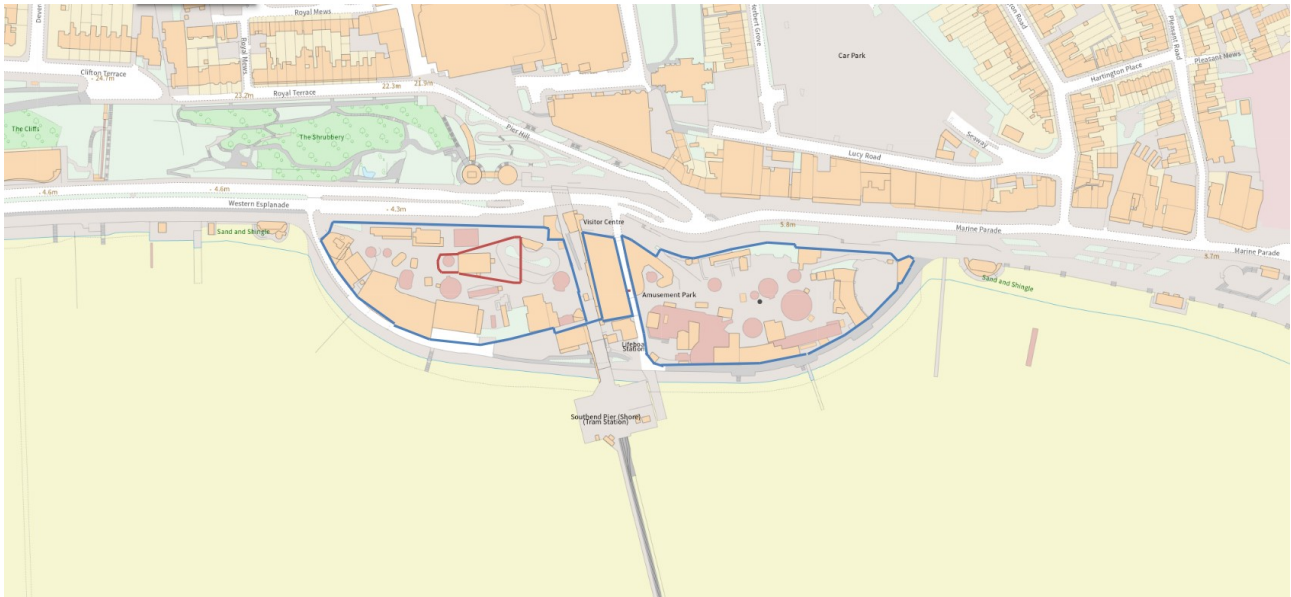


Reference:	22/02098/BC4	
Application Type:	FULL	
Ward:	Milton	
Proposal:	Install a new big wheel and observation tower attractions within the existing Adventure Island site (Part Retrospective)	
Address:	Adventure Island Western Esplanade Southend-on-Sea Essex SS1 1EE	
Applicant:	Mr Miller, Stockvale	
Agent:	SKArchitects	
Consultation Expiry:	03.03.2023 (EA and LLFA - responses received) 12.12.2022 (Neighbours)	
Expiry Date:	03.03 2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	P101A, P102A, P103A	
Additional information:	<p>Design and Access Statement by SKA dated November 2022</p> <p>P104A (visuals)</p> <p>Transport Statement by N.R. Associates dated October 2022</p> <p>Adventure Island Townscape and Visual Impact Assessment by Wynne-Williams Associates dated October 2022 and TVIA Addendum (methodology) reference PL100</p> <p>Heritage Impact Assessment by AHP dated October 2022 and Addendum to Heritage Impact Assessment by AHP dated January 2023</p> <p>Southend Air Economic Impact Report by Lichfield's dated January 2023</p> <p>Habitats Regulations Assessment v3 By SLR dated December 2022</p> <p>Copy of Letter from Natural England dated 17.10.22</p> <p>Lighting Strategy by SKArchitects reference 783-10-22</p> <p>Flood Risk Assessment by SLR reference</p>	

	<p>425.064691.00001 dated February 2023</p> <p>Flood Warning & Evacuation Plan Reference 783-10-22 Rev A</p> <p>Big Wheel / Observation Tower – Adventure Island - Flood Stability Assessment by HJ Structural Engineers reference MAS1465 dated 10.2.23</p>
<p>Recommendation:</p>	<p>GRANT PLANNING PERMISSION subject to conditions</p>



1 Site and Surroundings

- 1.1 This application relates to the western side of the Adventure Island site, to the south of Western Esplanade and to the west of the Pier. The site is set at a lower land level than the road but the Adventure Island rides generally extend above footpath level and are prominent in the streetscene. Adventure Island is a key attraction on the seafront and an important part of the tourism offer for the city. The Adventure Island site marks the western boundary of the central seafront commercial area.
- 1.2 There are a number of listed buildings close to the site including the Pier directly to the east, Nos 1-4 Marine Parade to the northeast, The Royal Hotel and Nos 1-15 Royal Terrace on top of the Cliff Gardens to the north and Nos 1-7 Clifton Terrace further along the cliff to the northwest. The Palace Hotel (now the Park Inn Palace) nearby to the northeast and the Cliff Lift in the Cliff Gardens to the northwest are locally listed. The Shrubbery and Cliff Gardens opposite the site on the north side of Western Esplanade and the buildings on the cliff top to the north, northeast and northwest of the site are all within the boundary of Clifftown Conservation Area. Further afield but with views of the site are the Grade II listed Kursaal and associated Kursaal Conservation Area and Eastern Esplanade Conservation Area.
- 1.3 Adventure Island itself as well as the Pier, the Palace Hotel, the Pier Observation Tower and Lift, The Royal Hotel and Royal Terrace, City Beach, The Kursaal and the Cliff Lift are all recognised local landmarks within the Southend Central Area Action Plan.
- 1.4 The central seafront area generally has a lively character and includes a wide range of buildings and structures, many with a leisure theme and feature illuminations and these contribute to the vibrant atmosphere of this area. The existing rides and Adventure

Island form part of this character including as a backdrop to the Pier and foreshore.

- 1.5 The foreshore area to the south of the site is covered by a number of international, national and local nature designations including RAMSAR (i.e. conservation of wetlands), Site of Special Scientific Interest (SSSI), Site of International Nature Conservation (SINC), Special Protection Area (SPA) and Local Nature Reserve. The site is also within flood zone 3 and falls within the Central Seafront Policy Area as defined by the Southend Central Area Action Plan.

2 The Proposal

- 2.1 The application seeks planning permission to install a big wheel and an observation tower attraction within the existing Adventure Island site on the west side of the Pier. The big wheel has been installed and is operational. This has a maximum height of +35.40m AOD which is 34.4m above ground level within the park itself and 31m above pavement level on Western Esplanade. The wheel is 32m diameter and has 24 individual pods each sitting up to 6 people. 1 pod is fully accessible.
- 2.2 The proposed observation tower would be a maximum of 39.25m AOD which equates to 38.2m above ground level within the park and 34.9m above pavement level on Western Esplanade. It has a maximum width of 4.7m for the movable element and a base of some 10m. This ride is open to the air not an enclosed pod. It has seats fixed directly to a ring around the central column and visitors will be secured by an over-shoulder style restraint. It can be operated at different speeds as a thrill ride or a more sedate viewing experience.
- 2.3 Both rides will be operational only when the amusement park is open which is between 11am and 8pm-10.30pm in peak times of the year including school holidays in the summer months and summer weekends and between 11am and 4pm-8pm during summer weekdays and February and October half terms, excluding school holidays. The park is closed in January and on weekdays during term times from September to the end of May. The new rides will be included within the wristband ticket option but can also be paid for with individual tickets. A lighting strategy has been submitted with the application which states that the new attractions will be floodlit at night but will not emit any vertical lighting (eg lasers). The submission states that the proposal would result in 5 new full time equivalent jobs at the site.
- 2.4 Planning permission is required because both structures are over 25m tall. New rides below this height ordinarily fall within the provisions of permitted development for amusement parks.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

<i>Reference</i>	<i>Description</i>	<i>Outcome</i>
22/00317/UNAU_B	Erection of Big Wheel, Adventure Island	Pending
22/01452/RSE	Proposed development to install a new Big Wheel and Drop Tower attractions within the northern confines of the existing Adventure Island site (Request for Screening Opinion)	Screening Opinion Issued - Not EIA development
14/00069/BC4M	Erect building to create indoor adventure fun	Granted

	park	
13/00792/FUL	Erect 60m high Starflyer Carousel within Adventure Island Theme Park	Withdrawn
13/00773/FUL	Erect 45m high Big Wheel ride within Adventure	Withdrawn
10/02181/CLE	External use of Tables and Chairs (Lawful Development Certificate - Existing)	Refused

4 Representation Summary

Public Consultation

- 4.1 32 properties were consulted, a site notice displayed and the application was advertised in the press. Re-consultation was undertaken following the submission of additional supporting information. A further consultation was also undertaken with the Environment Agency and the Lead Local Flood Authority following the receipt of a Flood Risk Assessment, Evacuation Plan and Flood Stability Statement.
- 4.2 In total 2 letters of representation had been received making the comments summarised below.
- The height is excessive. It will dominate the views of the conservation area and listed buildings and views of the Pier. Impact on views.
 - Concern over the impact of the lighting on foreshore wildlife. More information should be provided on the proposed lighting.
 - Light pollution generally and impact on local residents and nocturnal wildlife.
 - Lack of consultation of residents in wider area.
- 4.3 These concerns are noted and those considerations relevant to planning have been taken into account in the assessment of the application but are not found to constitute a reason for refusal in the specific circumstances of this case. Consultation was undertaken in accordance with statutory requirements.

Highways

- 4.4 There are no highway objections to this proposal the applicant has provided a detailed transport assessment which highlights sustainable transport options including bus and rail links, local parking options and journey planning. It is not considered that the proposal will have a detrimental impact on the local highway network.

Environmental Health

- 4.5 No objections subject to conditions relating to construction hours, noise and lighting.

London Southend Airport

- 4.6 Our calculations show that, the proposed development would conflict with safeguarding criteria unless any planning permission granted is subject to a condition to ensure that any lighting associated with the development must not present a hazard to aircraft i.e. glare / dazzle / distraction. The submitted lighting strategy is acceptable in this respect.

Environment Agency

- 4.7 [Original response]: The site is situated in Flood Zone 3 and no Flood Risk Assessment (FRA) has been provided. We are however confident that the nature of the development, means that it will not increase flood risk elsewhere and thus have no objection to the

proposal. [Further response having been consulted on the subsequently submitted FRA] – no further comments to those already made.

Historic England

- 4.8 No comments. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Lead Local Flood Authority

- 4.9 Having reviewed the information provided in relation to drainage, flood risk, water quality and SuDS there are no proposals that increase the risk/possibility of flooding, therefore the LLFA have no comments to make.

Health and Safety Executive

- 4.10 The development is over 18m but does not fall within the definition of a relevant building so we have no comments on this application.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance)
- 5.4 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), DM10 (Employment Sectors), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.5 Southend Central Area Action Plan (SCAAP) (2018) Policies DS2 (Key Views) Policy DS3 (Landmark and Landmark Buildings) Policy DS5 (Transport, Access and Public Realm), Policy CS1 (Central Seafront Policy Area Development Principles).
- 5.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 The Clifftown Conservation Area Appraisal (2021), The Kursaal Conservation Area Appraisal (2021) and Eastern Esplanade Conservation Area Appraisal (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene including nearby heritage assets, impact on residential amenity, traffic and parking implications, flooding, sustainability, impact on ecology and CIL liability.

7 Appraisal

Principle of Development

- 7.1 One of the aims of the Southend Central Area Action Plan is to *'promote and enhance the tourism, cultural and leisure offer within the Central Area'*. In relation to this aim Policy CS1 states that the Council will *'consider favourably proposals which enhance or diversify the range of arts, culture, entertainment, tourism, leisure and recreational facilities, subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and environmental designations, including protected green space.'*
- 7.2 The proposed development would constitute a significant visitor attraction, would enhance the visitor offer of the amusement park and provide the equivalent of 5 full time jobs at Adventure Island itself. It would also contribute to wider tourism in the City attracting visitors to the area and benefitting a range of local businesses. An Economic Impact Report by Lichfields dated January 2023 has been submitted in support of the application. This report anticipates substantially increased visitor numbers and related economic benefits. Whilst officers do not necessarily agree with all of the report's findings, it is recognised that the development would be capable of delivering significant economic benefits for the City and they weigh heavily in favour of the proposal and have the potential to support significant regeneration and growth in the City and in particular in the central seafront and City centre thereby positively contributing to the Councils' corporate objectives in this regard.
- 7.3 London Southend Airport have not raised any concerns to the development in regard to aircraft safety subject to a lighting condition. The principle of the development is therefore considered to be acceptable subject to the detailed considerations set out below, including flood risk.

Flood Risk

- 7.4 The site is located in a high-risk flood zone (3) but the wall that surrounds the site has been constructed as a flood defence barrier. The proposal does not result in a change of use and as a leisure facility, the theme park is classified as 'less vulnerable', meaning that the development is acceptable in this location. A Flood Risk Assessment has been submitted with the application. This concludes that the site is protected from flood waters up to a height of 5.5m. The probability of breaching this defence is less than 1 in 200 annually, however, even if this occurs the proposal is considered to be water compatible development. The structural report submitted with the application states that, given the significant weight and lateral stability of the base of both the wheel and the tower no concerns are raised in regard to the stability of the structures. Both the Environment Agency and the Lead Local Flood Authority LFA raise no objection. The proposal is acceptable and policy compliant in terms of flood risk.

Design and impact on the character of the area including the impact on the setting of nearby listed buildings and conservation areas (i.e. heritage assets)

- 7.5 In determining this application the Council has a statutory duty under section 72 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.
- 7.6 Local and national planning policies and guidance seek to ensure that new development is well designed. 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. Development Management Document Policy DM1 supports development which is well designed and contributes to the overall quality of an area and Development Management Policy DM5 seeks to protect the character and significance of the City's heritage assets including listed buildings and conservation areas.

- 7.7 Policy DS2 of the Southend Central Area Action Plan (SCAAP) states that '*New development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of The Seafront, Southend Pier, The Kursaal, Royal Terrace and Clifftown Parade.*'
- 7.8 Policy DS3 of the SCAAP seeks to conserve the City's existing seafront landmarks by opening up new views, resisting development which adversely impacts on existing views or has a detrimental impact on the setting of existing landmarks. Policy DS3 also supports the creation of new landmarks in the central seafront location provided they are of a high-quality design, are appropriately sited and do not adversely impact on the amenity of local residents or nearby heritage assets. This is supported by SCAAP policy CS1 and Development Management Policy DM5.
- 7.9 The proposed new attractions, due to their height, form and exposed location would be/are visible from the wider seafront area and in long views to the north, east and west and from the Pier to the south. This includes from Clifftown Conservation Area and nearby listed buildings including the Pier, Royal Hotel and Royal Terrace and Nos 1-4 Marine Parade and in the wider context the attractions are/will be visible from The Hope Hotel, The Kursaal Conservation Area and from Eastern Esplanade Conservation Area at the other end of City Beach to the east.

Impact on the Streetscene including impact on nearby Heritage Assets

- 7.10 A Townscape Visual Impact Assessment (TVIA) and a Heritage Visual Impact Assessment (HVIA) and associated addendums have been submitted with the application which include *verified views* of the development from key viewpoints and assesses the impact this will have on the existing vistas including views of and from heritage assets. *Verified views* are a photomontage CGI (computer generated images) crafted with a high level of precision, following a specific methodology to ensure that the detail is accurate. As the wheel has now been constructed, the impact this has on the surrounding townscape, including nearby landmarks and heritage assets, is physically evident on site and from its wider surrounds.
- 7.11 The TVIA concludes that the predicted townscape and landscape effects on individual receptors fall below the significance threshold and can be summarised as:
- *Minor to moderate* adverse impact for the 'central seafront', including views of the existing Adventure Island site as the '*new rides would be noticeable in these views taken close to the site, but the medium to low predicted change would be in keeping with the existing visual baseline precedent set by current rides.*'
 - *Minor* adverse impact for the '*high density perimeter blocks*' including Victorian Edwardian terraces in Clifftown although it notes that some views from the top of the cliff are screened by vegetation.
 - *Neutral* impact for the primary town centre focused on the High Street north of the site as views are limited and predominantly screened.
 - The visual impact from receptors beyond 1 km were assessed as *slight*, '*At this distance, the new rides are likely to cause a negligible level of change.*'
 - *Neutral* impact for the wider Thames Estuary. Viewpoints representing receptors using public rights of way in Kent are predicted to experience effects with a significance of *slight to none*. Set against the backdrop of the existing Southend-on-Sea skyline, it will be difficult to identify the new rides at this distance.
- 7.12 The TVIA document's content and conclusions have been independently reviewed for the Local Planning Authority within the application process by Montagu Evans. The review's author has some thirty years' experience of advising on heritage matters and

considerable experience of townscape and visual impact work, particularly in heritage contexts. Subject to clarifications which have been subsequently confirmed in a supplemental document submitted by the applicants, the TVIA was found to be sound in its verified views and conclusions. The impact on the general seafront streetscene is considered to be acceptable.

- 7.13 The Heritage Impact Assessment (HIA) considers the impact of the proposal on the significance and setting of nearby heritage assets including:

Grade II listed buildings

- The Pier.
- Nos 1-4 Marine Parade.
- The Royal Hotel, 1-15 Royal Terrace and Nos 1-7 Clifton Terrace.
- The statue of Queen Victoria and Lythens War Memorial and the listed phone box in Clifton Terrace.
- The Hope Hotel.
- The Kursaal.

Conservation Areas

- Clifftown Conservation Area
- The Kursaal Conservation Area
- Eastern Esplanade Conservation Area

Locally Listed Buildings

- The Park Inn Palace
- The Cliff Lift
- Nos 3-5 High Street
- Nos 19-20 Royal Terrace
- Locally listed pubs within the City Beach area.

- 7.14 A number of the closest buildings are within the Clifftown Conservation Area. The Clifftown Conservation Area Appraisal summarises the special interest of the area as:

- Encompassing over 200 years of development as part of a major seaside resort. As such, it is an important part of national history and demonstrates both the successes and failures of the resort's development.
- The Georgian Royal Terrace and Shrubbery were part of the development of 'New South End', the resort's first major attempt to cater for a higher class of visitor. The Georgian Royal Terrace: a terrace with a symmetrical 'palace' frontage in an imposing cliff top position.
- The late Victorian/Edwardian Palace Hotel represents a further attempt to cater for a higher class of visitor. The Palace Hotel is an impressive example of a late Victorian/Edwardian monumental seaside hotel.
- The cliff-top promenade frontage extending from Clifftown Parade to Royal Terrace and Pier Hill has a unique range of seaside architecture, monuments and other seaside structures in a fine setting of public gardens and open spaces offering views of the Pier and Thames estuary.
- The Pier Hill pedestrian bridge and lift are contemporary additions to the continuum of seaside architecture.

- 7.15 The Kursaal Conservation Area Appraisal summarises the special interest of the Kursaal as:

- The architectural interest of the Kursaal itself lies in its grand style and scale, rich ornamentation featuring alternating brick and stone, Flemish gables, Diocletian attic windows with terracotta swags and an enormous lantern. These architectural and decorative features are also indicative of the status and wealth in Southend during this period.

7.16 Eastern Esplanade Conservation Area Appraisal summarises the special interest of this conservation area as:

- The Conservation Area's historic interest derives from its association with South End's earliest role as a small fishing settlement, before its rapid expansion and development as a major seaside resort from the late-19th century. The terrace is an important survival of local vernacular houses, which may have been built for local fishermen, and it retains its residential function. The diminutive and domestic quality of the terrace is distinguished from the larger, commercial buildings in its setting.

7.17 The HIA states that *'While no heritage assets are directly or physically affected by current proposals, given the scale of the proposed attractions it is inevitable that they will have an impact on the setting of heritage assets. From most viewpoints the impact will be neutral, and the setting of listed buildings and conservation areas will therefore be preserved rather than harmed. However, this assessment has found that in three views there will be minor detrimental impact and in one view moderate detrimental impact. In no views will there be high detrimental impact. In each case where harm has been identified, so too have mitigating factors. In the worst case, therefore, the proposals will result in less than substantial harm to the setting of heritage assets.'*

7.18 Of the 18 verified views used for the HIA assessment, there would be a neutral impact on the significance of heritage assets in 14 of those views. There would, however, be a minor detrimental impact on the significance of certain heritage assets within three of the views assessed as follows:

- looking northwest from the Pier platform, the new rides will be seen in the foreground in front of Royal Terrace but in the context of the other rides at Adventure Island (viewpoint 18) resulting in a minor detrimental impact on the significance of Clifftown Conservation Area including the listed buildings in Royal Terrace.
- In the panoramic view from the Pier Lift viewing platform towards the Pier, the new rides will be prominent in the foreground and slightly mask views of the Pier itself (viewpoint 8), resulting in a minor detrimental impact on the significance of the Pier.
- In the view from Jubilee Beach looking east back towards the conservation area, the new rides will be prominent in the townscape and compete with the long horizontal line of the pier (viewpoint 5), resulting in a minor detrimental impact on the significance of the Clifftown Conservation Area.

The January 2023 HVIA Addendum confirms that these impacts are at the lower end of *less than substantial harm*.

7.19 The view identified in the HIA where there would be a moderate detrimental impact on the significance of heritage assets is that from Royal Terrace towards the Pier through the trees in The Shrubbery (Viewpoint 10). From here there is a good view of the length of the Grade II listed Pier and this view is identified as an important vista in the Clifftown Conservation Area Appraisal. In this view the big wheel is off to the side so does not intrude significantly but the proposed tower ride will act as a vertical counterpoint against the horizontality of the Pier. There would be a moderate detrimental impact on the significance Clifftown Conservation Area and The Pier. In relation to this view the HIA comments that *'The narrowness of the observation tower means that the view of the pier*

is interrupted rather than obscured. The only way fully to mitigate impact in this view would be by relocating the attraction.'

- 7.20 The HIA report notes that the less than substantial harm caused by the development in this viewpoint also equates to less than substantial harm but it is classified as being in the middle range rather than lower or upper end of less than substantial harm.
- 7.21 The NPPF directs that where the harm to heritage assets is less than substantial, that harm should be weighed against the public benefits of the proposal. Here, those public benefits would include the economic and regeneration benefits of the scheme. The report also notes that the prominence of the nearby heritage assets will be raised by the rides themselves as they will give the public an entirely new view of the heritage assets.
- 7.22 As with the TVIA, the content and conclusions of the Heritage Impact Assessment have also been independently verified by Montagu Evans and found to comply with the relevant guidance and best practice and are considered to be sound.
- 7.23 Southend's origin is as a seaside resort, but it has been constantly evolving over the last two centuries with the fashions of the time. As a result, the central seafront area has a very varied streetscene which sees heritage buildings alongside modern development and leisure destinations, and it is this juxtaposition of styles and lively mix of designs which defines its unique character. The area has a long history of visitor attractions including the Pier (from 1829), Kursaal Amusement Park (1920s), Never Never Land and The Shrubbery (1935-1970s) and on the application site itself the Marine Park in 1918, which became Peter Pans Playground, then Peter Pans Adventure Island and now Adventure Island which itself has undergone a number of expansions over the intervening years including many new and replacement rides.
- 7.24 The amusement park today includes an array of individual pleasure rides interspersed with food kiosks, structures housing skill games, and more formal buildings containing a range of restaurants and play facilities. Existing rides vary considerably in height and appearance, with the larger rides adding vertical elements to the existing skyline. Many existing attractions have fast-moving mechanical parts, are constructed from a range of colourful materials and lighting, and combine to form a bold and recognisable feature of the Southend seafront. As noted above, Adventure Island is recognised in the SCAAP as a local landmark. Amusements and leisure activities, including the rides at Adventure Island, are therefore a long-established part of the character of this area and the proposed developments, whilst clearly visible from a distance, are in line with this character and will sit comfortably in this context despite their significant size.
- 7.25 The conclusions of the HIA noted above are considered to be valid, including the nature and degree of harm to the significance of heritage assets which has been identified above, most significantly in the view from Royal Terrace towards the Pier. The NPPF recommends that where there is less than substantial harm to heritage assets and their setting, that level of harm should be weighed against the public benefits of the proposal. The benefits in this case include the potential significant uplift to the local economy and tourism. These are quantified in the Economic Impact Assessment and set out in paragraph 7.2 above. It is also considered that the additional visitors generated by the development will themselves experience Southend's heritage assets from the new rides and generally during their stay and this also has benefits for the sustainability and long-term future of these assets, most particularly the Pier - which needs a considerable number of visitors to sustain its upkeep. The identified nature and degree of harm on the significance of the heritage assets in the 4 verified views as described above is considered to be clearly outweighed by these identified wider public benefits and

therefore the proposal is deemed acceptable and policy compliant in this regard.

Impact on Views of Existing Landmarks and Creation of New Landmarks

- 7.26 Policies DS2 and DS3 noted above require new development to have regard for views of Southend's existing seafront landmarks as set out in the SCAAP including Adventure Island itself as well as the Pier, the Palace Hotel, the Pier Hill Observation Tower and Lift, The Royal Hotel and Royal Terrace, City Beach, The Kursaal and the Cliff Lift. The impact on some of these has already been considered above and found to be acceptable. Those which have not yet been considered include the Pier Hill Observation Tower and Lift, City Beach and Adventure Island itself which are less sensitive to change and it is considered that the new rides will become part of Southend's familiar local scene when seen from, and in the context of, these landmarks. The impact on views of existing landmarks is therefore considered to be acceptable and the proposal is found to be policy compliant in this regard.
- 7.27 In respect of the formation of new landmarks, the significant scale and form of the development is such that the new rides will become new landmarks for the seafront in their own right. The creation of new landmarks is supported by Policy DS3 provided that they are of a high standard of design. The rides are simple in their form but considered to be of a suitably high standard of amusement park design and will include feature lighting which will complement the seafront illuminations and evening economy of City Beach. It is considered that the development will provide suitable new landmarks for the central seafront area in this location.
- 7.28 Overall therefore, it is considered that the proposal would have an acceptable impact on the townscape of the central seafront, on views of and from existing landmarks. The proposal is therefore considered to be acceptable and policy compliant in terms of design and heritage matters in all relevant regards.

Amenity Impacts

- 7.29 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.30 The new rides will be over 80m from the Park Inn Palace Hotel (which has rooftop flats in addition to hotel rooms) and over 100m from the nearest residential properties in Marine Parade and Royal Terrace. Although of significant height, they are slender and open in form and are set at a lower level than all the surrounding properties. It is considered that this separation is sufficient to ensure that the development would not give rise to a harmful impact on the daylight or outlook for the surrounding neighbours.
- 7.31 The new rides are located within the existing amusement park adjacent to many other rides, so, whilst there will be some associated noise and disturbance from their operation and from customers, this is in the context of the already and long-established busy and relatively noisy environment of the amusement park. It is also noted it is only the height of the rides above 25m that means that they require express planning permission and are not permitted development in their own right as the General Permitted Development Order gives permitted development for amusement parks to have new rides up to 25m high and without any planning-based control over noise impacts. Records indicate that there have been 4 noise complaints associated with the

existing amusement park between 2013 and 2017, primarily related to loud music and plant noise. In light of this, the Council's Environmental Health Officer has requested that a noise condition be imposed to protect the amenities of residents in the area. Given the separation distances to the closest residents and the noise levels associated with the existing amusement park it is considered reasonable to impose a condition requiring noise generated from the mechanical workings, any amplified speech and any amplified music associated with these new rides to be below the existing background noise levels in this area. Subject to this condition the proposal is considered to have an acceptable impact on the amenities of neighbouring occupiers in all relevant regards.

Traffic and Transportation Issues

- 7.32 The NPPF states (para 111) that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.*"
- 7.33 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.34 The site is located directly west of the Pier within the Central Seafront Area. The amusement park currently has 46 off street staff car parking spaces and 20 cycle spaces for staff which are unaffected by the development and will be retained. No additional off street parking is proposed for the development.
- 7.35 The site is close to public transport links including two rail lines to London, the Travel Centre and local bus services and national cycle network route 16. The agent has confirmed that Adventure Island have an on-going relationship with c2c which includes collaborating on their digital platforms, cross sharing of information on social media and websites and cross promotions and competitions. c2c have also in the past arranged extra carriages for school trips to Adventure Island. In terms of staff travel, Adventure Island supply discounted tickets to staff with their bulk buy scheme and are currently looking into extra discounts in this regard.
- 7.36 For those travelling by car there are a range of public car parking options on the seafront and in the town centre which are within walking distance of the site which currently provide in the region of 2248 car park spaces including:
- Seaways 630
 - Fairheads Green, Eastern Esplanade 211
 - Western Esplanade 128 plus additional parking to the west
 - The Royals 426
 - Tylers Avenue 249
 - Former Gas Works 186 spaces plus 37 coaches
 - Alexandra Road 74
 - Clarence Road 126
 - Southchurch Park 218

Source VisitSouthend.co.uk

- 7.37 The submitted documentation confirms that 5 new staff will be required to operate the new rides.
- 7.38 A Transport Statement has been submitted with the application which assesses the

impact of the development on the local highway network. The report states:

'The site is located within a highly accessible location, with frequent train and bus services accessible within walk and cycle distance. Additionally, within vicinity of the site, there is good quality active travel infrastructure and a range of local amenities that can be accessed within walking distance, thus ensuring that reliance of a private car is not necessary for all travel purposes. On this basis, the site is an appropriate location for the proposal that does not solely reliant on car travel.'

For visitors to Southend who travel by car the A127 and A13 provide direct routes to the heart of Southend. Recent highway improvements at Progress Road, Kent Elms, Prince Avenue (Tesco), The Bell, Cuckoo Corner and Victoria Avenue have all had a positive impact on traffic flow into and out of Southend City.

There is an abundance of public car parks and extensive on street parking along the promenade which are served by real time signage. The attraction will benefit the wider local economy and provide revenue generation for Southend City Public Car Parks. Linked trips will pay a major factor in boosting local businesses and footfall to the town centre area and beyond.

7.39 The report concludes that:

'Overall, the proposed development at the site would not result in any detrimental nor 'severe' impact on the local highway network, as identified by the NPPF. Therefore, there are no impediments on highway or transport grounds that should prevent the approval of this new attraction to Adventure Island.'

7.40 The site is accessible by public transport and well served by car parks with real time information so visitors are able to plan their journeys and destinations according to car park availability and make alternative arrangements such as using public transport in busy times. The majority of visitors are also likely to include linked trips to other destinations in the area so the overall parking demand is likely to be shared across a range of destinations. The Council's Highways Officer has reviewed the Transport Statement and agrees with its conclusion that the development will not have a detrimental impact on the local highway network taking into account future proposals for affecting existing car park provision such as the Seaways car park redevelopment scheme. The development is therefore considered to be acceptable and policy compliant in regards to traffic and transportation issues in all relevant regards.

Sustainability

7.41 Policy KP2 of the Core Strategy requires that: "*at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*". Policy DM2 of the Development Management Document states that: "*to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions... All new development that creates commercial units, where viable and feasible, should meet BREEAM 'very good' rating.*

7.42 The new rides are not commercial units so application of the above policy is not relevant in this instance. The agent has in any event confirmed that the lighting for the rides will be low energy LEDs and that the wheel, in particular, is a very simple mechanism with a small motor so uses very little energy. It is considered that the proposal is acceptable and policy compliant in this regard.

Ecology including impact on Nature Designations

- 7.43 Policy CS1 of the SCAAP requires all development within the Central Seafront Area to safeguard, and where appropriate, enhance the biodiversity of the foreshore and respect the European designations and would not normally permit development south of the sea wall where a proposal has the potential to adversely affect a European site or cause significant harm to a Site of Special Scientific Interest (SSSI) or adversely impact on foreshore views. This policy also states that whilst the use of creative lighting to strengthen local identity is promoted, *'New lighting should be arranged so as to avoid direct illumination of the foreshore or excessive glare when viewed from the foreshore.'*
- 7.44 Policy CS2 of the SCAAP states that the Council will *'not permit development proposals that will result in significant harm to the foreshore designations that cannot be avoided, adequately mitigated, or as a last resort, compensated for.'*
- 7.45 Southend foreshore is an important habitat for wading birds and protected by a number of nature conservation designations as set out in section 1 above. The birds that feed on the mudflats in this location can be sensitive to noise and disturbance and light pollution. The new rides are located some 70-80m from the boundary of the foreshore designations. A Habitats Regulations Assessment has been submitted with the application which assesses the potential impacts of the development on the designated sites including in relation to noise and disturbance, lighting and the risk of bird collision with the structures. The document concludes that:

'No appreciable risk to populations was identified for all viable species associated with the Benfleet and Marshes SPA and Ramsar site. Only grey plover were identified as being non-viable within the SPA in terms of a comparison with BTO data. The decline in this species is considered to be more linked to climate change and/or oyster culture, as it has occurred only in the last few years. Prior to this, the population was considered viable and as Adventure Island has been operational since 1976, if disturbance was critical in the decline of this species it would have occurred sooner.'

Due to Adventure Island being closed for 79% of the days between October and March in the core winter season, disturbance is significantly reduced at a key time for waterfowl. Southend seafront was demonstrated not to be a key area within the overall Benfleet and Southend Marshes SPA/ Ramsar site for the qualifying features, the Theme Park is in an existing disturbed part of the coastline, in comparison to a less developed area. No appreciable risk to changing the distribution of qualifying features within the site were identified for viable species. Evidence highlights, that although grey plover are not viable, the preferred locations for this species within the SPA/ Ramsar site is not Southend Seafront and therefore additional disturbance will not change the distribution in other locations.'

Overall, it was concluded, on the basis of objective evidence, that the proposed development, either alone or in combination with other developments, will not have likely significant effects on any European or Ramsar sites. Adverse effects on the integrity of any European or Ramsar site can therefore also be excluded.'

- 7.46 This conclusion is verified by the consultation response from Natural England that states: *'based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.'*
- 7.47 It is therefore considered that the development would have an acceptable impact on the foreshore designated sites and associated wildlife in this area and is policy compliant in these regards.

Land Contamination

- 7.48 Both rides are located on raised platforms and have no need for foundations. There is therefore no potential for contamination arising from this development. The proposal is acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.49 The development has no habitable or commercial floorspace so is not CIL liable.

Equality and Diversity Issues

- 7.50 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 have noted that the big wheel ride has inclusive access arrangements and have 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.

Conclusion

- 7.51 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the development would, as part of an overall balanced assessment, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Subject to planning conditions, the development would have an acceptable impact on residential amenities and the character and appearance of the application site, street scene and the locality more widely. The nature and degree of identified harm caused to the setting of heritage assets in 4 out of 18 verified views used to assess the development's impact on nearby heritage assets and the townscape is mainly minor detrimental and in one instance moderate detrimental which overall is considered to be less than substantial in degree. Undertaking a balanced assessment, that identified harm is considered to be clearly outweighed by the public benefits of the proposal in relation to the contribution towards regeneration of the town centre and seafront areas. There would be no significant adverse traffic, parking or highways impacts caused by the proposed development and an acceptable impact on sustainability. The development is also judged to have an acceptable impact on the adjacent foreshore nature designations and associated wildlife and flood risk. This application is therefore recommended for approval subject to conditions.

8 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the 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, in respect of the big wheel be retained, and in respect of the observation tower be carried out, in accordance with the following approved plans P101A, P102A, P103A.

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

- 03** The materials and colours for the development hereby approved shall be white powder coated steel for the big wheel and blue powder coated steel with red accents for the tower as set out on plan reference P103A or in accordance with any other materials and colours details of which have previously been submitted to and agreed in writing by the Local Planning Authority under the scope of this planning condition.

Reason: To safeguard the visual amenities of nearby heritage assets and the area generally, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and DM5 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021) .

- 04** The lighting for the development hereby approved shall be as detailed in the Lighting Strategy by SKArchitects reference 783-10-22 and maintained as such for the lifetime of the development. All illumination shall be in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements". The development hereby approved shall not include any vertically emitting lighting and any lighting associated with the development must not present a hazard to aircraft i.e. glare / dazzle / distraction.

Reason: To ensure any protected species and habitats utilising the site are adequately protected and in the interests of aircraft safety, the setting of nearby heritage assets and residential amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM2 and DM3 and DM5.

- 05** There shall be no advertising on the development hereby approved above the adjacent public highway pavement level.

Reason: To safeguard the visual amenities of the area including the setting of nearby heritage assets, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Noise from the development hereby approved, comprising all associated mechanically generated noise, amplified music and amplified speech, shall be limited to 10 dB(A) below the background noise level including any penalties for noise characteristics such as tone and intermittency. Background noise levels shall be in accordance with BS 4142:2014+A1:2019 and expressed as a LA90,15minutes at the boundary of the nearest residential property. Background

noise levels shall be established for the following periods: daytime 0700 to 1900 hours; evening 1900 to 2300 hours; and night 2300 to 0700 hours. Specific noise from the operation shall be measured using BS 4142:2014+A1:2019 and/or the most appropriate method in order to provide accurate and representative noise predictions.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 07 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

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

- 08 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 425.064691.00001 dated February 2023.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment, the National Planning Policy Framework (2021) and Policy KP2 of the Core Strategy (2007).

Positive and Proactive Statement:

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 development equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (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 will 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 is advised that all aspects of the development must comply with Civil Aviation Authority CAP168 and EASA (European Union Aviation Safety Regulations) regulations including lighting.