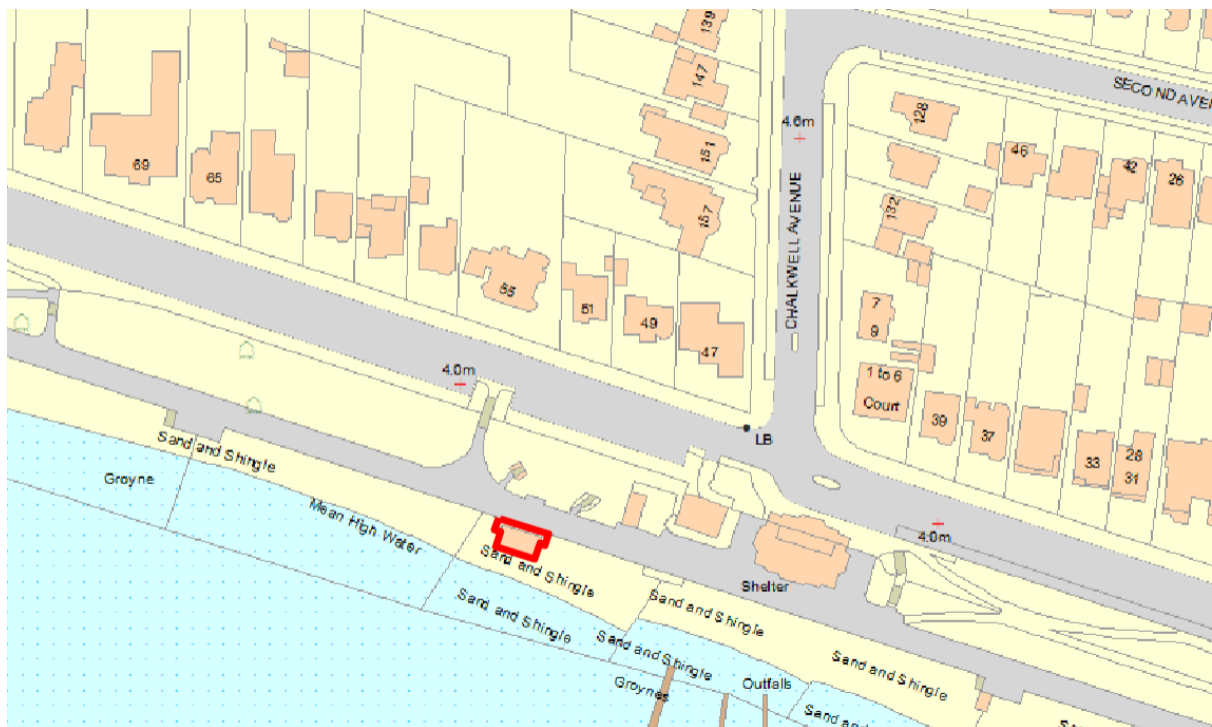


<b>Reference:</b>	17/01071/FUL	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Part demolish existing building, extend front elevation, alter elevations, change of use to a café (Class A3) and internal layout to form new kiosk with bin store to side	
<b>Address:</b>	Kiosk 10 West, Chalkwell Esplanade, Westcliff on Sea, Essex, SS0 8JQ	
<b>Applicant:</b>	Mr and Mrs Grant	
<b>Agent:</b>	Stone Me Limited	
<b>Consultation Expiry:</b>	21.09.2017	
<b>Expiry Date:</b>	04.10.2017	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	1700-03; 1700-01; 1700-04A; 1700-02A; 1700-06; 1700-07	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 The Proposal**

- 1.1 Planning permission is sought for part demolition of the existing building, an extension to the front elevation and alterations to the elevations.
- 1.2 The existing kiosk is 9.4m wide x 5.7m deep x 2.7m high fronting the esplanade and 3.1m to the south elevation. The internal floorspace of the building is 47.4sqm and the building is set 1.3m back from the steps on the esplanade.
- 1.3 The proposed kiosk is 9.4m wide x 6.6m-7m deep x 3m high fronting the esplanade and 3.2m-3.8m to the south. The internal floorspace would be 51.4sqm and the kiosk will be set 0.2m to 0.5m back from the steps on the esplanade.
- 1.4 The applicant has provided supporting information suggesting the site has been previously used as a café. The proposed opening hours are between 08:00 hours to 20:00 hours daily. The toilets within the kiosk will be for customers only as there are public toilets available for visitors to the esplanade to the east of the site.
- 1.5 The proposed materials include powder coated aluminium double glazed sliding doors, perforated shutters, aluminium windows and composite front door, powder coated aluminium projecting fascia with single ply membrane flat roof covering, external timber cladding, composite cladding to the middle section of the kiosk and removable front section of the kiosk.

## **2 Site and Surroundings**

- 2.1 The existing site is a vacant single storey building located on the south side of Chalkwell Esplanade formerly used a beach kiosk. To the immediate north are gardens and beyond that a car parking area for visitors to the beach and residential properties. To the east of the site is an existing kiosk called 'Tides' and public toilets. To the south of the site is the beach and Thames Estuary.
- 2.2 The site is located within seafront character zone 4 as designated by policy DM6 of the Development Management Document. The site lies adjacent to Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), Ramsar site, Special Protection Area (SPA) and located within flood zone 3.

## **3 Planning Considerations**

- 3.1 The main planning considerations for this application are the principle of development, environmental issues, flood risk, design, traffic and transportation and impact on residential amenity and CIL implications.

## 4 Appraisal

### Principle of the Development

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP1, KP2, CP4, CP6; Development Management Document (2015) policies DM1, DM3, DM6 and the Design and Townscape Guide (2009).**

- 4.1 Policy KP1 of the Core Strategy states *“As a principal basis for sustainable development in the town, development and investment will be expected to build on and contribute to the effectiveness and integration of the key transport corridors and interchanges”*.

The policy goes on to state the spatial strategy for the seafront is:

*“Seafront – to enhance the Seafront’s role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore”*.

- 4.2 Part 5 of Policy DM6 of the Development Management Document states:  
*“The provision of new and improved facilities for water recreation and other leisure and tourism facilities will generally be supported in appropriate locations along the Seafront in accordance with Policy Table 1. Proposals are required to demonstrate that:*
- (i) Such facilities will not detrimentally reduce the amount of beach available for public use or public accessibility to the foreshore; and*
  - (ii) They provide an adequate means of access to the foreshore*
  - (iii) They contribute to the positive appreciation of natural resources and biodiversity of the foreshore by visitors and users”*.

- 4.3 The site is located within the Seafront Character Zone 4 Chalkwell Esplanade to San Remo states, inter alia:

- (i) To maintain and enhance the open aspect of the foreshore and beaches, promenade and landscaped areas.*
- (ii) To replenish the beaches as the need arises and maintain the integrity of the flood defences.*
- (iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.*
- (vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area.*
- (viii) To develop a quality promenade that incorporates the Sustrans cycle route and encourages activity and increased enjoyment of the Seafront.*
- (ix) To maintain and promote the commercial activities within this character zone.*
- (x) To replenish the beaches as the need arises and maintain the integrity of the flood defences.*
- (xi) Encourage improvements to existing shelters and cafes.*

*Refurbishment and renewal works will not impact on the foreshore views and should not unduly encroach onto the foreshore.*

- 4.4 Part (xi) is most relevant to this application given the proposed development is to improve the existing shelter and provide a café facility. It would not encroach on the foreshore but would come forward above part of the existing steps on the esplanade, which will be discussed in more detail below. The proposal will provide improve visitor-related development providing new facilities within the seafront area and will maintain foreshore views given the overall size of the building.
- 4.5 In light of the above, there is no objection in principle to the development including the use of the kiosk as a café.

### **Environmental Issues**

#### **National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4; policies DM1 and DM3 of the Development Management Document (2015)**

- 4.6 The application site is located directly adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest. Natural England are of the view without appropriate mitigation measures the proposal could potentially damage or destroy the interest features for which Benfleet and Southend Marshes Site of Special Scientific Interest, Special Protection Area and RAMSAR. In order to mitigate potential effects and make the development acceptable a number of mitigation measures are required in relation to when construction works are carried out, including materials that are not to be deposited within the Benfleet and Southend Marshes SSSI, SPA and Ramsar site. A requirement for no external lighting is also necessary. These points can be dealt with by condition.
- 4.7 The Council has a duty under The Conservation (Natural Habitats, &c.) Regulations 1994 to make an Appropriate Assessment of the conservation implications of proposals that affect European conservation sites and any person applying to a local authority for consent, permission or other authorisation must provide information for the purposes of this assessment. Also, under Section 40 of the Natural Environment and Rural Communities Act 2006, the local authority has a duty, when exercising its functions, to conserve biodiversity. In accordance with this national legislation, the Borough Council has as local planning policies that seek to conserve biodiversity and ensure that all development is sustainable.

- 4.8 Any impacts resulting from the development are likely to be negligible and it is not considered that the proposed development will have a significant effect on the European and international site, either alone or in combination with other plans or projects with the conditions recommended. This view is supported by Natural England who have raised no objection to the proposal. It is considered that subject to the proposal being implemented in accordance with the submitted plans and descriptions and conditions imposed in relation to construction, deposited materials, waste and no external lighting. The scheme is acceptable and compliant with the objectives of development plan policies.

### **Flood Risk and Drainage**

#### **National Planning Policy Framework; Core Strategy (2007) policies KP1, KP2, Development Management Document (2015) policy DM2**

- 4.9 The National Planning Policy Framework sets out advice to local authorities with respect to flooding and drainage. Core Strategy policy KP2 is concerned with flood risk and water management. Development that increases risk of flooding should be resisted.
- 4.10 The site is located partly within Flood Zone 3, and the applicant has submitted a flood risk assessment in support of the application.
- 4.11 Paragraph 3.21 of policy DM6 of the Development Management Document states:
- “The adopted Core Strategy identifies the Seafront as a key growth and regeneration area, and in addressing flood risk requires that, where the Environment Agency’s Flood Zone Maps or other considerations (including up to date Strategic Flood Risk Assessment), indicate that a risk of flooding remain, all development proposals shall be accompanied by a detailed flood risk assessment, appropriate to the scale and nature of the development and the risk. As such an assessment will need to clearly demonstrate that a particular development is appropriate in terms of type, siting and mitigation measures proposed, using sustainable flood risk management options which safeguard biodiversity importance of the foreshore and / or effective sustainable drainage measures”.*
- 4.12 The National Planning Policy Framework requires the development to meet the requirements of the sequential test (i.e. development should not be located within a high risk zone if there is land subject to less risk available). The Core Strategy identifies the seafront as an area for regeneration and growth, and sets a target of 750 new jobs between 2001-2021 (37.5 jobs each year). The Core Strategy has been through strategic flood risk assessment and thus it is considered appropriate to apply to sequential test to the seafront itself. It is not considered there are any other reasonably available sites for this type of development within the seafront area that are in the low-risk flood zone. The proposal is therefore considered to pass the sequential test.

- 4.13 The proposed use as a cafe is considered a “less vulnerable” use, and users would be afforded safe egress to areas at lower probability of flooding. The applicant has provided flood management measures within the flood risk assessment submitted.
- 4.14 The applicant is seeking to construct a removeable section of the kiosk, to the front elevation where the server is located, to be constructed over existing steps that serve as part of the flood defence along this part of Chalkwell Esplanade. The applicant has provided supporting information to justify how the server is temporary including a deconstruction method statement and drawings. The Councils Foreshore Engineer has raised no objections to the development subject to an appropriate condition being imposed to ensure the kiosk operator is responsible for removing the counter, for maintenance and in time, if the Council are required to raise the level of the sea wall. This would result in adaptations to the counters, the arch and the floor, which will all be the responsibility of the operator.

### **Design and Impact on the Character of the Foreshore and wider area**

#### **National Planning Policy Framework; Core Strategy 2007 policies KP2, CP4; Development Management 2015 policies DM1, DM3, DM6 and the Design and Townscape Guide.**

- 4.15 The existing building is 9.4m wide x 5.7m deep x 2.7m high fronting the esplanade and 2.2m (3.1m high including existing wooden structure). The proposal including part demolition and extension to the front is 9.4m wide x 6.6m-7m deep x 3m high fronting the esplanade and 3.2m (3.8m including structure to elevate the building on the south elevation). The internal floorspace will increase from 47.4sqm to 51.4sqm. It is not considered the overall scale will adversely impact the character of the area and foreshore and is considered to be in accordance with the development plan policies.
- 4.16 The kiosk is a mono pitched roof design sloping from north to south. The elevations of the building will be finished using a cladding system. Windows and doors will be constructed from aluminium and the projecting fascia has a fibreglass arch to the front elevation. The fenestration and openings to the kiosk will have a positive impact on the existing building and surrounding area. Balustrade detailing is proposed to the east, west and south elevation with sliding doors. The proposal include a perforated roller shutter perforated maintain views through the building, which is an improvement on the existing building that has a solid shutter and will not harm the surrounding area in terms of visual amenity. The proposed refuse store is to be enclosed on the eastern elevation, which is welcomed given the visual impact on the character and appearance of the area will not be harmful and further details in relation to waste can be dealt with by condition. The overall exterior relates well to the seaside location contextually, and is considered acceptable.
- 4.17 The proposed development by reason of its design and scale is considered to provide a positive contribution to the character and appearance of the surrounding area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM6 of the

Development Management and advice contained within the Design and Townscape Guide SPD1.

## **Traffic and Transportation**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2, CP4, CP3; Development Management Document (2015) policy DM15 and the Design and Townscape Guide (2009)**

- 4.18 The site is located on Chalkwell Esplanade with access to a public car park to the north and bus services to the east. There is a cycle path along Chalkwell Esplanade and the site is within walking distance of Chalkwell Station to the west of the site.
- 4.19 Whilst the proposal will include a minor extension to the existing kiosk. It is considered that the limited additional floorspace would not result in a material increase in the demand for on street parking in the locality. The seafront already attracts a high level of traffic, and there are existing seafront public car parks which accommodate visitor traffic nearby. The Council's Highway Officer has raised no objection to the proposal on parking grounds.

## **Impact on Neighbouring Occupiers**

**National Planning Policy Framework; Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).**

- 4.20 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should not have an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. Policy DM1 requires that all development should (inter alia):

*“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;”*

- 4.21 The nearest residential property is located 48m to the north of the site along Chalkwell Esplanade. The proposed opening hours of the kiosk are between 08:00 hours and 20:00 hours daily. The opening hours are similar to that at Tides café to the east of the site. It is not considered the proposed opening hours will not have an adverse impact on residential amenity of existing occupiers to the north. The extract ducting to be installed to the roof will be set in excess of 48m from the nearest residential property. A condition will be imposed to ensure full

details of this are dealt with by condition to protect amenity. The overall noise and activity generated by the proposed use will not have a detrimental impact on the amenities of nearby residential occupiers given the location of the kiosk, existing seafront activities and conditions to be imposed on this planning application.

### **Sustainable Construction**

**Planning Policies: National Planning Policy Framework; Core Strategy (2007) policies: KP2, CP4; Development Management Document (2015) Policy DM2; Design and Townscape Guide (2009)**

- 4.22 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:

*“include appropriate measures in design, layout, operation and materials to achieve:*

*a reduction in the use of resources, including the use of renewable and recycled resources.*

*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible”.*

- 4.23 Policy DM2 restates the need for *“all development proposals [to] contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy”.*

- 4.24 The applicant has confirmed the new building will incorporate solar panels which would be installed on the roof, and is welcomed. The full calculations and details will be dealt with by condition to ensure the proposal complies with policy KP2 of the Core Strategy and policy DM2 of the Development Management Document.

### **Community Infrastructure Levy**

- 4.25 As the proposed extensions equate to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **Conclusion**

- 4.26 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant



development plan policies and guidance. The proposed development will have an acceptable impact on the foreshore, provide an improved facility for visitors and will not harm the amenities of neighbouring occupiers or foreshore views and is considered acceptable on environmental and flood risk grounds. The application is therefore recommended for approval subject to conditions.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (2012)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.3 Development Management Document (2015) policies: DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Efficient and Effective use of land), DM6 (The Seafront), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Charging Schedule

## **6 Representation Summary**

### **Traffic and Transport**

- 6.1 No objections.

### **Environmental Health**

- 6.2 Plant

Any mechanical extraction, ventilation or air conditioning plant, particularly that serving commercial units, would need to be carefully located and designed in order to prevent statutory noise or odour nuisance. Plant equipment details should be dealt with by condition.

#### External lighting

No details on external lighting for the development have been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property

### **Asset Management**

- 6.3 No comments received

### **Pier and Foreshore Officer**

- 6.4 No objections to the server, which is reasonably easily demountable and that the owner has given the necessary undertakings to the Council to maintain and or

modify the sea wall as set out in drawings 1700-06 and 1700-07 and the supporting information received on the 9<sup>th</sup> August 2017.

Conditions should be imposed to ensure the following:

1. The kiosk operator shall be responsible for removing the counter, the fibreglass arch and the floor section, when the Council requires reasonable access for maintenance of the wall. Nonetheless they should have a simple and quick removal method in case the Council's contractor requires to remove them, in which event neither the contractor nor the Council shall be liable for storing it or for any damage to them.
2. The removal for maintenance may need to be for periods greater than one day, so that securing the kiosk should be possible after removal.
3. In time, the Council may need to raise the level of the sea wall, and this must be possible with adaptations to the counter, the arch and the floor, which will all be the responsibility of the operator.

## **Natural England**

6.5 No objection- subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

damage or destroy the interest features for which Benfleet & Southend Marshes Site of Special Scientific Interest, SPA and Ramsar has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

1. No construction works involving heavy plant or machinery are to be carried out during periods of freezing weather (i.e. when the ground or air temperature is at or below 0°C, or the ground is snow covered).

Reason: in order to minimise the risk of disturbance to over-wintering wildfowl and waders using the nearby foreshore during periods when they are already subject to additional stress due to the weather conditions.

2. No materials or waste are to be deposited within the Benfleet and Southend Marshes SSSI, SPA and Ramsar site, outside the boundary of the area that the planning application refers to.

Reason: to avoid damage to intertidal habitats.

3. No security or other exterior lighting shall be illuminated, unless such lights are so arranged as to prevent any light spill onto the Benfleet and Southend Marshes SSSI, and to minimise direct glare when viewed from the foreshore.

Reason: to minimise the risk of disturbance to wintering birds whilst feeding on the SSSI, or of disorientation of birds whilst in flight.

## **Public Consultation**

6.6 A site notice displayed on the 3<sup>rd</sup> August 2017 and 6 neighbours notified of the proposal. One letter of representation has been received stating:

- Existing timbers could be repaired
- Affects seawall structurally
- WC open to the public
- On footpath

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. A more detailed response to these points is provided in the relevant section of the above report.

6.7 Councillor Habermel has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

7.1 None.

## **8 Recommendation**

**Members are recommended to GRANT PERMISSION subject to the following conditions:**

**1 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

**2 The development hereby permitted shall be carried out in accordance with the approved plans 1700-03; 1700-01; 1700-04A; 1700-02A; 1700-06; 1700-07, 1700-08B; 1700-09A**

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

**3 Notwithstanding the details shown on the plans submitted, 1700-08B; 1700-09A submitted otherwise hereby, approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposal, roller shutters and display board have been submitted to and approved in writing by the Local Planning Authority.**

**The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.**

**Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management Document 2015 and the advice contained within the Design and Townscape Guide 2009.**

- 4 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Flood Risk Assessment carried out by Richard Jackson Engineering Consultants dated August 2017 reference 48330.**

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

- 5 The development hereby permitted shall be carried out in accordance with the supporting information received on the 9<sup>th</sup> August 2017 detailing how the front server of the kiosk will be removed for on-going maintenance of the flood defence as set out on drawings 1700-06 and 1700-07. Notwithstanding the above: The kiosk operator shall be responsible for removing the counter, the fibreglass arch and the floor section, when the Council requires reasonable access for maintenance of the wall. Nonetheless they should have a simple and quick removal method for these structures in case the Council's contractor requires access, in which event neither the contractor nor the Council shall be liable for storing them or for any damage to them.**

**Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment and access to the sea wall pursuant to the National Planning Policy Framework and policy KP2 of Core Strategy.**

- 6 No construction works associated with this permission involving heavy plant or machinery are to be carried out during periods of freezing weather (i.e. when the ground or air temperature is at or below 0°C, or the ground is snow covered).**

**Reason: in order to minimise the risk of disturbance to over-wintering wildfowl and waders using the nearby foreshore during periods when they are already subject to additional stress due to the weather conditions.**

- 7 No materials or waste are to be deposited within the Benfleet and Southend Marshes Site of Special Scientific Interest, Special Protection Area and Ramsar site, outside the boundary of the area to**

which the planning application refers.

**Reason:** To ensure the nature conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes Site Scientific Special Interest, RAMSAR, Special Protection Areas pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

- 8** No security or other exterior lighting shall be installed or used at the site, unless such lights are so arranged as to prevent any light spill onto the Benfleet and Southend Marshes SSSI, and to minimise direct glare when viewed from the foreshore. Prior to installation of any external lighting full details of the lighting and an assessment of the proposed lighting using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed only in accordance with the approved scheme and shall be maintained as such in perpetuity.

**Reason:** to minimise the risk of disturbance to wintering birds whilst feeding on the SSSI, or of disorientation of birds whilst in flight and to ensure the nature conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes Site Scientific Special Interest, RAMSAR, Special Protection Areas pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

- 09** Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details of the display board and any other advertisements have been submitted to and approved in writing by the Local Planning Authority. The display board and any other advertisements shall not be internally or external illuminated. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is occupied.

**Reason:** to minimise the risk of disturbance to wintering birds whilst feeding on the SSSI, or of disorientation of birds whilst in flight and to ensure the nature conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes Site Scientific Special Interest, RAMSAR, Special Protection Areas pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

- 10** The refuse storage as shown on drawing 1700-02A shall be provided at the site prior to it being brought into use and shall be permanently retained for the storage of waste and the development shall be operated and waste stored in accordance with the approved details in perpetuity. No waste shall be stored external to the building at any time

except for purposes of waste collection.

**Reason:** To protect the environment and provide suitable storage for waste and materials for recycling in accordance with Core Strategy 2007 policies KP2 and CP4 and policies DM1 and DM3 of the Development Management Document.

- 11** The building hereby approved shall not be open for use outside the hours of 08:00 – 20:00 hours Monday to Sunday including Bank Holidays.

**Reason:** In the interests of visual amenity and to protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 12** All deliveries and collections to the kiosk shall take place between: 08:00-20:00hrs Monday to Saturday and no deliveries on Sundays or Bank Holidays.

**Reason:** In order to protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 13** Notwithstanding the details shown on the plans submitted and otherwise approved, prior to the installation of the extract ventilation system in the scheme details of noise attenuation measures in relation to the extract and ventilation equipment of the premises shall be submitted to and agreed in writing with the local planning authority. The attenuation measures shall then be installed in full accordance with the approved details before the development is brought into use and permanently maintained thereafter.

**Reason:** To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework, Core Strategy 2007 policy KP2 and CP4, and Development Management Document policies DM1 and DM3.

- 14** With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

**Reason:** To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework, Core Strategy 2007 policy KP2 and CP4, and Development Management

**Document policies DM1 and DM3.**

- 15 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the development hereby approved. This provision shall be made for the lifetime of the development.**

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained within the Design and Townscape Guide (2009).**

- 16 Notwithstanding the provisions of the Advertisement Regulations (2007) as amended or any subsequent amendment, revocation or alteration of these Regulations no advertisements of any sort shall be displayed at the site other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.**

**Reason: To safeguard character, protect wildlife and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management Document 2015 and the advice contained within the Design and Townscape Guide 2009.**

- 17 No live or recorded music which is audible outside the site boundary shall be played at the premises at any time.**

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

- 18 Construction hours shall be restricted to between 7.30am – 6pm Monday to Friday, 8am – 1pm on Saturdays and not at all on Sundays or Bank Holidays.**

**Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policies DM1, DM3 and the advice contained within the Design and Townscape Guide.**

## **Informative**

- 1** You are advised that as the proposed new building equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.
- 2** In relation to condition 5, the removal for maintenance may need to be for periods greater than one day, so securing the kiosk should be possible after removal. In time, the Council may need to raise the level of the sea wall, and this must be possible with adaptations to the counter, the arch and the floor, which will all be the responsibility of the operator.

**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.**