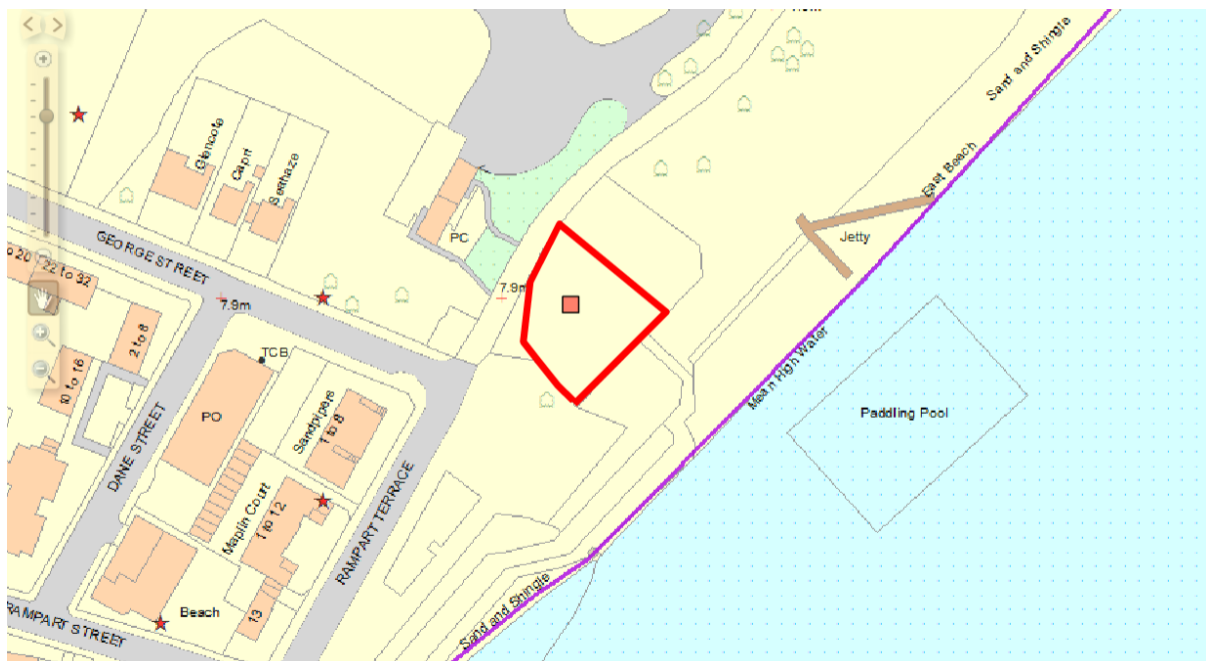


Reference:	17/01973/AMDT	
Ward:	Shoeburyness	
Proposal:	Application to vary conditions 8 (Hours of Opening), condition 9 (Parking), Condition 10 (Gates) (Minor Material Amendment) of planning permission 11/00785/BC4 dated 20.07.2011	
Address:	Former East Beach Café, Rampart Terrace, Shoeburyness	
Applicant:	Mr Levy	
Agent:	SK Architects Ltd	
Consultation Expiry:	28.12.2018	
Expiry Date:	08.02.2018	
Case Officer:	Janine Rowley	
Plan Nos:	406-01-17 P01 Existing and Site Location Plan; P02 Revision C Proposed Plans, Elevations and Section, 09-04-09-01	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission has been granted under application 11/00785/B4 dated 20.07.2011 to erect a two storey café/restaurant (A3 use) on the site of the former East Beach Café, East Beach, Shoebury. A material commencement of the café took place on the 18th July 2014 with a trench dug and the permission is now considered to be extant.
- 1.2 This application seeks to vary conditions 8 (Hours of Opening), 9 (Parking), and 10 (Gates) of approved application 11/00785/BC4.
- 1.3 Those conditions are as follows. Beneath each are changes requested under this current application:

Condition 8 of 11/00785/BC4 (Hours of Opening):

“The premises shall not be open for customers outside the following hours: -

9:00 hours to 23:00 hours Monday – Saturday, 9:00 hours to 23:00 Sundays and Bank Holidays”

“Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, E5 and U2”.

The applicant is seeking a variation of condition 8 as the applicant considers that it is not in keeping with similar facilities and establishments across the town. The proposed variation is:

“06:30 hours to 00:30 hours Monday to Sunday and Bank Holiday and New Year’s Eve as permitted by the premises licence”.

- 1.4 Condition 9 of 11/00785/BC4 (Parking):

“The area of the East Beach Car Park identified on the approved plan numbered 09-04-09-01 received 29/6/2011 shall be available for use at all times while the café/restaurant hereby approved is open to customers. The gate(s) shall not be left open or unlocked outside the hours of 6.30am and 11.30pm unless agreed first in writing by the Local Planning Authority.

Reason: To ensure there is sufficient parking off the highway and in the interest of highway safety, in accordance with Policies T11 and T8 of the Southend on Sea Borough Local Plan.”

The applicant is requesting a variation of condition as the Local Authority is only able to grant a licence for the use of the car park and not a lease. The applicant is requesting the condition shall read as follows:

“The area of the East Beach Car Park identified on the approved plan numbered 09-04-09-01 received 29/6/2011 shall, subject to the granting and periodic renewal of Licence to use the area by Southend on Sea Borough Council, be available for use at all times while the café/restaurant hereby approved is open to customers. The gate(s) shall not be left open or unlocked outside the hours of 06:30 hours and 00:30 hours and later than 30 minutes after the closing hour of the restaurant/café premises”

1.5 Condition 10 of 11/00785/BC4 (Gates):

“Prior to first use of the building hereby approved, two lockable gates and a scheme of low-level lighting, of a type, design and position to be first agreed in writing by the Local Planning Authority shall be installed within the East Beach Car park and be retained thereafter unless otherwise agreed in writing by the LPA.

Reason: For the purposes of preventing the wider use of the car park after dusk, in terms of its misuse and to provide a safe route between the café/restaurant and parking area, in accordance with policy T8 and T11 of the Southend Borough Local Plan”.

The applicant is seeking to alter this condition as the Local Authority are only able to grant a licence for the use of the car park and not a lease. The applicant requests the condition as follows:

“Prior to first use of the building hereby approved, two lockable gates and a scheme of low-level lighting, of a type, design and position to be first agreed in writing by the Local Planning Authority shall be installed within the East Beach Car park and be retained thereafter subject to the granting and periodic renewal of Licence to use the East Beach Car Park hereby referred to, by Southend Borough Council”.

- 1.6 The building remains unchanged and would measure approximately 21m by 10m (plus a further 4m deep terrace), with a single storey projection wrapping around the south and east elevations supporting an outdoor terrace at first floor level. The building would be approximately 6.5m high and include a series of pitched, gabled roofs all of a uniform span. It would include a number of large windows in an irregular pattern and be finished in painted timber with a rendered terrace projection.
- 1.7 The café/restaurant would consist of approximately 373sqm of floorspace over two floors. The building would be capable of accommodating up to 102 covers inside and a further 32 covers externally on the upper terrace plus a bar waiting area.
- 1.8 At first floor level the building would include a small ancillary flat of 26sqm which is proposed to be used by a staff member for night time security purposes. The proposal includes three parking spaces to the immediate north of the proposed building, plus hard and soft landscaping. Solar panels are proposed to be included within the roof slopes.

2 Site and Surroundings

- 2.1 The site comprises a vacant area of land at Shoebury East Beach, situated opposite the corner of George Street and Rampart Terrace. The site is largely hard-surfaced and up until 2006 was occupied by a single storey café, which was destroyed by fire.
- 2.2 The site forms part of an area of public open space identified within the Local Plan and known as East Beach, and sits behind a gated entrance to the open space. It forms the entrance to the East Beach area, which has an open and spacious character; a combination of sandy beach and grassed areas.
- 2.3 To the immediate north lies the East Beach Public Car Park. To the northeast, east and south lie open grassed areas and beach beyond. Approximately 30m to the south west lies the nearest residential building, a block of eight flats known as Sandpipers, with further residential properties on George Street approximately 55m to the west. The site is approximately 190m from Shoebury High Street and 300m from the railway station.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of development, design and impact on the character of the area, effect on residential amenity, parking implications and sustainability.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 CP1, CP2 and CP7; Development Management Document (2015) Policies DM1, DM3 and Design and Townscape Guide (2009)

- 4.1 The principle of erecting a two storey Cafe/Restaurant (Class A3) with external terrace and seating area has been previously accepted under application 11/00785/BC4 dated 20.07.2011. A non-material minor amendment in 2017 was approved. The main change is the proposed ground floor covered terrace areas being incorporated into the main building form plus changes to the internal layout. A commencement of the development has occurred and is now an extant permission so no objection is raised subject to the other material planning considerations discussed in detail below.

Design and Impact on the Character of the Area

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management (2015) policy DM1 and DM3, and the Design and Townscape Guide (2009)

- 4.2 The overall siting, layout and scale of the two storey café remains unchanged from the previously approved application 11/00785/BC4 and subsequent non material amendment 17/01278/NON, allowed to alter the internal layout and alterations to the elevations. Details of materials have been agreed under application 17/01461/AD. It is considered that the development would comply with Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document, in terms of design and character matters.

Impact on Neighbouring Occupiers

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 4.3 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;”

- 4.4 The applicant is seeking to extend the existing approved opening hours currently (09:00 hours to 23:00 hours) to 06:30 hours to 00:30 hours Monday to Sunday and Bank Holiday and New Year's Eve. The existing East Beach area is open to around 9pm in high summer.
- 4.5 During the daytime East Beach can be a busy area, with visitors undertaking recreational activity. There is also a children's playground immediately behind the site. These activities generate noise through the day and it is not considered the proposed use would materially increase noise levels above those currently experienced during these periods.
- 4.6 During the evening, the proposed use would introduce materially new activity to the area until 00:30 hours. The café/restaurant would be located some 60m from the nearest property Seahaze in George Street to the west of the site and 42m to Sandpipers fronting Rampart Terrace to the southwest. Especially as a result of the elevation and internal design changes agreed in application 17/01278/NON, the activity would be largely confined within the building apart from the first floor seated terrace. It is acknowledged that some people may want to dine on the outside terrace later into the evening, and that smokers will use the outside areas too. However the first floor terrace faces east towards the sea.

It is not considered there would be a significant level of disturbance outside the envelope of the building after dusk, and it is noted there is a significant separation between the site and nearest residential properties. The Council's Environmental Health Officer has confirmed there are no objections to the proposed opening hours, which are not out of keeping with other commercial premises in the vicinity. Subject to conditions to control amplified music, details of plant and extract/ventilation equipment (including its acoustic performance) opening hours and a reasonable limit on use of the first floor terrace the proposal is considered acceptable in terms of its noise and disturbance impacts on residential amenity.

- 4.7 Given that the external footprint and envelope of the building remains materially unchanged from application 11/00785/BC4, it is considered that the proposed building would be of sufficient distance from any dwelling so as not to result in overlooking, an overbearing impact or loss of outlook or light.

Parking and Highways Considerations

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

- 4.8 The proposed development includes 373sqm of floorspace as per the previously approved scheme and extant permission 11/00785/BC4. Based on Policy DM15 of the Development Management Document this would seek up to a maximum of 74 parking spaces. The proposal includes three spaces, which would be reserved for staff. Whilst this proposal provides limited parking the principle of the parking quantity has been considered acceptable under application 11/00785/BC4 and remains unchanged.
- 4.9 Previously account was taken that the site is immediately adjacent the East Beach public car park. This car park includes around 175 spaces, plus coach parking. It is well-used but usually has capacity even on busy days. It is envisaged that people visiting the cafe/restaurant during the day would be those using East Beach and already using the public car park. Thus it would seem unreasonable to require any significant level parking purely to serve the proposal, when there is a large public car park available for use adjacent the site.
- 4.10 The proposed hours of use of the café/restaurant extend to 00:30am. East Beach car park is currently locked by the Council every evening at dusk (around 9.30pm during peak season) and thus would not be available to users of the café/restaurant later in the evenings. Without use of the car park, an unacceptable level of on-street parking and vehicle movements could occur. It would be necessary to ensure the car park was made available to visitors to the café/restaurant during the evenings, but also kept locked outside these times in the interests of preventing anti-social behaviour. A condition is recommended to control the management of the car park gate in this respect. The car park gate and a section of the public car park have been included within the application site to enable this to be conditioned. It is recommended the gate is kept open during operating hours and locked no later than thirty minutes after the café/restaurant closing.

- 4.11 Third parties have raised concerns with the potential for misuse of the area and anti-social behaviour. It is considered necessary that secondary gates are installed in the car park, which could be locked at dusk, leaving only the front section of the car park open (17 car spaces plus the coach parking area) into the evening as per the previous approved application 11/00785/BC4 and subsequent extant permission. This should deter misuse of the car park as it would prevent a “circuit” or “loop” manoeuvre for anti-social drivers. It is also recommended that the applicant installs low-level bollard lighting between the parking area and the café/restaurant to enhance safety after dark. The type, luminance and position of these should be first agreed in writing in order to safeguard amenity. Cycle parking should also be secured by condition.
- 4.12 Subject to the above, the proposal is considered acceptable in highways terms. No objections are raised by Highways Officers.

Sustainable Development

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009)

- 4.13 Details of renewable energy agreed under application 14/01028/AD have demonstrated the development would comply with Policy KP2 of the Core Strategy.

Other Issues

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, DM3, DM15 and Design and Townscape Guide (2009)

- 4.14 Details of waste storage agreed under application 14/01028/AD have demonstrated the development would comply with Policies KP2 and CP4 of the Core Strategy and Policies DM1, DM3 and DM15 of the Development Management Document. It is considered that this matter continues to be something which can be controlled adequately through conditions.
- 4.15 The site is potentially contaminated, and contamination was previously discovered when excavating for sea defences nearby. Whilst a condition was not imposed during the determination of application 11/00785/BC4, if during the construction of the development contamination is found, details will be required to be submitted to the local planning authority and controlled by condition. Precautions in respect of potential unexploded ordnance will also be necessary.
- 4.16 The site is previously developed land and there are not considered to be any biodiversity issues that need addressing through planning legislation as accepted for the previous application 11/00785/BC4.
- 4.17 The site is not within a high flood risk area, thus no specific flood risk measures are required.

Conclusion

- 4.18 Having taken all material planning considerations into account, the principle of development for a café/restaurant has been accepted under application 11/00785/BC4 and the subsequent non-material amendment application 17/01278/NON and benefits from an extant permission as works have commenced on site. It is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the development plan.
- 4.19 Subject to appropriate control the proposals noise implications have not been objected to by Environmental Health Officers. Suitable conditions controlling ancillary staff accommodation and use of the car park can also be imposed as per the previous application 11/00785/BC4 subject to the extended opening hours.
- 4.20 Paragraph 19 of the National Planning Policy Framework states that *“planning should operate to encourage and not to act as an impediment to growth. Therefore significant weight should be place on the need to support economic growth through the planning system”*.
- 4.21 Taking all these factors into account, it is considered that, on balance, the benefits of the scheme are such that planning permission should be granted, subject to the conditions that are set out below.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2012)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1, CP2, CP4 (The Environment and Urban Renaissance), CP3 (Transport) and CP7 (Open Space).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2, DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)

6 Representation Summary

Traffic and Transportation

- 6.1 There are no highway objections to the proposal. The applicant will be required to enter into a section 278 agreement to carry out the works within the car park.

Asset Management

- 6.2 Asset Management have no objections to the proposed amendments sought by the applicant.

Environmental Health

- 6.3 On reviewing the application and details for amendment of conditions 8, 9 and 10 the following comments are made.

In respect of extension of the hours of operation, there is no current history of complaints in relation to noise nuisance from the development site as there is currently no fixed commercial operation in place and extension to 0.30 hours isn't out of step with other commercial premises within the vicinity. The conditions applied to the original application 11/00785/BC4 by the LPA in relation to the control of odour and noise should be reapplied in relation to any further permission granted to ensure that the potential for nuisance to residents is reduced.

I would also comment that it appears that the site is classed as potentially contaminated land (including ordnance) due to historic land uses and I note that this was raised by this Department at the time of the previous application but survey and remediation as necessary wasn't applied as a condition.

Therefore, should intrusive groundworks be necessary for any part of the development including the construction of gates to the site, prior to any development commencing the developer should carry out an assessment of the nature and extent of the contamination and implement an appropriate remediation scheme as necessary. This matter should be raised with the developer.

Public Consultation

- 6.4 A site notice was displayed on the 7th December 2017 and 18 residents were notified.

Two letters of representation have been received objecting to the proposal stating:

- Opening hours are not considered acceptable and will cause considerable disruption;
- Sound travels across the site due to the open land;
- People sitting on the external terrace and leaving late will be noisy
- Noise in the car park at the most unreasonable times is unacceptable;
- Result in noise complaints from residents;
- Distance to properties in George Street is less than distance to the properties in Rampart Terrace originally considered under application 11/00785/BC4
- Potential issues with the management of the Car Park

One letter has been received from the Shoebury Residents Association objecting as follows:

- Objection, the view of the association is that it could be allowed to open one hour earlier in the morning to allow for breakfasts i.e. from 8am but the closing time should remain at 11pm or preferably be 10.30pm to avoid disturbance to local residents.

7 Relevant Planning History

- 7.1 Alter internal layout and alter elevations (Non-material Amendment to Planning Permission 11/00785/BC4 dated 20.07.2011, Erect two storey Cafe/Restaurant (Class A3) with external terrace and seating area) (Amended Proposal)- Allowed (17/01278/NON)
- 7.2 Alter internal layout and alter elevations (Non-material Amendment to Planning Permission 11/00785/BC4 dated 20.07.2011 - Cafe/Restaurant (Class A3) with external terrace and seating area)- Granted (17/00924/NON)
- 7.3 Confirmation that planning permission 11/00785/BC4 dated 26.7.2011 has had its conditions discharged and material start has been made (Lawful Development Certificate - Existing)- Granted (17/00397/CLE)
- 7.4 Application for Approval of Details pursuant to condition 03 (details of materials), condition 04 (details of renewable energy) and condition 13 (details of refuse storage) of planning permission 11/00785/BC4 dated 20/07/2011- Agreed (14/01028/AD)
- 7.5 Erect two storey cafe/restaurant (Class A3) with external terrace and seating area- Granted (11/00785/BC)
- 7.6 Erect replacement cafe (Outline) - 07/00966/OUT – Granted permission 10th October 2007.

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the conditions listed below:

- 01 The development hereby permitted shall be carried out in accordance with the following approved plans: 406-01-17 P01 Existing and Site Location Plan; P02 Revision C Proposed Plans, Elevations and Section and 09-04-09-01.**

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

- 02 Use of the external finishes shall be carried out in accordance with drawing number 09-04-09-06 of application 14/01028/AD dated 18.07.2014, before the building is brought into use.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 03 The details of renewable energy contained within the Energy Strategy dated 18.07.2014 carried out by pemxq are agreed in accordance with application 14/01028/AD and shall be implemented prior to the occupation of the development hereby approved in accordance with that consent. This provision of renewable energy 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), Policy DM2 of the Development Management Document (2015).

- 04 No part of the building shall be occupied until space has been laid out within the site in accordance with the approved drawing 406-01-17 P01 for three cars to be parked. The aforementioned parking spaces shall be retained in perpetuity thereafter for patrons and staff of the premises.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and CP3 of the Core Strategy (2007).

- 05 No part of the building shall be occupied until space and facilities have been laid out on the site, in accordance with details to have been previously submitted and approved in writing by the Local Planning Authority, for no less than 15 bicycles to be parked.**

Reason: To ensure that adequate bicycle parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and CP3 of the Core Strategy (2007).

- 06 The living accommodation shown on plan 406-01-17 P01 Rev C and 09-04-09-01 shall be for the exclusive use of persons employed at the café/restaurant hereby approved and shall remain ancillary to the A3 use of the site. It shall at no time be occupied as a separate residential unit.**

Reason: To define the scope of this permission, in accordance with Policies CP7 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 07 The premises shall not be open for customers outside the following hours: -
06:30 hours to 00:30 hours Monday – Sunday including Bank Holidays**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

- 08 The area of the East Beach Car Park identified on the approved plan numbered 09-04-09-01 received 26/6/2011 and plan number 406-01-17 – P01 hereby approved shall be available for use at all time while the café/restaurant hereby approved is open to customers. The gate(s) shall not be left open or unlocked outside the hours of 6.00am and 00.30am unless agreed first in writing by the Local Planning Authority.**

Reason: To ensure there is sufficient parking off the highway and in the interest of highway safety, in accordance with National Planning Policy Framework, Policies KP2, CP3, and CP4 of the Core Strategy and Policy DM15 of the Development Management Document.

- 09 Prior to first use of the building hereby approved, two lockable gates and a scheme of low-level lighting, of a type, design and position to be first agreed in writing by the Local Planning Authority shall be installed within the East Beach Car park and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.**

Reason: For the purposes of preventing the wider use of the car park after dusk, in terms of its misuse and to provide a safe route between the café/restaurant and parking area, in accordance with National Planning Policy Framework, Policies KP2, CP3, and CP4 of the Core Strategy and Policy DM15 of the Development Management Document.

- 10 A scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, approved in writing by, the local planning authority and implemented, before the use hereby permitted begins. All equipment installed as part of the approved scheme shall thereafter be permanently operated and maintained in accordance with the approved details including the manufacturer's instructions.**

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 11 Live or recorded music must not be audible outside the premises and doors and windows shall remain closed after 9.30pm should live or recorded music be playing.**

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 12 The details of refuse storage facilities shall be carried out in accordance with drawing 09-04-09-05 agreed in accordance with 14/01028/AD before the development is brought into use. Waste must be stored inside the property and only put outside just before it is to be collected. The stores must not be used for any other purpose.**

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, Development Management Document (2015) Policies DM1, DM3, DM15 and Design and Townscape Guide (2009).

- 13 If, during the course of development, any contamination (including ordnance risk) is found measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is brought into use.**

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Development Management Document policy DM14.

- 14 The outdoor terrace at first floor shall not be open for customers outside the following hours: -
06:30 hours to 23:00 hours Monday – Sunday including Bank Holidays**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

INFORMATIVES

- 1 You may need separate licensing approval for the A3 premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission.**
- 2 Please contact Environmental Health (01702 215005) to register your food business and to make sure that all ventilation and other equipment will meet Council standards. Under environmental health legislation the Council may ask you to carry out other work if your business causes noise, smells or other types of nuisance.**

- 3 The Council does not recommend that you install a wet-cooled air-conditioning system because of the serious risks to public health if the system becomes infected with legionella (the organisms which cause legionnaires' disease). Please discuss alternatives with Environmental Health (phone 01702 215005).**

The following is a list of the types of air-conditioning systems that you can install, in order of preference.

1 Dry coolers (This is the preferred method as it poses no risk from legionella bacteria.)

2 Adiabatic units as heat rejection. (These units have dry coolers, but the cooling is assisted by water spray at peak times.)

3 Wet-cooling tower or evaporative condensers. (If you choose this method, you should carry out a feasibility study to decide whether to install dry coolers instead. You should discuss this with our Environmental Health service.)

Where the plant includes water storage, you must design it for easy and safe access, cleaning and maintenance. It is important to design the system so water is not stored for a long period of time, which could lead to harmful bacteria developing in the system.

If you do have to install a wet system, you must get advice from Environmental Health about where to put it and how to maintain it. You must also register the system with them.

It is not believed that air conditioning is essential for all buildings and the Council will consider each case on its own merits.

- 4 The site is classed as potentially contaminated land (including ordnance) due to historic land uses. Therefore, in accordance with condition 13 above should intrusive ground works be necessary for any part of the development including the construction of gates to the site, prior to any development commencing the developer should carry out an assessment of the nature and extent of the contamination and implement an appropriate remediation scheme as appropriate. Contact 01702 215005 for further information.**
- 5 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.**