

1. Site and Surroundings

- 1.1 The application site is occupied by a pitched-roof, single-storey building within the grounds of Leigh Library Gardens, a designated Protected Green Space. The building has a lawful use within Use Class F1 as a public hall and is currently being used for some 20 days per year by a Community-Led Local Development (CLLD) initiative, 'NTFLAG' (North Thames Fisheries Local Action Group fund), which supports and funds projects for the fishing industry and port in Leigh-on-Sea and the North Thames with the rest of the time being used for storage purposes in association with the lawful use of the site.
- 1.2 The building is set 4.5m back from the highway and is bounded from Broadway West by a set of gates, which will be retained and forms a yard between the building and the highway.
- 1.3 To the east of the site is the Grade II listed St Clements Church. To the west of the site is a two-storey building which contains commercial and residential uses. The site is within Leigh Conservation Area.

2. The Proposal

- 2.1. Planning permission is sought to change the use of the site from a public hall (Use Class F1) to a mixed use including public hall, office (Class E(c)) and therapy practice (Class E(e)). The mixed use of the site would be a sui generis use.
- 2.2. No changes to the external elevations of the building are proposed.

3. Relevant Planning History

- 3.1. 18/00838/BC3 - Change of use from Parks Maintenance Mess Room (Sui Generis) to Public Hall (Class D1) and alter elevations – Granted.
- 3.2. [Officer comment: Class F1 came into effect in 2020 and comprises former Class D1 uses related to non-residential institutions.]

4. Representation Summary

Public Consultation

59 neighbouring properties were consulted by letter. A site notice was displayed and a press advert was published. At the time of report writing, no representation has been received. A consultation is continuing following adjustment to the proposal's description. The consultation expires after the date of this committee due to a site notice. Any representations received will be summarised to the Committee through the supplementary agenda.

Leigh Conservation and Heritage (formerly the Leigh Society)

- 4.1. Object –In allowing this change of use a dangerous precedent would be set for future intrusion of commercial uses into public assets such as the gardens.

[Officer comment: The representation has been taken into consideration in the assessment of the application. However, it has not been found to be a reasonable basis for recommending the refusal of planning permission in the circumstances of this case.]

Essex Fire and Rescue

- 4.2. No objection.

Highways

- 4.3. No objection.

Environmental Health

- 4.4. No objection.

Design and Conservation

- 4.5. No objection – no external changes are proposed to the exterior of the building which will not impact the conservation area or setting of the listed building except for any signage. A signage strategy should be conditioned.

[Officer comment: As no external changes are proposed and advertisements are controlled under a different part of the planning regime, it is not considered that a signage strategy condition would pass the relevant tests in the circumstances of this case.]

5. Procedural Matters

- 5.1. This application has been called into Development Control Committee by Cllr Wexham.

6. Planning Policy and Legislation Summary

- 6.1. Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.2. The National Planning Policy Framework (NPPF) (2023)
- 6.3. Planning Practice Guidance (PPG) (2023)
- 6.4. National Design Guide (NDG) (2021)
- 6.5. Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport & Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 6.6. Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Historic Environment), DM10 (Employment Sectors), DM11 (Employment Areas), DM15 (Sustainable Transport Management)
- 6.7. The Southend-on-Sea Design & Townscape Guide (2009)
- 6.8. Community Infrastructure Levy (CIL) Charging Schedule (2015)

6.9. Leigh Conservation Area Appraisal (2021)

7. Planning Considerations

7.1. The main considerations in relation to this application are the principle of the development, design and impact on the character of the area and heritage assets, impact on residential amenity, traffic and transportation and CIL.

8. Appraisal

Principle of Development

8.1. The NPPF states at paragraph 11 that it presumes in favour of sustainable development. Sustainable development is defined at paragraph 8 of the NPPF in economic, social and environmental terms. This proposal is considered in the context of the Council's policies relating to design and the National Planning Policy Framework.

8.2. Policy DM10 of the Development Management Document states that proposals within employment sectors will principally be directed to the Priority Location Areas, which this site is not located within. However, DM1 recognises that all development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace and jobs will be encouraged.

8.3. Policy DM11 of the Development Management Document states that proposals for employment generating uses outside the designated Employment Areas will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies.

8.4. Policy CP6 of the Core Strategy relates to community infrastructure and states that new development should not jeopardise the City's ability to improve education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by supporting improvements to existing, and the provision of new facilities to support leisure, cultural, recreation and community facilities.

8.5. The building is stated to be currently used for storage purposes and the lawful use of the site is as a public hall. The proposed change of use of the building would retain facilities in support of the City's aim to provide development in association with economic, tourism and leisure activities and provides for use of the building by the Community-Led Local Development (CLLD) initiative, 'NTFLAG' (North Thames Fisheries Local Action Group fund), which supports and funds projects for the fishing industry and port in Leigh-on-Sea and the North Thames.

8.6. The application site does not fall within a shopping frontage area or employment area. The change of use of the building would result in an employment generating use, as an office and therapy practice, which are uses that are being lost in the City, for example through changes of use to residential dwellings, so the principle of development in this regard is generally considered to be acceptable. Acceptability of the proposal depends on the detail of how the development would relate physically to its surroundings and assessed against the above criteria. This is considered in more detail in the proceeding sections of the report below.

- 8.7. Therefore, the principle of development is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations.

Design and Impact on the Character of the Area, Leigh Conservation Area and other heritage assets

- 8.8. In determining this application, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.9. The NPPF states that 'Good design is a key aspect of sustainable development' and this is referenced throughout the NPPF as well as in Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide also states that the Council is committed to good design and the preservation and enhancement of heritage assets.
- 8.10. No works to the external elevations of the building are proposed under the scope of this application. It is considered that the proposal would not harm the character and appearance of the site, the streetscene and the area more widely and it would preserve the special character of the Leigh Conservation Area. It would not harm the setting of any listed buildings.
- 8.11. The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 8.12. 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.
- 8.13. The proposed development is next to Leigh House to the west which is part residential in nature. Due to the small size of the application building, its proposed usage and absence of any external alterations, it is not considered that this proposal would harm nearby residential occupiers from any visual or noise related impacts. Hours of occupation can be suitably controlled by condition and will be consistent with the current approved hours under the 2018 planning permission to use the site as a public hall. The proposal is sufficiently separated from all other residential dwellings and would not harm their amenity in any relevant regards.
- 8.14. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. Subject to the described condition the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 8.15. The NPPF states at Paragraph 115 states 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.”
- 8.16. Policy DM15 of the Development Management Document states: “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.” The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 8.17. Policy DM15 and Policy CP3 of the Core Strategy seek to maintain highway safety for all users. The parking standards appended to Policy DM15 set a maximum standard of one space per 20sqm floor area for office use and 25sqm for public hall use. The building is some 28sqm so the proposal would require 2 off-street parking spaces in accordance with the standards. This standard is presented as a maximum and the existing site is not served by any off-street parking. Due to the small-scale nature of the development, availability of public parking within the Leigh Broadway area, this sustainable location and the likelihood of a degree of linked trips, no objections are raised in relation to highway or parking implications.
- 8.18. The proposed development would not result in a significant increase in demand for parking within the area and would not harm pedestrian and highway safety. It is therefore acceptable and policy compliant in these regards.

Equality and Diversity

- 8.19. 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.

Other Matters

- 8.20. The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Conclusion

- 8.21. For the reasons outlined above, the proposal is found to be acceptable and policy compliant with regards to the principle of the development, design and impact on the character of the area and heritage assets, impact on residential amenity and traffic and transportation. As there are no other material planning considerations which would justify reaching a different conclusion, it is recommended that planning permission is granted subject to conditions.

9. Recommendation

DELEGATE to the Director of Planning and Economy and/or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 4th April 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

- 01 The development hereby permitted shall begin no 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: 838P01 Revision C, 838P02 Revision D.**

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

- 03 The use of the building hereby approved shall be only for purposes as a public hall, office and therapy practice (sui generis) and for no other purpose within any other Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification.**

Reason: To protect the residential amenity of surrounding occupiers and to protect the character of the area including that of the Leigh Conservation Area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice in the Leigh Conservation Area Appraisal (2021) .

- 04 The use hereby permitted shall not be in operation outside the following hours: 08:00 to 22:00 hours Monday to Sunday.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the

National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 1 You are advised that as the proposed extension(s) or change of use to your property 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.**

- 2 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.**