the existing building, a metal frame with simple detailing is proposed.

- 7.14 The proposed canopy will alter the front elevation of the building; however, it is considered that the simple detailing and materials, on balance, demonstrate that this new feature can sit comfortably with the character of the existing building and that of the wider conservation area. It is therefore considered to be an acceptable addition to the building subject to a conditions relating to materials and controlling lighting and outside heaters which, if proposed, will need to be carefully integrated into the overall design.

- 7.15 The proposed canopy feature will be complemented by traditional metal railings around the terrace. These railings have been previously agreed under application reference 17/02280/FUL and remain acceptable. It is also proposed to change two windows on the front to French doors. This element of the proposal is the same as that proposed in application reference 20/01518/AMDT which is also pending consideration. The new doors have been designed to reference the main entrance in their proportion and detailing but will have full height small pane glazing rather than half height glazing. Full details of the proposed doors have been submitted with the application. This confirms that they will be timber and the glazing detail will be consistent with the remaining windows on the frontage. The reinstatement of the dormer glazing at high level remains part of the proposal. The principle of new fenestration has previously been accepted under application reference 17/02280/FUL. The proposed change will alter the look of the building from the street, however, the new doors have been designed to match in with the existing arrangement in terms of proportion and detailing. This will ensure that they do not look out of place on the building or in the wider context.

- 7.16 A small open canopy/porch is also proposed to the west elevation towards the rear of the building. This is a smaller version of the front canopy and uses matching materials. The canopy is remote from the street frontage and will therefore have a limited impact on the character of the existing building and wider conservation area.

- 7.17 To the rear it is proposed to extend the width of the existing flat roofed rear extension which runs behind the building. This will provide additional storage and WC facilities for the new restaurant. This element of the proposal will not be prominent in views from the High Street as it will be mostly obscured by the existing building. It will be more visible from New Road to the rear, which forms the southern boundary of Leigh Conservation Area, however, the railway provides a buffer on this side. On balance, it is considered that this addition will have an acceptable impact on the character, appearance and setting of the existing building and both conservation areas.

- 7.18 Overall, therefore, it is considered that the proposal would, on balance, have an acceptable impact on the character, appearance and setting of the existing building and the two conservation areas and is policy compliant in this regard.

Impact on Residential Amenity

- 7.19 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*

- 7.20 Neither the proposed extension nor canopy additions are set close to neighbours because the building is surrounded on all sides by open areas/driveways, the street and the railway. It is therefore considered that the additions themselves would not have an unacceptable impact on the amenities of neighbours in any regard and the proposal is acceptable and policy compliant in this regard.
- 7.21 The proposal also includes the change of two windows on the front to French doors which lead onto the terrace and a canopy. Concerns have been raised that this could increase customer noise escaping from the restaurant. The previously approved application reference 17/02280/FUL included a condition which required that the terrace was closed to customers from 2200 to close of business (2400) each day. It is recommended that this condition originally imposed on the 2017 consent relating to the hours of use of the terrace be amended to also include a requirement to ensure that the terrace doors are also closed after this time to prevent noise escaping from the main dining area in the later hours. The inclusion of a canopy does not alter this condition, however, it is considered reasonable to include a condition relating to outside lighting for the canopy feature as this has a potential to impact on neighbours as well as visual amenity. Subject to these conditions, it is considered that the proposed alteration of the front elevation to include French doors and a canopy would not have an unacceptable impact on the amenities of neighbours.
- 7.22 Subject to this condition, the proposal is considered to be acceptable and policy compliant in its impact on neighbour amenity in all regards.

Traffic and Transportation Issues

- 7.23 The proposal is for extensions and alterations to the building only and will not impact on parking, cycle parking, waste and recycling or traffic and transportation issues. Conditions relating to refuse and recycling and cycle storage from the change of use application still apply under planning permission 17/02280/FUL. The proposal is therefore considered to be policy compliant in this regard.

Community Infrastructure Levy (CIL)

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

8 Conclusion

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

9 Recommendation

9.1 MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out only in accordance with the following approved plans 1920-02G, 1920-04D, 1920-05C 1920-07a

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

03 The materials for the development hereby approved shall only be black painted metal framing and black painted corrugated metal sheeting (13/3 0.7 thick galvanized corrugated roofing sheets by Cladco Roofing) for the canopies, stained matt black timber featheredged weatherboarding for the walls, flat roof with matt black painted timber fascia for the new extension, black painted acoya timber with 6mm laminated safety glass to British Standard BS6206 for the windows and doors, black painted wrought iron for the terrace balustrade, black quarry tiles for the terrace flooring, red stock brick slips, lead capping and traditional clay pots for the flue chimney, no change to the existing roof covering or guttering, black painted timber gates to waste storage area and cycle storage areas.

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

04 Prior to the first occupation of the development hereby approved, the canopies, windows and doors shall be installed in full accordance with the details set out on plan references 1920-05C and 1920-07a. The terrace balustrading shall be black painted 16mm bars with finial style F (W Farthing & Sons) and flat top posts as set out in email from agent dated 9.12.20. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

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

05 Notwithstanding the provisions of the Town and Country Planning Act (1990) (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that legislation with or without modification, no external lighting or outside heaters shall be installed on the building or canopies other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the building or within the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the conservation area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

06 The entire raised terrace area shall not be used by customers for the consumption of food or drink or for smoking from 22:00 hours until the close of business on all days. Additionally all doors accessing the terrace shall be closed, except temporarily for access and egress, from 22:00 to 09:00.

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

07 The class A3 (restaurant) use shall not be open to customers outside the following times: 09:00 until 24:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 24:00 hours Mondays to Sundays including bank holidays from October through to and including April. The ancillary takeaway element of this operation shall not be available to customers outside the following times: 09:00 and 21:00 Mondays to Sundays including bank Holidays.

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

08 Construction Hours for the development hereby permitted shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

01 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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

03 The applicant is advised that the conditions relating to the change of use to a restaurant on planning permission 17/02280/FUL, or any amendment to this application, still apply. This includes ensuring that the unauthorised galvanised metal cowl and galvanised metal grille that have been installed on the rear roofslope, which do not accord with the previously approved details, are removed. Failure to do this within a timely manner is likely to result in enforcement action.