

Reference:	22/00425/FUL
Application Type:	Full Application
Ward:	Leigh
Proposal:	Demolish existing outbuilding to west end of site and erect new bin store, extend existing millboard decking to south side of building, form new limestone patio to west side of building, resurface and reconfigure existing flexible car parking/external seating area and extend existing vehicle crossover onto High Street (Amended Proposal)
Address:	The Peter Boat Inn, 27 High Street, Leigh-On-Sea
Applicant:	East Anglia Pubs
Agent:	Stone Me Ltd
Consultation Expiry:	6 TH May 2022
Expiry Date:	6 th June 2022
Case Officer:	Abbie Greenwood
Plan Nos:	1266-2049a, 1266-2050b, 1266-2051b, 1266-2052e, 1266-2055a
Supporting Documents	Design and Access Statement Rev A dated 28.2.22
Recommendation:	Members are recommended to GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The application relates to the Peter Boat Public House at 27 High Street, within the Leigh Old Town Conservation Area. The main section of the building is a traditional pub and dates from the late C19th. The building has been significantly extended to the west side. The older section of the building in particular is considered to make a positive contribution to the character and appearance of the conservation area as identified in the Leigh Old Town Conservation Area Appraisal.
- 1.2 The open area to the west and south of the site is used for outside seating in the summer and part of this area converts to customer parking in the winter. A section of seating to the west side of the building has been enclosed with full height glazed screens to provide wind protection. Millboard decking has been installed along the south boundary to provide a raised customer seating area. This site is enclosed by a low rendered wall to the south and west sides. In the northwest corner of the site is a small modern outbuilding used as a seafood stall which is identified in the Conservation Area Appraisal as having a neutral impact on the character of the conservation area. There are a number of Eurobins around this outbuilding which are unsightly and cause harm to the character of the site and the wider conservation area.
- 1.3 To the south of the site is the Thames Estuary which has a number of national and international nature designations. The site is separated from the sea wall by a public footpath which runs into Alley Dock, a historic cobbled route. To the north and east is the High Street which includes a variety of small scale, historic and more modern residential buildings and terraces.
- 1.4 In addition to being within Leigh Old Town Conservation Area, the site falls within the Leigh Old Town Article 4 Direction area, Flood zone 3 and Policy DM6 Character Zone 2 .

2 The Proposal

- 2.1 The proposal is to demolish the existing outbuilding to the northwest corner of the site and to erect a new bin store, continue the area of raised millboard decking to the south side of building, form a new limestone patio to the west side of the building, resurface and reconfigure the existing flexible car parking/external seating area and extend the existing vehicle crossover onto High Street at the western end of the frontage by 6.8m to enable access to the new car park arrangement.
- 2.2 The new bin store would be 1.8m x 6.6m by 1900mm high with double doors at its northern and southern ends. This is proposed to house 4 x 1100 litre Eurobins. The agent has confirmed that this bin store, and the existing bin store in Alley Dock, will meet the full requirements of the site.
- 2.3 The existing flexible parking area would then be repositioned to the northwest corner of the site adjacent to the new bin store. The submitted plans show that the number of parking spaces would be reduced from 12 to 11 and that the existing dropped kerb in this location would be amended. This area would still have a flexible use providing customer seating in fine weather and customer parking in the colder months as occurs at present at the site.

2.4 This is an amended proposal following the refusal of application reference 21/02275/FUL which sought to ‘*Erect single storey front (west) extension, reconfigure and extend existing entrance, reconfigure car park and extend outside decked seating area, erect smoking shelter and timber bin store and raise height of western and southern boundary wall and install glazed screens to boundary wall*’. This application was refused for the following reason:

01 The proposal would, by reason of its size, siting, scale, form and detailed design of the proposed west and south extensions and the increased height of the boundary to the south and west of the site, result in visually dominant and incongruous additions which would be harmful to the character and appearance of the site, the streetscene and wider Leigh Old Town Conservation Area. Whilst this harm would be less than substantial, it is nevertheless significant in degree and not outweighed by any public benefits of the proposal. This is unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

2.5 In order to address this reason for refusal the current proposal differs in the following ways from the refused scheme:

- The extension to the west elevation has been omitted.
- The changes to the building entrance have been omitted.
- The smoking shelter has been omitted.
- Raising the boundary wall and installing glazed screens have been omitted.
- The design of the bin store has been reconfigured so that the doors are at the north and south elevations and do not open over the adjacent public right of way.
- The limestone pavement has been extended around the west side of the building.
- The alternative car park layout and extended raised decking remain unchanged.

2.6 The Agent has clarified that the alteration to the entrance of the northwest corner of the building shown on the proposed plan is the partially implemented entrance reconfiguration approved under application reference 17/01454/FUL. The Agent has confirmed that it is the client’s intention to complete this proposal. This does not form part of the current application.

3 Relevant Planning History

3.1 There is extensive planning history at this site some of which is relevant in the assessment of this application. These can be summarised as follows:

13/00113/FUL	Erect single storey extension, and relocate existing entrance to north elevation and alter elevations- Granted
16/00907/FUL	Erect single storey extension to front – refused
17/00890/FUL	Erect single storey extension to west elevation – refused
17/01454/FUL	Erect single storey front extension, single storey extension and bin store to side and alter elevations – granted
18/00605//FUL	Retain Glazed Screening and Parasols to south elevation – granted
20/00893/FUL	Install black powder coated metal fixed frame with retractable awning and sliding glass screens to south elevation and sliding doors to the east and west elevations – granted

20/02226/FUL	Install black powder coated metal fixed frame with retractable awning and sliding glass screens to south and west elevations and sliding doors to the east – refused
21/00548/FUL	Install 3no. new Victorian style lamp posts in outside seating area and install fixed timber posts with rope between the top of existing boundary walls on south and west elevations – granted
21/02275/FUL	Erect single storey front (west) extension, reconfigure and extend existing entrance, reconfigure car park and extend outside decked seating area, erect smoking shelter and timber bin store and raise height of western and southern boundary wall and install glazed screens to boundary wall – refused

4 Representation Summary

4.1 Public Consultation

19 neighbouring properties were consulted, a site notice displayed and a press notice published. 5 letters of representation have been received from 2 addresses raising the following summarised issues:

- The existing building is already over extended.
- Loss of estuary views for neighbouring houses and businesses.
- Concern over alleged unsightly unauthorised extensions at the site.
- The Design Statement has out of date photos and is therefore misleading.

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 the out of date photo in the Design and Access Statement relates to the building only - the current application includes no alterations to the building itself so this has not impacted on the determination of this application.

Highways

- 4.2 There are no highway objections to this proposal. The applicant will be required to apply to highways to construct the vehicle crossover.

Natural England

- 4.3 No objection.

Cadent

- 4.4 No objections. Rights of access for Cadent to gas infrastructure in the vicinity of the site must be preserved.
- 4.5 The application was called to Development Control Committee by Cllr Mulroney.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Design Guide (revised 2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Management Document (2015) policies DM1 (Design Quality), DM3 (Efficient and Effective use of land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Leigh Old Town Conservation Area Appraisal (2021)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Southend Waste Management Guide for Developers (2019)
- 5.8 Southend Vehicular Crossing Guidance (2021) and Southend Electric Vehicle Charging Infrastructure SPD (2021)

6 Planning Considerations

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

7 Appraisal

Principle of Development

- 7.1 Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 state that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Extensions and alterations to buildings within conservation areas therefore must respect the existing historic character of the buildings and the wider area. Development which achieves this will generally be supported subject to the detailed considerations below.

Flood Risk

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

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

(i) Appropriate flood defence and engineering solutions; and/or

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

- 7.3 The proposal relates to the installation of a new bin store and alterations to the outside area only. These works are not classed as vulnerable by the Environment Agency (EA) and they are therefore suitable for development within flood zone 3.

Design and Impact on the Character of the Area and the Conservation Area

- 7.4 In addition to the duty to protect conservation areas under Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 noted in 7.1 above, Paragraph 126 of the NPPF states *'the creation of high quality, sustainable and beautiful 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.'*
- 7.5 Policy KP2 of the Core Strategy advocates the need for all new development to *"respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design". Policy CP4 of the Core Strategy states "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, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."*
- 7.6 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.7 The site is within Leigh Old Town Conservation Area and the Council has a duty to seek that any new development or alterations within conservation areas preserves or enhances their special historic and architectural character. This requirement is reinforced by Development Management Policy DM5 which states:

'All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.'

Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'

7.8 In relation to development within the Seafront Character Area Policy DM6 states:

'Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.'

7.9 Policy Table 1 'Seafront Character Zones' states that within this character zone the development principles include:

'(ii) To enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town.

(iii) To preserve and enhance the special character of Leigh Old Town Conservation Area.'

7.10 The Leigh Old Town Conservation Area Appraisal states:

'6.3.2 ...the high concentration of brightly coloured plastic bins at the west end of Alley Dock, associated with the Peterboat public house, clutter this narrow street and detract substantially from the character of the Conservation Area.

6.3.23 The primary pressure on the Conservation Area is the need for the businesses to operate in a modern and profitable manner. ...Business needs also drive cheap and poor-quality additions to buildings, for example around the cockle sheds, inappropriate boundary treatments and large commercial bins amongst other problems.

6.3.40 Open spaces, including the sense of moving from enclosed to open spaces, should be maintained.'

7.11 The previous application reference 21/02275/FUL was refused because the size, siting, scale, form and detailed design of the extensions proposed west and south of the existing building and the proposed increased height of the boundary to the south and west of the site, were found to result in visually dominant and incongruous additions which would be harmful to the character and appearance of the site, the streetscene and wider Leigh Old Town Conservation Area. All these elements have been omitted from the proposal. This has therefore satisfactorily addressed the previous reason for refusal. The current proposal relates to the new bin store, proposed decking and paving, and reconfiguration of the car park only. The previous application raised no significant concerns to these items although the detailed design has been amended in some cases. These are discussed in detail below.

Proposed Bin Store

7.12 It is proposed to demolish the existing seafood stall and erect an additional bin store in the northwest corner of the site to house 4 Eurobins. The store will be constructed of black painted timber shiplap cladding to match the existing extension with timber brace and ledge doors to the north and south elevations and a grey fibreglass roof with timber fascia detail. The structure is 1.9m tall which the Agent has confirmed is the lowest possible for this roofed store's purpose.

- 7.13 There is no objection to the removal of the existing modern seafood stall in this location as this has a neutral impact on the character of the conservation area. The proposed bin store will be fully visible in the streetscene but noticeably smaller than the existing kiosk, thereby improving views of the estuary from the High Street. The new bin store would enable the Eurobins in this location, which, when stored in the open have a detrimental impact on the character of the conservation area, to be fully screened which would be a significant enhancement for the site and the wider conservation area. The Agent has confirmed that the proposed bin store, and the existing bin store to the southeast corner of the site facing Alley Dock, will be sufficient to meet the needs of the site. It is therefore considered that the removal of the outbuilding and its replacement with a timber bin store, would have a positive impact on the character of the site and wider conservation area and this aspect of the proposal is acceptable and policy compliant.

Decking and Paving and Alterations to the Existing Car Park

- 7.14 There are also no objections to installing additional raised decking to match the existing decking to the south of the building or to the proposed cobbled paving as both of these materials are preferable to tarmac.
- 7.15 The remaining area is proposed to be reconfigured as a new flexible customer seating / parking area. This area will have new tarmac and block paving will be used to denote the spaces in place of the existing white lining. These changes are also considered to be beneficial for the character and appearance of the conservation area.
- 7.16 Overall, it is considered that, by removing those elements of the previously refused application which relate to extensions to the existing building and alterations to the site boundary, the amended proposal has satisfactorily addressed the previous reason for refusal. The changes proposed in the current application would constitute an enhancement to the character of the site and wider conservation area. The proposal is therefore acceptable and policy compliant in all relevant design and heritage matters.

Impact on Residential Amenity

- 7.17 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.*”
- 7.18 The proposal is to install a new bin store and make changes to the site surfacing only. The level of customer seating will not significantly change so the impact of customer noise on the amenities of neighbours remains unchanged. The proposed store building is smaller than the existing outbuilding so this impact on neighbour outlook will be reduced. Bins are already stored and collected from this location so there will be no material change in noise and disturbance in this regard. It is therefore considered that the proposal will have no unacceptably harmful impacts on the amenities of neighbours and the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.19 The proposal seeks to reconfigure the existing visitor seasonal parking arrangements including amendments to the layout and access to parking spaces and a reduction in the number of spaces from 12 to 11 and extending the existing crossover to enable access to the new parking area. Policy DM15 of the Development Management Document states that the parking ratio for pubs is 1 space per 5 sqm which is a maximum standard. The proposal to reduce the number of spaces by 1 is therefore consistent with this standard. The Council's Highways Officer has not raised any objection to the loss of 1 space, the relocation of the car park to the western end of the site or the extension of the crossover in this location. As the proposal relates to the reconfiguration of an existing car park only, it would not be proportionate in this particular instance to require electric vehicle charging to be provided. The proposal is therefore acceptable and policy compliant in this regard. This is consistent with the basis of the previously refused application assessment which raised no concerns in relation to this aspect of the proposal.

Refuse Store

- 7.20 The proposed refuse store in the northwest corner of the site is similar to that proposed in the previously refused application reference 21/02275/FUL except that the doors have been relocated from the west side to the north and south ends of the store so that they do not obstruct the adjacent public right of way. This is an improvement over the previous proposal and has addressed the material point of concern. The Council's Highways officer has not objected to the proposed arrangements. The proposed bin store is acceptable in terms of highways impact.
- 7.21 Overall, it is considered that the proposal would have an acceptable impact on traffic and transportation and is policy compliant in this regard.

Ecology

- 7.22 The site is located close to the foreshore which has a number of nature designations, however, the sea wall acts as a barrier between these uses. Natural England have not objected to the proposal. It is considered that the proposal will not result in a material change of impact on the foreshore nature designations in any relevant regard.

Equality and Diversity Issues

- 7.23 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

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, the impact on the amenities of neighbours is acceptable and all aspects of the proposal would have a positive impact on the character and appearance of the application site, the street scene and the conservation area more widely. The highways, flooding and environmental impacts of the proposal are also acceptable. The amended application has satisfactorily addressed the reason for refusal of the previous application. 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 from 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 in accordance with the following approved plans 1266-2049a, 1266-2050b, 1266-2051b, 1266-2052e, 1266-2055a.

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

03 The materials to be used on the external surfaces of the bin store hereby approved shall be as detailed on plan reference 1266-2055a including matt black painted timber shiplap cladding for the walls, matt black painted timber brace and ledge doors, matt black painted timber fascia and dark grey fibreglass flat roof; the materials for the decked area hereby approved to the south of the building shall match the existing decking in this location; the materials for the new paving area hereby approved to the west of the building shall match the existing black limestone paving in this area; the amended car park hereby approved shall be finished in tarmac with the spaces marked out with embedded block paving as detailed on plan reference 1266-2052e before the development hereby approved is brought into use.

Reason: To safeguard character and appearance of the building surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) advice contained within the National Design Guide (2021) Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town

Conservation Area Appraisal (2021).

04 The amended car parking layout hereby approved shall not be brought into use unless and until the amended vehicular access to High Street as shown on plan reference 1266-2-52e has been provided and made available for use at the site. The vehicular access shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the site.

Reason: In the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

05 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays, Bank or Public 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) 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 city.

03 The applicant will be required to apply to highways to construct the vehicle crossover and to reinstate the redundant vehicular crossovers back to pavement. Please contact martinwarren@southend.gov.uk to arrange these works.

04 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.