

Our Ref: W3411/E1.1/01.12/RD/LT

Ms Charlotte Galforg
Southend-on-Sea Borough Council
PO Box 5557,
Civic Centre
Victoria Avenue,
Southend-on-Sea,
SS2 6ZF

8th June 2012

Dear Ms Galforg,

Re: The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Site of the former bandstand and land south of the bandstand between Clifftown Parade and Western Esplanade, Westcliff-On-Sea, Essex

Please take this letter as a formal application from AEW Architects for Southend-on-Sea Borough Council (SoSBC) to request a screening opinion in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (hereafter referred to as "the Regulations").

The screening opinion relates to an application for planning permission for a development on the site of the former bandstand and land south of the bandstand between Clifftown Parade and Western Esplanade, Westcliff-On-Sea, Essex. The description of the application for planning permission is as follows:

Remove existing bandstand shelters and street furniture, stabilise cliff slip area, install retaining wall to top of the slope and retaining wall to foot of the slope and layout footpath (Phase 1).

Form building within cliff slope over seven levels, incorporating museum, planetarium, restaurant, cafe, shop and underground parking with associated access, highways works and landscaping (Phase 2).

- SoSBC are in possession of all the relevant reports and documentation which supports the planning application, and includes:
- Design and Access Statement, AEW Architects
- Planning Statement, AEW Architects
- Heritage Statement, AEW Architects
- Transport Assessment (and subsequent addendums), JMP Consultants Ltd
- Draft Staff and Visitor Travel Plan, JMP Consultants Ltd
- Car Park Management Strategy, JMP Consultants Ltd
- Flood Risk Assessment, JMP Consultants Ltd
- Flood Plan, JMP Consultants Ltd
- Drainage Strategy, JMP Consultants Ltd
- Ecological Scoping Report, Southern Ecological Solutions
- Ecological Scoping Report Addendum, Southern Ecological Solutions
- Reptile Survey, Southern Ecological Solutions
- Invertebrate Appraisal, Southern Ecological Solutions

DIRECTORS: STEPHEN BURNE - MANAGING DIRECTOR; NIGEL MACHIN BA(Hons) Dip.Arch RIBA; ANDREW CRITCHLOW BA(Hons)

ASSOCIATE DIRECTORS: ALAN LAMB BA(Hons) Dip.Arch. RIBA; DAVID SOMERS BA(Hons); ANDREW RAINFORD BA(Hons) B.Arch (Dist) RIBA; ANDREW TITTERTON ONC/HNC (Building) BA(Hons) Arch(Int) Dip.Arch; DANIELLE PURVES BA(Hons) MA

ASSOCIATES: CLAIRE KILGARIFF (Snr) BA(Hons) B.Arch RIBA; ROBERT DICKSON BA(Hons) B.Arch RIBA; BERNARD LAM BA(Hons) B.Arch RIBA; GARETH JONES BA(Hons) B.Arch RIBA

PRACTICE MANAGER: JANE PULLEN Assoc CIPD

CONSULTANT: CHRISTIAN WEWER DL BA(Hons) B.Arch RIBA

- Badger Survey, Southern Ecological Solutions
 - Tree Survey, Southend-on-Sea Borough Council
 - Noise Impact Assessment, 24 Acoustics
 - Bandstand Relocation Options Appraisal, AEW Architects
 - Justification Statement (removal of shelters), AEW Architects
 - Cliff Stabilisation Design Note, Buro Happold
- Pursuant to Part 2, 5 (2) of the Regulations this application to request a screening opinion is accompanied by:
 - Drawing W3411_P100A Location Plan
 - A brief description of the nature and purpose of the development
 - A brief description of its possible effects on the environment

Nature and Purpose of the Development

Cliff Gardens has functioned as a public open space since the establishment of the gardens in the late nineteenth century. In recent years the cliffs have suffered from subsidence endangering the gardens, and resulting in the closure of portions of the gardens to the public. The application site includes one of these landslips.

An opportunity exists to rectify the slips and enhance the landscape whilst at the same time incorporate additional measures to provide an exciting new iconic museum for Southend-on-Sea.

The Southend Museums Service consists of four registered museums including Prittlewell Priory, Southchurch Hall, Beecroft Art Gallery and Central Museum. Beecroft Art Gallery and Central Museum are not fit for purpose today; the Beecroft Art Gallery suffers from major subsidence and Central Museum has a lack of exhibition space limiting the breadth of the collections that can be put on display.

The discovery of a Saxon 'princely burial' in 2003 has provided Southend-on-Sea with an unrivalled opportunity to create a new nationally significant museum in the town that also incorporates the best elements of the collections currently held and displayed in the Beecroft Art Gallery and Central Museum, in a new high-quality iconic building.

Full planning permission is being pursued for the cliff stabilisation and new museum. The proposals will be developed in two phases.

The Development

Phase 1 will see the removal of the bandstand shelters and other objects from Cliff Top Gardens so that the site can be stabilised with a 1200mm diameter pile retaining wall at the top of the slope and a 900mm diameter pile retaining wall at the foot of the slope. The piles form the foundations of the proposed museum building, which will be developed in Phase 2. A timber closed-board fence will be erected in front of piles at the top of the cliff so that they are not visible from Western Esplanade.

The cliff will be opened to the public and a new footpath provided through the site.

Phase 2 will see the development of the new 20,348sqm museum, built over seven levels into the cliff face of Cliff Gardens.

The whole structure will be built into the hillside, with only large window elevations and small roof platforms visible above ground. The rest of the structure will be buried under reconfigured gardens to form part of the wider Cliff Gardens. The nature of the slope and the building means that each floor will have a large "eye lid" window looking out towards the estuary.

The reconfigured gardens also form part of the proposed works and the roof level of the museum forms the surface level of the gardens. The proposals also include vehicle access from Western Esplanade and the temporary and permanent slope stabilisations work.

The new building will include:

- 10,023sqm museum (Class D1)
- 392sqm planetarium (Class D1)
- 598sqm restaurant (Class A3)
- 257sqm cafe (Class A3)
- 377sqm museum shop (Class A1)
- 8,701sqm multi-storey car park for 220no. cars – for use by visitors to the museum and seafront. Primary pedestrian entrance points into the building are provided at Level 0 into the museum shop from Western Esplanade and at Level 5 into the main museum entrance from Cliff Gardens.

The total internal floor space of the museum functions is 10,023sqm including gallery, permanent and temporary exhibition space, library / research facilities, staff areas for working and administration, technical space, seminar space, educational areas and reception. The temporary exhibition space will be used as a facility for evening conference hire. These museum functions are located over four floors (Levels 2, 3, 4 and 5) occupying the largest proportion of the building and supporting the aspirations for Southend-on-Sea to become a cultural hub. The opening hours of the museum are Monday to Saturday 10.00am to 17.00pm and Sunday 11.00am to 17.00am (note: this may be subject to change.) Due to the extended opening hours of the restaurant the main entrance into the building will remain open outside these hours but access to Levels 2, 3 and 4 will be prohibited.

The total internal floor space of the cafe is 257sqm. It provides approximately 60 no. covers and is located on Level 2 close to the museum functions to act as a stop gap for rest and refreshment before the rest of the building is explored.

The total internal floor space of the planetarium (multi function space) is 392sqm and the restaurant is 598sqm. Both these functions are located on Level 5; where the primary pedestrian entrance point into the building is located from Cliff Gardens. The planetarium (multi function space) and restaurant will open independently of the museum element in the evenings to 23.00pm (note: this may be subject to change). Clustering these uses on a single level, and separating them from the museum functions, allows the planetarium (multi function space) and restaurant to remain open out of museum hours. The planetarium (multi function space) includes 150no. seats and the restaurant provides 200no. covers including an external seating area.

The total internal floor space of the museum shop is 377sqm. It is located at Level 0 and is accessed directly from Western Esplanade, providing the secondary means of pedestrian access into the building. The retail store is clearly visible along the Esplanade and will operate only during museum hours.

A three-storey car park will be located at Level -1, 0 and 1. The multi-storey car park will provide a total of 220no. car parking spaces, including 15no. spaces for staff and 205no. available for use by museum visitors and the general public. Vehicles access the car park from Western Esplanade at Level 0 and circulation ramps are provided to the other levels. Level -1 and Level 1 are dedicated mainly for parking and Level 0 incorporates other functions such as the servicing area for the museum and restaurant and other ancillary uses such as stores and plant room. The dual purpose of the car park; to provide museum visitor parking and additional parking for the seafront and town, means that the car park will be open 24 hours a day.

The Possible Effects on the Environment

Overall, the proposed development is not considered likely to have significant environmental impacts taking into account Statutory Protected Species, Traffic and Transportation, Air Quality, Flood Risk, Ecology, Heritage and Noise.

Statutory Protected Sites

Approximately 62m to the south of the site is the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), Special Protected Area (SPA) and RAMSAR site. Approximately 421m from the site boundary is the Southend-on-Sea Foreshore Local Nature Reserve (LNR). The Benfleet and Southend Marshes SSSI, SPA, RAMSAR site and LNR have been cited by Natural England as they contain an:

'extensive series of salt marshes, mudflats, scrub and grassland which support a diverse flora and fauna. The south-facing slopes of the downs, composed of London Clay capped by sand, represent the line of former river cliffs with several re-entrant valleys. At their foot lies reclaimed marshland, with its associated dyke system, based on alluvium. Outside the sea walls there are extensive salt marshes and mud-flats, on which wintering wildfowl and waders reach both nationally and internationally important numbers. Nationally uncommon plants occur in all of the habitats and parts of the area are of outstanding importance for scarce invertebrates'

The increased number of visitors to the area after development of the site is unlikely to have a direct effect on the designated sites as the visitors will not have access to the protected areas. Given the nature of the seafront being well lit and crowded the construction works are unlikely to cause increased disturbance that would affect wintering birds, however the complex microhabitats present maybe affected by an increase in pollution from construction machinery or dust for instance. It will therefore be important that potentially harmful construction-related operations are identified and that a scheme for eliminating the impact of these operations is implemented.

Traffic and Transportation

Currently the Western Esplanade experiences the following:

Average weekday:

- Morning peak hour (08:00-09:00) total two-way flow: 1,362 vehicles;
- Afternoon peak hour (17:00-18:00) total two-way flow: 1,308 vehicles;
- Morning peak period (07:00-10:00) total two-way flow: 3,144 vehicles;
- Afternoon peak period (16:00-19:00) total two-way flow: 3,617 vehicles; and
- Total 24 hour total two-way flow: 16,722 vehicles.

Average weekend day:

- Peak hour (12:00-13:00) total two-way flow: 1,301 vehicles;
- Peak period (11:00-14:00) total two-way flow: 3,746 vehicles; and
- Total 24 hour total two-way flow: 15,721 vehicles.

The vehicular traffic expected to be generated by the proposed development at the site is:

Average weekday:

- Morning peak hour (08:00-09:00) total two-way flow: 3 vehicles;
- Afternoon peak hour (17:00-18:00) total two-way flow: 19 vehicles;
- Morning peak period (07:00-10:00) total two-way flow: 9 vehicles;
- Afternoon peak period (16:00-19:00) total two-way flow: 67 vehicles; and
- Total 24 hour total two-way flow: 624 vehicles.

Average weekend day:

- Peak hour (12:00-13:00) total two-way flow: 74 vehicles;
- Peak period (11:00-14:00) total two-way flow: 246 vehicles; and
- Total 24 hour total two-way flow: 624 vehicles.

It is considered that the proposed development at the site will not result in a detrimental impact on the local highway network since the majority of trips generated by the site will occur outside of network peak hours.

Furthermore, it is considered that the provision of the new MSCP will alleviate existing parking pressure on the Western Esplanade. The multi-storey car park will provide a total of 220 car parking spaces, including 15 spaces for staff and 205 available for use by the general public and museum visitors. At its busiest time of day, a total of approximately 47 vehicles associated with the site will be parked within the MSCP (as identified within JMPs Transport Assessment dated 5th March 2012). The car park will also be open to the public as well as visitors to the museum, and it is therefore assumed that the remaining capacity (beyond the approximately 47 vehicles at the busiest time of day) will be used by the general public.

Air Quality

The potential factors influencing air quality could arise from the restaurant and cafe use incorporated within the proposed development. Given that the ventilation and extraction equipment is yet to be specified there are no further details as to the impact of the restaurant and cafe. However, details will be provided in the future regarding the extract ductwork and odour control measures.

The increase in traffic movements, especially along Western Esplanade, could also affect air quality. However, given that the majority of trips to and from the site will take place outside network peak hours the overall cumulative effect of the proposal on air quality is insignificant.

Flood Risk

The majority of the site location lies within Flood Zone 1 but the foot of the site and Western Esplanade falls within FZ 3a, worsening to FZ 3b as future sea-level rises increase. The proposed museum is classed as a 'more vulnerable' use under PPS25 which is entirely compatible with the level of flood risk pertaining to Levels 1 and above. The location within Flood Zone 1 meets the objective of the Sequential Test under PPS25. The parking and retail uses for the lowest two levels are classed as 'less vulnerable' and their location within defended Flood Zone 3 is considered appropriate during the museum's lifetime, even though the risk increases sufficiently for Level 0 to fall within Flood Zone 3b during the latter part of the museum's design-life.

Flood risk affects the two lowest levels of the proposed scheme which are to be dedicated to car-parking, service access and part of the museum's retail activities. Accordingly, the museum design incorporates the following measures, or provision for their future installation:

- Flood-gates to the car-park and delivery-bay entrances;
- Flood-proof construction of the building frontage to the Esplanade, including the museum shop;
- Door-board to protect the shop entrance;
- Portable flood-defences for the car-park and delivery-bay entrances for use prior to the floodgates installation;
- The ability to isolate M&E equipment on Levels 0 and 1 from the systems in the remainder of the building and for those systems to continue to operate independently in such conditions.

The main museum levels are positioned securely above the potential flood-levels and will not be at risk.

Ecology

Ecological Scoping Survey

An Ecological Scoping Survey (ESS) was undertaken by Southern Ecological Solutions in September 2009. The aim of the ESS was to identify the potential for any rare and protected species or habitats to be present before the permanent or temporary cliff stabilisation works commence. The ESS recommended that the following surveys are undertaken for protected species, by a suitably qualified ecologist, to avoid a potential breach of wildlife legislation and to properly assess the value of the habitats on site:

- A 7 visit presence or likely absence survey for reptiles, along with a population assessment, if presence is detected within these 7 visits (this Reptile Survey has been carried out as referred to below)
- Invertebrate surveys, 1 in autumn 2009 with 2 further surveys in 2010 (this Invertebrate Appraisal has been carried out as referred to below)
- A 2/3 visit bat emergence and activity survey to all features with potential to support roosting bats or provide foraging and ranging habitat (there has been no recorded incidence of bats)

The ESS also recommended that any clearance of trees and scrub onsite be completed outside of the nesting bird season (March- September). If this is not possible to carryout clearance works outside of this period a nesting bird survey should be conducted by a suitable qualified ecologist prior to clearance works commencing each day.

Further to the ESS undertaken in 2009 an update was made by Southern Ecological Solutions on September 2011, to ascertain any habitat change or new constraints since the original ESS was issued. No change in habitat was observed during the visit; however the potential for several protected species still exists within the survey site. The recommendations made in the 2009 report still remained valid. Accordingly, an Invertebrate Appraisal and Reptile Survey were undertaken in November 2011, as detailed in the following sections.

Reptile Survey

The aim of the Reptile Survey was to determine the presence or likely absence of reptiles within the viable reptile habitat onsite. The refugia were laid and left to settle before the survey commenced on the 6th October 2011 with the final visit taking place on the 18th October 2011.

No reptiles were recorded during the seven survey visits. Therefore reptiles can be considered likely absent from the survey area and no further works are required for this species.

Invertebrate Appraisal

A walkover survey was undertaken on 20th October 2011. A data search from the Essex Field Club did return records of noteworthy invertebrates associated with landslips, bare soil and also garden habitats. However, it is considered that the site is too small and isolated and the specialist micro-habitats too limited in extent for significant invertebrate populations to be present. Any noteworthy species associated with garden habitats are likely to be found more widely in the Southend area.

It is considered that no formal mitigation is required for invertebrates. However, it is suggested that the site and the Cliffs Gardens could be enhanced for invertebrates by providing some areas of nesting habitat (such as bare ground or deadwood) and also by planting appropriate nectar and foraging plants.

Badger Survey

The presence of a number of badger setts has been identified within the application site. It is proposed to provide one or more artificial setts and then to exclude the badgers from their existing setts. This exclusion, which will require a licence from Natural England's Regulatory Services Team, can only be carried out at certain times of the year and this will need to be factored into the timetabling of the project as a whole. Our standing advice for protected species contains a section about badgers which should be consulted for further information.

Tree Survey

A Tree Survey was undertaken by SoSBC on 25th November 2010 and updated on October 2011. Only a single tree was considered to have high amenity value within the study area. This tree is positioned on Clifftown Parade and is not proposed for removal as part of this development. Several trees were considered to have moderate value and will be removed as part of the proposed development. Most trees were recommended for removal within the Tree Survey.

Heritage

Several objects, including the viewing shelters, will be removed from the site. It is not considered however that their removal would be detrimental to the character and appearance of the conservation area.

Only the shelters are historic objects (the other objects were introduced during recent restoration works). These shelters are important as heritage assets; however, given that this part of Cliff Top Gardens has undergone major changes in recent years, such as the loss of the shelters south of the bandstand and the removal of the bandstand itself, the character of this part of the gardens has altered significantly. They shelters appear 'lost' without the bandstand and currently function as an area for miscreants to congregate.

The other objects and trees that are proposed for removal are modern interventions which were introduced following the landslide event in November 2002. The benches match the other benches prevalent throughout Cliff Gardens however they have little historic significance within this part of Cliff Top Gardens. Likewise, the trees are incongruous with the other plantings throughout the gardens.

The landslide at Cliff Slope, whilst outside the conservation area, is currently detrimental to its character and appearance, especially when viewed from Western Esplanade. The proposals will significantly improve this area of Cliff Slope and the setting of the conservation area.

The building's unique and innovative design will be a distinctive attribute to the sub-area, and more locally provide a building of recognised quality that retains views to and from Clifftown Conservation Area. The new public realm brings back into use a locally importance open space which complements the rest of Cliff Gardens.

The objects which are proposed for removal will not complement the proposed museum and the associated contemporary public realm works. From an urban design perspective, the museum proposals seek to utilise Clifftown Parade as a legible boundary between the old and the new. The new museum is seen as an important catalyst for regeneration and a more modern Southend-on-Sea.

The loss of the objects will not adversely affect the character or appearance of the Clifftown Conservation Area, as they will be replaced by a high-quality public realm which does not mimic the historic character but brings a new level of development change to the seafront area. The character of the conservation area is considered to be enhanced.

Noise

Potential noise-generating aspects of the scheme include building services and other plant, noise from additional road traffic movements and break-out of amplified music noise from within the museum building. The nearest noise-sensitive receptors are the houses in Cliftown Parade, which is located approximately 50m from the nearest proposed museum building.

Paragraphs 8.2 to 8.5 of the Noise Impact Assessment undertaken by 24 Acoustics on 15th September 2011 states:

The assessment has taken into account the impact of noise from plant and building services, from additional road traffic movements associated with the site and has also considered the impact of noise from amplified music within the premises.

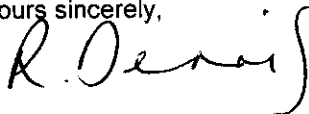
Day time and night-time noise limits have been defined for all plant and are based upon the measured background noise environment and the criteria defined by Southend-on-Sea Borough Council. The assessment has indicated that the increase in noise level from the additional traffic movements associated with the facility will be negligible and all internally generated noise within the museum is likely to be inaudible at the nearest residential property.

It is therefore concluded that there will be no harm or loss of amenity to the occupants of the nearest residential properties to the proposed new museum.

Based upon the survey results and Local Planning Authority guidance, limiting criteria applicable to noise from the installation of external plant have been established. In addition calculations have been undertaken demonstrating noise from the proposed plant will not exceed recommended levels.

We now look forward to receiving the formal screening opinion of Southend-on-Sea Borough Council.

Yours sincerely,



REBECCA DENNIS
For and on behalf of AEW Architects

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Drawing W3411_P100A Location Plan