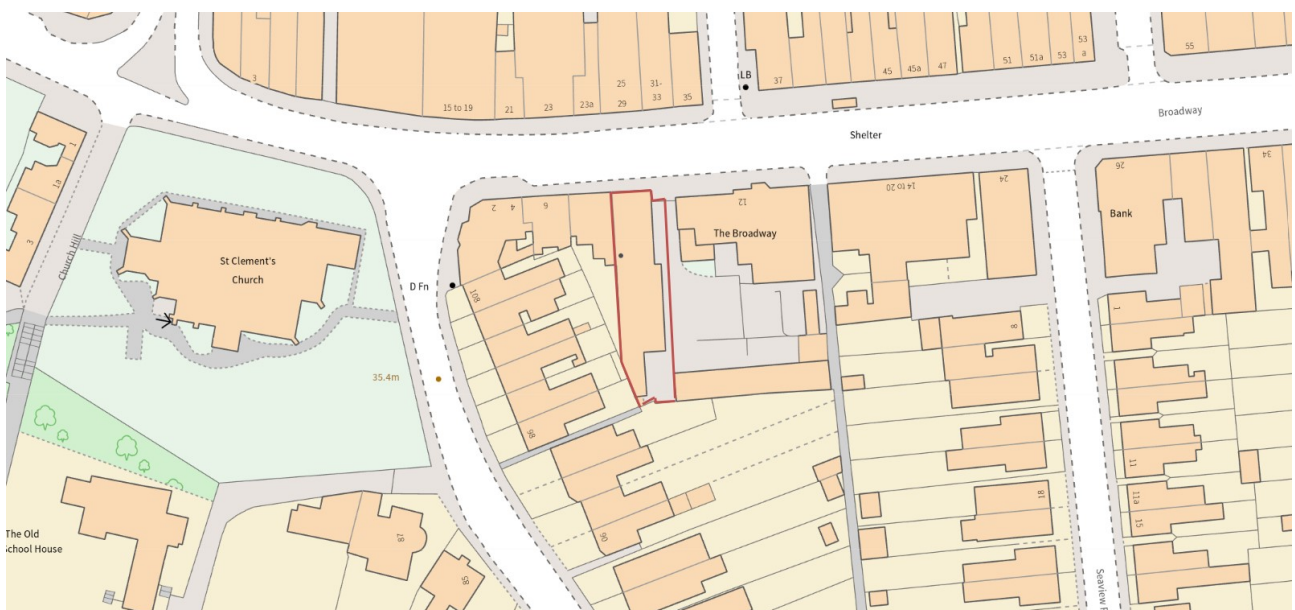


Reference:	23/02012/FUL
Application Type:	Full Application
Ward:	Leigh
Proposal:	Erect single storey rear extension, change of use from bank (Class E) to café (Class E) at ground floor front and service accommodation (Sui Generis) at ground floor rear and above with associated cycle parking and refuse stores and reconfigure steps to east elevation.
Address:	10 Broadway, Leigh-on-Sea, Essex, SS9 1AP
Applicant:	Mr M Hassan of Fish to Go Ltd
Agent:	Mr Colin Stone of Stone Me Ltd
Consultation Expiry:	01.02.2024
Expiry Date:	01.03.2024
Case Officer:	Abbie Greenwood
Plan Nos:	Location Plan, 2132-01, 2132-02, 2132-03F, 2132-04E, 2132-06, 2132-07, 2132-08
Additional information:	Design and Access and Heritage Statement Rev B
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions



1 Site and Surroundings

- 1.1 The application site is the former Barclays Bank on the south side of Leigh Broadway and within the boundary of Leigh Conservation Area. The 3-storey building with single and two storey elements to its rear dates from the early twentieth century and has a well detailed and imposing stone façade in neo- Renaissance style which is typical of this era and use. It is described as ‘elegant’ and ‘grand’ in the Leigh Conservation Area Appraisal in which it is identified as making a positive contribution to the character of the Conservation Area as a local landmark.
- 1.2 The eastern flank of the building faces Stables Mews has a simpler design with red brick and some stonework to the front section closest to Broadway then transitioning to a plainer yellow stock brick at its southern end. Both sections have an ordered arrangement of timber sash windows providing natural surveillance to the Mews. The building also has a fairly utilitarian flat roof modern extension to the rear with more modern metal casement windows and a timber clad fire escape stair. This steps down to the former brick bank vault at the very southern end of the site. Stable Mews is the original yard to The Broadway public house, a former hotel adjacent to the site to the east, and is enclosed by the application building and a row of historic buildings along its southern boundary formerly the stables to the hotel but now in various commercial uses (Use Class E). It has significant historic character but also the potential for enhancement.
- 1.3 Leigh Broadway is a busy and popular shopping street within the heart of Leigh district centre. It is an important part of the history and development of Leigh during its period of most rapid growth in its Victorian and Edwardian heyday. The buildings fronting Broadway are a mix of designs mainly from this era which make for an eclectic streetscene. There are some locally listed buildings opposite the site at Nos 9-11 and 21-23a Broadway and St Clements Church nearby to the west is a Grade II* listed building. To the southwest of the site is a terrace of locally listed houses, Nos 98-108 Leigh Hill plus 2-4 Broadway. This section of Broadway is designated as primary shopping frontage. All these buildings including the application site are within Leigh Conservation Area. Leigh Cliff Conservation Area is a short distance to the east.

2 The Proposal

- 2.1 The proposal seeks to change the use of the building from a bank (Class E) to a café (patisserie) (Class E) at ground floor to the front and western side of the building and to serviced visitor accommodation on the upper floors with communal facilities for the serviced accommodation at ground floor level on the rear, eastern side of the building. Two windows are proposed to the east side of the building at second floor level and the fire escape stair to the rear is proposed to be enlarged by 3m x 1m across the rear of the taller section of the building following the same form. A privacy screen 1.7m above first floor roof level is proposed between the site boundary and the western neighbour adjacent to the taller section of the building.
- 2.2 The former bank vault at the rear will be increased in height by some 0.5m to some 2.8m and converted to a refuse and recycling store for the serviced accommodation and a cycle store with timber doors accessed from Stable Mews. A separate freestanding commercial refuse and recycling store is also proposed at the southern end of the site. There is no on-site parking presently and none is proposed.
- 2.3 The hours of use for the proposed café are stated as 07:30 – 19:30 daily. The application form states that the proposal is expected to provide 7 full time and 8 part time employees (11 full-time equivalent employees). The proposed plan shows 52 covers in the café.

The serviced accommodation comprises 6 double bedrooms and 3 triple bedrooms for 3 persons, all of which have en-suites. It also has a communal kitchen/dining area for guests to use to the rear of the ground floor. This will be accessed via reconfiguring the steps on the east elevation to create a landing at the entrance.

3 Relevant Planning History

3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
22/01495/FUL	Remove advertising fascia signage and projecting signs, ADT alarm box and CCTV camera and make good, remove existing ATM and replace with new glazing, remove existing night safe and infill with matching stonework all to front elevation (Retrospective)	Approved
09/02036/FUL	Install panel surround to automatic teller machine, CCTV camera to front elevation and install four air conditioning condenser units to side elevation	Approved
09/02033/ADV	Install one non-illuminated fascia sign and one non-illuminated projecting box sign	Approved
03/01599/FUL	Alter front elevation to accommodate new automatic teller machine (amended proposal)	Approved
03/01598/ADV	Install internally illuminated sign to proposed automatic teller machine (amended proposal)	Refused
03/01092/ADV	Install internally illuminated sign to proposed automatic teller machine	Refused
03/01091/FUL	Alter front elevation to accommodate new automatic teller machine	Refused

4 Representation Summary

Public Consultation

4.1 Seventeen (17) neighbouring properties were consulted via letter, a site notice displayed and press notice published. 5 letters of representation have been received from 3 addresses raising the following summarised issues:

- Impact on neighbour amenity.
- Concern over impact of possible extraction system.
- Lack of Parking.
- Concern over servicing and deliveries.
- Too many cafes in this area.
- There should be no alcohol licence for this site.
- Concern that serviced accommodation could be converted to HMO.
- Overlooking and loss of privacy. Concern that the flat roof to the rear will be used as a terrace – even if this is not proposed how can it be controlled? A privacy screen should be required on the west boundary / west facing windows should be obscured.
- A condition on hours of use should be attached.
- Concern that serviced accommodation is cheap housing by the back door.

Officer Comment: These concerns are noted and those that represent material planning considerations 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.

Environmental Health

- 4.2 No objections to change of use. If a full kitchen an extract system will be required. The flue termination point should be at eaves level or above and appropriate filtration will be required. Noise and vibration from the extract system will need to be addressed and a Noise Impact Assessment will be needed. Appropriate sound insulation should be provided between the commercial use and accommodation above. Conditions relating to waste storage and construction hours are also required. Informatives are recommended relating to construction outside of normal hours and asbestos.

Highways

- 4.3 There are no highway objections to this proposal. Secure cycle parking has been provided. It is not considered that the proposal will have a detrimental impact on the local highway network.

Strategic Planning

- 4.4 There is sufficient relationship with the Seafront to comply with Policy DM12.

Essex Fire Service

- 4.5 No objections.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Mulroney.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2023)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP1 (Employment Generating Development), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance)
- 6.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend-on-Sea's Historic Environment), Policy DM12 (Visitor Accommodation), Policy DM13 (Shopping Frontage Management outside the Town Centre), Policy DM15 (Sustainable Transport Management).
- 6.6 Southend-on-Sea Design and Townscape Guide (2009).

- 6.7 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).
- 6.8 Community Infrastructure Levy (CIL) Charging Schedule (2015).
- 6.9 Leigh Conservation Area Appraisal (2010) and Leigh Cliff Conservation Area Appraisal (2021).

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development including the change of use, the design and impact on the character and appearance of the existing historic building, the wider conservation area and other nearby heritage assets including listed buildings, the impact on residential amenity, traffic and parking implications, energy and water use, sustainability, refuse and recycling storage and CIL liability.

8 Appraisal

Principle of Development

- 8.1 Policy DM13 states '*Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.*' The policy also requires an active frontage to be provided to the main street frontage.
- 8.2 The proposal seeks to convert the ground floor from a bank to a cafe. Both these uses fall within the Use Class E (Business, Commercial and Service) so there no material change of use of the ground floor is involved here. It is considered that the proposal to use the ground floor as a cafe would enable an active frontage to be maintained to Broadway so meeting the requirements of Policy DM13 in this respect.
- 8.3 Policy DM11 seeks to protect employment space (B class uses including former class B1). In this case the upper floors of the building were offices and storage ancillary to the bank so they would have been within former Use Class A2, not B1. They therefore fall outside the scope of Policy DM11. There is therefore no objection in principle to their conversion to other employment generating uses in terms of employment space.
- 8.4 Policy DM12 supports the provision of new visitor accommodation but only in appropriate locations which are consistent with the regeneration and economic objectives of the City. In relation to 'hotel locations' it directs new provision to the central area, the airport and '*at locations with good access and a clear and strong relationship with the Seafront*'. It also states that '*Proposals must relate well to strategic routes and the distributor road network, have good public transport accessibility, and meet the requirements of other relevant planning policies.*' In relation to the seafront locations the document states that '*The Seafront will not be considered as a defined area, [unlike the Central Area which has a set boundary] but as relating to an area that clearly has a strong relationship with the Seafront. This relationship will be considered on a site-by-site basis and will take account of an area's function and connectivity with the Seafront and specifically whether there are clear, convenient and direct walking routes to the Seafront.*'
- 8.5 The application site is close to the junction of Broadway with Leigh Hill and other routes aligned in the direction of the seafront area. The boundary of the defined seafront area

in this instance is some 130m from the application site and on the north side of the railway line. The environs of the application site enjoy several attractive routes to the seafront area. This site is a sustainable location on a main road with good public transport links and close to local amenities making it an attractive prospect for visitor accommodation. This employment-generating proposal would not reduce the supply of housing in the City as the existing floorspace is not residential.

- 8.6 The Strategic Policy Team have confirmed that this location for visitor accommodation would be compliant with the objectives of Policy DM12.
- 8.7 Any change of use to residential would require separate planning permission which would include an assessment of the standard of accommodation. This is not applicable to serviced accommodation. In order to prevent this being used as long term lets it is considered reasonable to restrict the maximum length of stay at any one time to 90 days. This can be controlled by condition.
- 8.8 The principle of a café and visitor accommodation at this site is therefore acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area including Heritage assets

- 8.9 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.10 Section 69 of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.11 Paragraph 131 of the NPPF states *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.'*
- 8.12 Paragraph 207 of the NPPF states *'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...'*
- 8.13 Paragraph 208 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 8.14 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 8.15 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City's heritage assets including conservation areas and listed

and locally listed buildings.

- 8.16 The proposed uses are compatible with the existing character of the building, the streetscene and wider context so there are no concerns in this regard. No alterations are proposed to the front elevation of the building except for signage, details of which can be controlled by condition and via separate advertisement consent. Therefore, subject to agreement of these details, the historic character of the Broadway frontage will be preserved.
- 8.17 Two new windows are proposed to the east elevation at second floor level. These will be timber sashes to match other windows on this elevation and will align with existing windows at ground level thereby preserving the order of this elevation. Full design details of the new windows have been provided which demonstrate they would be a good match to the existing. This alteration will not look out of place and is considered to have an acceptable impact on the historic character of the building and the conservation area and setting of nearby listed and locally listed buildings.
- 8.18 The enlargement of the covered staircase to the rear will match the form of the existing enclosure and is appropriate. This modest extension will use matching materials except for a small UVPC window which will not be visible from any public areas. It will have a neutral impact on the character and appearance of the building.
- 8.19 The proposal to increase the height of the former vault at the rear make it more useable. Using matching materials and adding timber doors is also acceptable in terms of its impact on the character of the Mews. This part of the building will be used for waste and cycle storage so access is important. In order to prevent cars blocking the doors it is the area in front of the stores includes a strategically placed planter. This will have the benefit of adding some additional softening to the area. The proposed free standing bin store in this location is proposed to have a green roof to improve the biodiversity of the site. The screening of the bins associated with the commercial use is also positive. The agent has confirmed that the placement of wheelie bins and parking by others across this area is unauthorised and will be precluded by the proposed design.
- 8.20 Overall, it is considered that the design of the proposal would preserve the historic character of the building and the wider conservation area and would not harm the character, appearance or setting of the nearby locally listed buildings and the proposal is therefore acceptable and policy compliant in this regard.

Amenity Impacts

- 8.21 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.22 The application site adjoins No 8 Broadway to the west which comprises a shop at ground floor with yard to the rear and a 3-bed maisonette with roof terrace above. The maisonette has no access to the rear yard.
- 8.23 To the west of the site, across the yard area of No 8 Broadway are residential properties in Leigh Hill. These are sited on an angle to the site with the rear boundary of No 98 Leigh Hill adjoining the southern corner of the site, with the separation between the rear

boundaries of the houses increasing to 6.35m at the northern end opposite No 108 Leigh Hill with the commercial yard of No 8 Broadway forming the buffer between the site and the rear boundary of these dwellings. The properties in Leigh Hill have relatively short gardens and the buildings are generally set around 5m off their rear boundaries. No 6 Broadway has a shop at ground level and flat above but is screened from the proposed development by No 8.

- 8.24 To the south the gardens of Nos 96-98 Leigh Hill are close to the roof of the former vault but are some 18m from the main taller section of the application building.
- 8.25 To the east, The Broadway Public House is situated across the opposite side of the vehicular access to Stable Mews. This has residential accommodation at its upper floors with a terrace in the centre to the rear which is some 16.5m from the east elevation of the application building.
- 8.26 The only alterations proposed to the existing building are 2 new windows on the east elevation at second floor level facing Stable Mews, and a small extension to the enclosed rear access stair in the centre of the site including a small new window facing south over the flat roof of the former vault, 9m from the southern boundary. This provides light to the fire escape only as it provides access from the flat roof to the street. The proposed increase in the height of the vault is some 0.5m taking it to an overall height of some 2.8m which is an acceptable change. These particular alterations would not have a material impact on the amenities of neighbours in any relevant regard as the new windows face into the site or public areas and the extensions and height increases are minor in scale and nature and impact.
- 8.27 The impact of the change of use of the building on these neighbours' amenity is also assessed. The building generally has its outlook to the front (north), rear (south) and east sides overlooking Stable Mews and the proposed windows would be some 16.5m from the amenity terrace of the residential unit above the public house which has no windows facing the development site. These windows, serving serviced accommodation would therefore not give rise to unacceptable overlooking of neighbouring properties.
- 8.28 One large bay window at first floor faces the neighbours to the west. This room was previously used by the bank as a storeroom and is proposed to be converted to visitor accommodation. The bay window is some 2.2m from the west boundary with the commercial yard and No 8 Broadway. As this is a commercial use there are no material concerns with this relationship, but this yard is very narrow at this point and this window is between 6.8m and 8.1m from the rear garden boundaries of the neighbours to the west in Leigh Hill and a further 5.7m to their bedroom windows. This impact therefore needs to be reasonably mitigated. It would be feasible to require the west facing windows of the bay to be obscure glazed but this would severely restrict outlook from the room. Alternatively, a screen can be required by condition to be installed along the boundary next to the bay window, to a height of 800mm above the existing 900mm high parapet (1.7m in total). This would prevent materially harmful overlooking of these neighbours. The proposed screen is shown on the submitted plans and would satisfactorily mitigate any harm in terms of overlooking and loss of privacy.
- 8.29 There are some existing air conditioning units on the flat roof area associated with the former bank but the agent has confirmed that these are to be removed and that there is no intention to use the flat roof areas to the rear of the building as amenity terraces, however there is access from two separate rooms to this area as part of the existing fire escape route. Access to this terrace can be controlled by condition restricting it to emergency access only. If in the future this area were proposed to be used as a functioning terrace, there would be potential for the screen to be extended along the

west boundary to protect the privacy of neighbours. That would be subject to separate future control and assessment should any future application be made. Any screen along this boundary would be sufficiently offset from the rear residential garden boundaries by the commercial yard so as not to appear obtrusive and dominant from the gardens or rear windows. On that basis it is considered that the proposal would not give rise to unacceptable overlooking of neighbours, subject to the described conditions.

- 8.30 The change of use to short term lets will also change the nature and pattern of the building's occupation compared with the former commercial use. This will be restricted to the building only as there is no intention to use the external area as a terrace and this can be controlled by a planning condition. It is considered that this change in use would not significantly harm neighbour's amenity in this context close to the district centre where there are frequent comings and goings throughout the day and a degree of noise and disturbance is to be reasonably expected. Any proposal to add amenity areas would require separate planning permission which would include its own assessment of amenity impact. Environmental Health have raised no concerns in this respect. It is therefore considered that the development has no unacceptable impacts on residential amenity in any relevant regards.
- 8.31 Environmental Health have requested a condition requiring details of sound insulation to be agreed between the proposed commercial unit and the accommodation. This is covered separately by building regulations, so a planning condition is not warranted in this case. They also recommend a condition in relation to plant noise. The agent has confirmed that the café will be a patisserie with no requirement for any plant. This can also be controlled by condition. It is also considered appropriate to condition the hours of use to those proposed in paragraph 2.3 above and delivery and collection hours, to control noise and disturbance around, and from within, the café area. Due to the absence of any proposed plant the Noise Impact Assessment for Plant condition requested by Environmental Health is not considered relevant to this case.
- 8.32 Overall, subject to the conditions above, it is considered that the proposal would have an acceptable impact on residential amenity of neighbours in all relevant regards.

Traffic and Transportation

- 8.33 Paragraph 115 of the NPPF states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.'*
- 8.34 CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 8.35 There is no parking on the site at present and none proposed as the site has no land around the building. The site is in a sustainable location on a bus route and walkable to public car parks in Elm Road and North Road and Leigh and Chalkwell Stations. It is in a district centre, close to a range of shops and services.
- 8.36 Maximum parking standards are set out in relation to the proposed uses in Appendix 6 of the Development Management Document. For comparison purposes here, the parking standards require a maximum of 1 space per bedroom for hotel uses. 8 bedrooms are proposed in this case equating to a maximum of 8 spaces. The parking standards require a maximum of 1 space per 5sqm for cafes. The ground floor is some

130sqm which would equate to a maximum of 26 spaces, totalling a maximum requirement of 34 spaces for the whole development.

- 8.37 The former use of this building as a bank (formerly A2 now E class) would require a maximum of 1 space per 20sqm to meet the parking standards. The net internal area of the building is some 460 sqm which would equate to 23 spaces. The difference between the existing and proposed standards is +11 spaces, however, this is a maximum not minimum standard. The café use is generating the bulk of the quota, however, visits to this business are likely to be as part of linked trips to the Broadway rather than as a single destination. It is also noted that none of the other cafes in this area have any off-street parking with restricted public parking available on street. 12 secure cycle spaces are provided for the proposal for staff and visitors which is well in excess of the minimum policy requirement of 5 (1 space per 100sqm for staff plus 1 space per 100sqm for customer for the café and 1 space per 10 bedrooms for visitor accommodation). Given the sustainable location, the physical circumstances of the site and the likelihood of linked trips, the parking position is considered acceptable and policy compliant. This is supported by the Council's Highways Officer.
- 8.38 Secure refuse and recycling storage is provided to the rear of the site for both proposed uses. Given that these are both a commercial operation, the applicant will need to make arrangements for the collection of the waste. This can be controlled via the conditioning of a waste management plan.
- 8.39 The agent has confirmed that deliveries will take place from the roadside similar to other commercial operators along the Broadway. There is also the opportunity for smaller delivery vehicles to pull into Stable Mews to unload. This is considered to be reasonable in this context. Hours of delivery can be controlled by condition to minimise disturbance of neighbours. The Council's Highways Officer has no objections to this aspect of the proposal.
- 8.40 Overall, it is considered that, the proposal is policy compliant in this regard subject to the conditions noted above.

Sustainability

- 8.41 Policies KP2 and DM2 require new development to be sustainable. As a conversion in a sensitive heritage location with only very minor external changes sought to the building itself, the requirement for renewables is not appropriate or applicable however, given the use of the building as visitor accommodation it is reasonable to require the use of water efficient fittings. This can be controlled by condition. The proposal is therefore considered to be acceptable with reference to these matters subject to such a condition.

Community Infrastructure Levy (CIL)

- 8.42 As the proposed extensions/change of use to the property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 8.43 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance

equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 8.44 For the reasons outlined above the development is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.**

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

- 02 The development hereby permitted shall be carried out solely in accordance with the following approved plans Location Plan, 2132-01, 2132-02, 2132-03D, 2132-04D, 2132-06, 2132-07 Location Plan, 2132-01, 2132-02, 2132-03F 2132-04E, 2132-06, 2132-07, 2132-08.**

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

- 03 Before the development hereby approved is first used, the materials for the external surfaces of the extensions and alterations hereby approved shall be as set out on approved plan references 2132-04E, 2132-06 and 2132-07 or any other materials, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

Reason: To safeguard the visual amenities of the area including the character and appearance of the Leigh Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021).

- 04 Notwithstanding the plans hereby approved, the development shall not be brought into first use unless and until a signage strategy has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. This shall include details of the location, materials and design approach to signage at the site. The signage at the site shall then be installed in full accordance with the agreed strategy. Any illuminated signage or signage above first floor window level will also require advertisement consent.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the Leigh Conservation Area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the

Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

- 05 The development hereby approved shall not be first used unless and until the refuse and recycling stores to serve the development as shown on approved drawings 2132-03D and 2132-07 have been provided at the site and made available for use by users of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose. In addition, prior to the first use or occupation of the development hereby approved, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be implemented and operated in accordance with the approved details from first use and shall be maintained as such thereafter in perpetuity.**

Reason: To ensure that satisfactory refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character of the surrounding area including the Leigh Conservation Area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM5 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 06 The development hereby approved shall not be brought into first use unless and until the 12 secure, covered cycle parking spaces to serve the development as shown on approved plan 2132-04E have been provided on site and made available for use in line with the approved plans. The approved cycle parking spaces shall thereafter be permanently maintained solely for use by users of the development.**

Reason: To ensure the provision of adequate cycle parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).

- 07 Prior to first use of the development hereby approved a timber privacy screen not less than 1.7m high above first floor flat roof level shall be fitted to the west elevation of the building on the higher section of flat roof opposite room 01 in accordance with approved plan 04E and in accordance with further details of design, construction and appearance that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 08 No flat roof areas of the development hereby approved, including the enclosed western first floor flat roof area forward of room 01 shown on approved drawing 2132 - 03F shall be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof areas can however be used for the purposes of maintenance or to escape in an emergency.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works to the former vault shown on existing drawing 2132 - 03F shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard and soft landscaping works shall be carried out prior to first use or first occupation of the development hereby approved. The details submitted shall include, but not be limited to:

- i) Full design details including materials for the replacement external steps to the east elevation of the building.**
- ii) Full design details and materials for the external planter at the south-east corner of the site required to prevent unauthorised parking and to enable unobstructed use of the approved refuse and cycle storage area.**
- iii) Full details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and landscaping management plan.**
- iv) Details of measures to enhance biodiversity within the site.**

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity of the area including the appearance of the Leigh Conservation Area and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007), and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

10 Prior to the occupation of the serviced accommodation hereby approved, details of water efficiency measures at the site, including for showers, W.Cs and appliances shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved efficiency measures shall be implemented before the first use of the development and shall be retained as such thereafter for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

11 No externally mounted extraction or ventilation plant or equipment including ducting, flues, ventilation grilles, fans and air conditioning units shall be installed on or in association with the development hereby approved without express planning permission having first been obtained from the Local Planning Authority.

Reason: In the interests of residential amenity of nearby residents and in the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Leigh Conservation Area. This is as set out in the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

- 12 The ground floor cafe hereby approved shall not be open for customers outside the following hours: 0730 hours to 19:30 hours on any day.**

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

- 13 Deliveries to and refuse and recycling collection from the development hereby approved shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00hours on Saturdays and at no time on Sundays or Bank or Public Holidays.**

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 14 Construction ours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays, Bank or Public Holidays.**

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 15 The serviced accommodation at ground, first and second floor hereby approved shall only be used only as a short term lets to provide visitor accommodation (Sui Generis). It shall not be used for any other purpose.**

Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor accommodation within the City, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, and DM12 of the Development Management Document (2015).

- 16 The maximum number of consecutive nights any guest may stay at the visitor accommodation available within the development hereby approved shall be limited to 90 nights. No guest shall stay at the visitor accommodation available at the property for more than 90 nights in any single calendar year.**

Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor

accommodation within the City and that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM8 and DM12 of the Development Management Document (2015).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 01 You are advised that as the proposed development equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 03 The applicant is reminded that this permission 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 04 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 05 The applicant is reminded that separate Advertisement Consent may be required for new signage on the building.