

Reference:	13/01361/BC4
Ward:	Milton
Proposal:	Erect single storey kiosk on land adjacent
Address:	Land Adjacent Adventure Island, Marine Parade, Southend-On-Sea, Essex
Applicant:	Mr M Miller
Agent:	SK Architects
Consultation Expiry:	8 November 2013
Expiry Date:	18 November 2013
Case Officer:	Sophie Glendinning
Plan Nos:	P02 Rev D, P04 Rev D, P01 Rev D, P03 Rev D, P05 Rev E
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 This application seeks planning permission to erect a single storey kiosk on land immediately to the east of the Adventure Island theme park. The proposed kiosk would be used as a hot food takeaway.
- 1.2 The proposed kiosk would be a flat roof structure which would be generally triangular in shape, with a height of 2.6m. It would have a width of approximately 12m on the northern (Marine Parade) frontage and a width of approximately 19m to the eastern (slipway) frontage. It would have a maximum depth of 12m which tapers to 2.3m to the rear of the kiosk.
- 1.3 The building would include timber cladding to the external walls with a green roof. There would be a large servery area wrapping around the front and side. Internally the kiosk would contain a large serving area to the frontage, with the remainder of the floor area in use as a preparation area, a fridge and a WC. A bin store is proposed at the rear of the unit.
- 1.4 This application is subsequent to a previously refused application (Reference: 13/00619/BC4) for a two storey coffee shop. The reason for refusal was as follows:

The proposed development by reason of its height and scale in this location would create a dominant feature in the streetscene and would have an adverse impact on the openness of the area and loss of views of the estuary contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policy C16 of the Borough Local Plan and the Design and Townscape Guide (SPD1).

- 1.5 The applicant has included a Design and Access Statement (DAS) and Flood Risk Assessment in support of the application. Within the DAS the applicant states,

“The latest design proposals have been developed following the refusal of the two storey glazed structure and is in direct response to the comments of the Councils Development Control Committee noting that a single storey structure would be preferred.

“The Theme Park already acts as a catalyst for family entertainment in the central area which has seen a growth in families remaining well into the evening. The latest proposal for an independent high quality coffee shop will continue to enhance the attraction and offer of the central seafront to families throughout the calendar year and further assist the transformation of the seafront and evening economy into a friendly family focussed experience”.

- 1.6 The proposed hours of use are 9am to 11pm seven days a week, and will employ up to 10 full-time and 10 part-time employees.

2 Site and Surroundings

- 2.1 The site consists of a triangular piece of hard-surfaced land which forms part of the pedestrian area to the south of the seafront road. It is adjacent to the eastern boundary of the Adventure Island Theme Park.
- 2.2 The land slopes down gradually from north to south, towards Jubilee Beach. To the east the seafront promenade continues, with Pebbles Two beyond. To the north of the site lies Marine Parade, this includes a range of bars and amusement arcades on its north side. The site is within the central seafront area as identified on the Local Plan, and is of a commercial seafront character.
- 2.3 The site is located partially within flood zones 2 (medium risk) and 3 (high risk) and to the north of the SSSI.

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, sustainability, ecology, and flood risk.

4 Appraisal

Principle of Development

NPPF; DPD1 (Core Strategy) policies KP1, KP2, CP3, CP4 and CP7 Borough Local Plan C11, C15, C16, L1, L2 and T11.

- 4.1 The NPPF promotes the economic role of sustainable development, and calls for the planning system to ensure land is available in the right places to support growth and innovation. Policy L1 of the Local Plan and KP1 of the Core Strategy support proposals for new tourist and visitor facilities, particularly where they create jobs and result in environmental improvements. Policy L2 states the Council will promote new leisure facilities within the Central Seafront Area, and that proposals south of the seafront road will be considered where, amongst other things, they have regard to sites of nature conservation, wider foreshore views and public parking.
- 4.2 Policy C15 of the Local Plan seeks to retain all incidental open spaces where their townscape and amenity value is important to the surrounding area. Policy C16 is concerned with the protection of foreshore views. It limits building heights outside of the Central Seafront Area, but not within it.

- 4.3 The proposed development would contribute to the visitor and tourist-related facilities at the seafront, and the applicant states that the proposal will enhance the attraction of the seafront year-round and assist with a family-orientated evening economy. The proposal would result in 15 FTE jobs. It would result in the loss of an area of the seafront promenade for use as a public space, although it is noted permission was previously granted to change the use of this land and incorporate into the Adventure Island park (11/00387/FUL). The loss of this space for general public use was considered acceptable under that application, for which the permission is still extant.
- 4.4 The proposed development would enhance the visitor/tourist offer of the central seafront and create jobs. It would not result in the loss of additional public space over and above that which already benefits from planning permission. The principle of development is considered acceptable subject to detailed considerations. Consideration in terms of flood risk and the sequential test is provided below.

Design and Impact on the Character of the Area

NPPF; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11 and SPD1.

- 4.5 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Policy KP2 of the Core Strategy and C11 of the Local Plan is concerned with ensuring good quality design that respects its context.
- 4.6 The proposed kiosk would be single storey with a flat roof and would be of a simple design. The kiosk would include a large serving area which wraps around the front and side with a splayed corner. The external materials would include vertical timber cladding which the plans show as yellow in colour, together with a 'green' sedum roof. 'The Green' would be fret cut into the eastern elevation which would be backlit by LED lighting. This would serve to improve the articulation and break up this extensive section of wall. The servery, when closed, would be secured by an open style polycarbonate shutter so as to retain views through into the building. The materials shown result in a somewhat gaudy appearance and it is recommended that a condition be imposed requiring details of materials to be submitted to ensure these are appropriate.
- 4.7 With regard to the proposed scale and height of the kiosk, this is considered to be acceptable and would not be inconsistent with that of other kiosks within the locality. Also it is noted that the proposed building, given its location in relation to the theme park, would result in it being seen in the context of the park. The proposed green roof would also help to soften the appearance of the building.

- 4.8 The Southend Central Area Action Plan (SCAAP) proposed submission document is concerned with broadening the leisure offer of the seafront, but also protecting its character and estuary views. The proposed kiosk, whilst up to 12m wide, would have some impact on views of the estuary from the north, and to some extent views along the seafront looking west, however given the single storey height of the kiosk, the splayed corner and the open servery area which wraps around both sides of the kiosk, there would be a sufficient level of transparency which would retain views through to the estuary. As such the proposed kiosk will not result in a significant loss of views.
- 4.9 In terms of the openness of the seafront, 12m of the south side of the road would be developed. The building would be hard up against the flank boundary of Adventure Island and leave a space of approximately 40m to the next structure – Pebbles 2. This would still provide for views and openness south of the seafront road.
- 4.10 As such the proposed kiosk would not detract from the openness of the central seafront area, and is in accordance with the above policy.
- 4.11 In terms of opening hours, a period of 9am to 11pm is sought, seven days a week. The surrounding area is characterised by various commercial and entertainment premises which are open to later times than the proposed kiosk would be. There are also few residential properties in the locality. The proposed hours are therefore considered acceptable.

Traffic and Highways Issues

NPPF; DPD1 (Core Strategy) policies CP3; BLP policies T8 and T11; EPOA Parking Standards 2001

- 4.12 The proposal includes no on-site parking provision. Seafront business typically do not have on-site parking, and the area is served by large public car parks and on-street pay and display parking, all of which is within walking distance of the application site.
- 4.13 The Council's Highways officer notes the proposal is not likely to be a destination in its own right, and will attract visitors already visiting the seafront, or combining their visits with trips to other seafront attractions. As such the parking situation is considered acceptable.
- 4.14 The proposal would not affect pedestrian accessibility around/along the seafront and it is noted that highways rights on the site itself have been extinguished.

Sustainability and Renewable Energy

NPPF; DPD1 (Core Strategy) policies KP2, CP4; SPD1.

- 4.15 Section 10 of the NPPF is concerned with renewable energy and the reduction of greenhouse gases. Paragraph 93 states:

“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

- 4.16 Policies KP2 and CP4 of the Core Strategy seek to maximize the use of sustainable and renewable resources. Specifically policy KP2 seeks all new development to include provision for 10% of a new development’s energy needs to come from renewable sources.
- 4.17 The proposed building has potential to include solar PV panels in the roof, and subject to conditions, this is considered an appropriate solution.

Ecology and Bio-diversity

NPPF; DPD1 (Core Strategy) policies CP4

- 4.18 The NPPF (section 11) states that local authorities should aim to conserve and enhance biodiversity. Planning decisions must prevent harm to bio-diversity and impose adequate mitigation measures where appropriate.
- 4.19 The area to the south of the site forms part of the Southend and Benfleet Marshes SSSI, SPA and RAMSAR site. The site itself is all hard-surfaced and does not contribute to natural habitat or feeding grounds for wildlife. Officers do not consider the proposal would impact the condition of the protected sites. Confirmation is awaited from Natural England.

Flood Risk and Drainage

NPPF; DPD1 (Core Strategy) policies KP1, KP2.

- 4.20 The NPPF 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.
- 4.21 The site is located partly within Flood Zones 2 and 3, and the applicant has submitted a flood risk assessment and a drainage strategy.

- 4.22 The NPPF 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 itself has been through strategic flood risk assessment and thus it is considered appropriate to apply to sequential test to the seafront. It is not considered there are any other reasonably available sites within the seafront area that are in the low-risk flood zone. The proposal is therefore considered to pass the sequential test.
- 4.23 The proposed use as a hot food takeaway is considered a “less vulnerable” use, and users would be afforded safe egress to areas at lower probability of flooding. The proposal would provide wider benefits and subject to securing an emergency evacuation plan, the proposal is considered to comply with the above policy. A further condition to ensure the flood resilience of the building is also recommended (in line with the advice of the EA) and some details have already been provided within the FRA.

Other Issues

NPPF: DPD1 (Core Strategy) policies KP2, KP3 and CP4; BLP policies C14 and U2.

- 4.24 It is not considered the proposal will have any impact on drainage and will not affect any landscaping. There may be a need to relocate street furniture (i.e. public bins), although this would be controlled outside of the planning remit.
- 4.25 Some third parties have raised the question of impacts on existing businesses. The issues of views from areas and businesses on the north side of the road are discussed above, and impacts in terms of competition with other businesses, it is not a material consideration; the planning system does not seek to interfere in free-market competition.
- 4.26 Taking into account the above, and all other material considerations, the proposal is considered to comply with policy.

Summary and Conclusion

- 4.27 The proposed development would add to the tourist/visitor offer on the seafront and is in accordance with seafront policy in general. The design and position of the propose kiosk would not have a significant impact on views of the estuary in context with the wider seafront.
- 4.28 The design would relate to the adjacent theme park, and impacts on parking and the character of the area would not be significant. The proposal is considered acceptable in flood risk terms, subject to conditions, and subject to receiving no objections from Natural England, it is not considered the proposal would affect the SSSI, SPA and RAMSAR site.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Development Plan Document 1: Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP7 (Sport, Recreation and Open Space).
- 5.3 Borough Local Plan (1994) Policies C11 (New Buildings, Extensions and Alterations), C15 (Retention of Open Space), C16 (Foreshore Views), L1 (Tourism), L2 (Central Seafront Area) and T11 (Parking Standards)
- 5.4 SPD1 Design & Townscape Guide (2009)

6 Representation Summary

6.1 Transport and Highways

There are no highway objections to this proposal the cafe would not be a destination in its own right and patrons would already be using the facility as a linked trip when visiting other attractions within Southend. Adequate parking is provided throughout the sea front and the site benefits from being in a sustainable location with regard to public transport. The proposal would not have detrimental impact upon the highway network.

6.2 Design and Regeneration

Following a recent refusal of planning permission the plans have been revised and a single storey kiosk, to serve hot food and drink, is now proposed. The reduction in scale from two to a single storey is positive given the relatively low-lying nature of this section of Marine Parade, and the impact on views towards the Grade I listed Pier should therefore be limited. The provision of a green roof is an interesting design feature, although details would need to be agreed by condition to ensure this is a viable addition to the building given the flatness of the roof. PV panels are also proposed to the roof, although their visual impact could not be assessed from the plans provided – details of how these will contribute to a minimum of 10% of the energy needs of the building in line with KP2 should be provided.

In terms of materials, timber cladding is proposed to be painted yellow. While the vertical timber panels draw reference to the local seaside vernacular, it would be desirable to see the detail (colour/finish) agreed by condition to ensure the building makes a positive contribution to the regeneration of City Beach.

It is noted that the plans show an area of new paving, to replicate the paving at City Beach to the east, together with a line of tree planting although this is outside of the site area so it is unclear if this will be brought forward.

6.3 **Environment Agency**

No comments received a time of writing this report.

6.4 **Natural England**

No comments received a time of writing this report

6.5 **Asset Management**

No comments received a time of writing this report.

6.6 **Parks and Trees**

No comments received a time of writing this report.

7 **Public Consultation**

7.1 Site notices posted and neighbouring properties notified by letter. Three responses received in objection on grounds of:

- Loss of openness of seafront
- Spoil views which other businesses rely on
- Affect the trade of existing businesses [**Officer Note: this is not a material consideration**].
- Enough cafes and bars along seafront already

8 **Relevant Planning History**

8.1 11/00387/FUL - Incorporate highway land to form part of amusement park – Granted Permission in May 2011.

8.2 13/00619/BC4 - Erect two storey glazed coffee shop with external terrace on land adjacent. Refused.

9 **Recommendation**

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

1. **The development hereby permitted shall begin not later than 3 (three) years from the date of this decision.**

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

2. **The development hereby permitted shall be carried out in accordance with the following approved plans: P02 Rev D, P04 Rev D, P01 Rev D, P03 Rev D, P05 Rev E.**

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

- 3. No development shall take place until details including samples of the materials to be used on the external elevations; boundary treatments and hard surfaces have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To safeguard the character and visual amenities of the area, policies KP2 and CP4 of DPD1 (Core Strategy) and Policy C11 of the Southend-on-Sea Borough Local Plan and the Design and Townscape Guide SPD1.

- 4. Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the NPPF or any subsequent version) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that the environmental sustainability features detailed in the application are provided in the development to minimise its environmental impact through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

- 5. Prior to commencement of the development hereby approved, full details of the flood resilient measures to be incorporated into the building's construction (as recommended in the submitted FRA) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.**

Reason: To reduce the risk to users in the event of a flood in accordance with the Government's guidance as contained within the National Planning Policy Framework (NPPF).

- 6. Prior to the first occupation of the building, an Emergency Flood Evacuation Plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be provided to the operators of the coffee shop upon first occupation.**

Reason: To ensure adequate on site management in the event of the flood in accordance with Policy KP2 of the Southend on Sea Core Strategy 2007.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority.

Reason: In order to protect the ecological interests of the adjacent SSSI and RAMSAR sites, in accordance with Policies KP2 and CP4 of the Southend on Sea Core Strategy and NPPF.

8. The use shall not take place other than between the hours of: 09:00 – 23:00 Monday – Sunday, including Bank Holidays.

To protect the general environmental quality of the area 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.

9. Prior to the installation of any ventilation or extraction system, detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment must be submitted to and approved by the local planning authority. The system must then be installed in accordance with the approved drawings and not altered unless otherwise agreed in writing with the local planning authority.

Reason: To protect 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 U2.

1

INFORMATIVES

You may need separate licensing approval for the 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 the Council's Waste Service on 01702 215006 about your arrangements for storing and collecting waste and recyclable materials.
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding etc. on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that the Council can tell your neighbours the likely timing of building activities. For more advice, please phone our Highway and Traffic Management Service on 01702 215003.
- 4 This grant of planning permission does not give permission for the encroachment of any part of this development, including eaves, guttering, rainwater goods etc, onto land outside the application site or outside the control of the applicant. Any such encroachment may require an agreement under the Party Wall etc Act 1996, and it is the applicant's responsibility to ensure any such agreement is made.