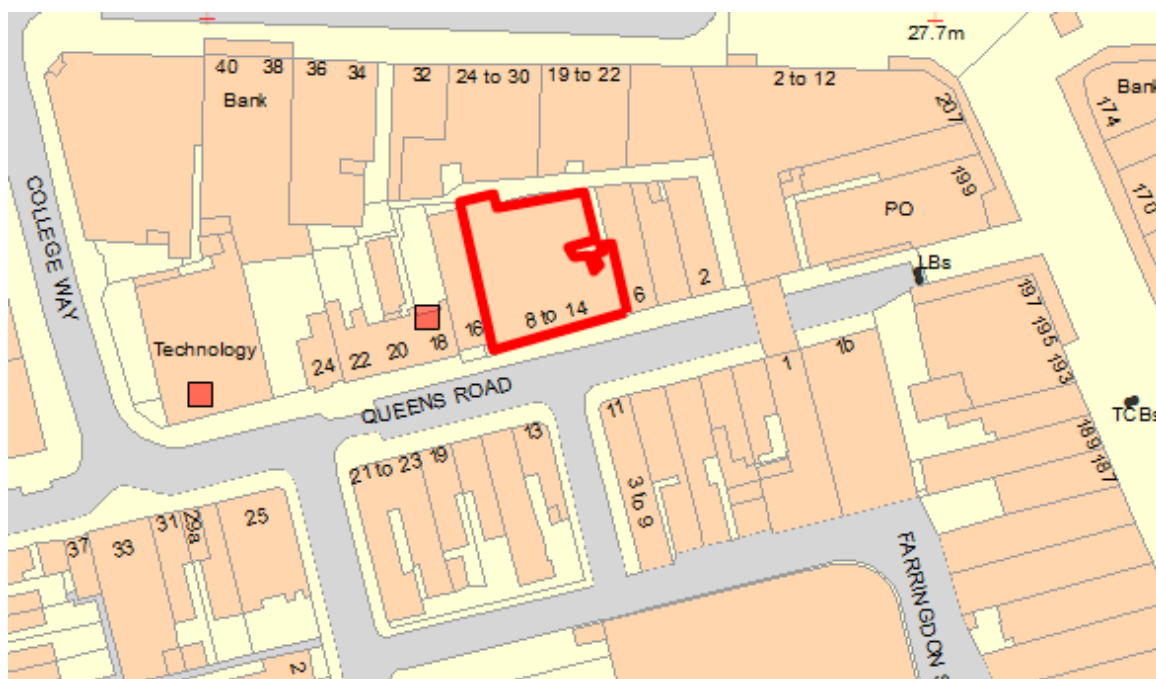


<b>Reference:</b>	<b>16/00302/FUL</b>
<b>Ward:</b>	<b>Milton</b>
<b>Proposal:</b>	<b>Change of use of ground and first floor from Shop (Class A1) to Bar (Class A4), install ventilation equipment to side and rear with extraction flue to roof, alter front and side elevations.</b>
<b>Address:</b>	<b>8-14 Queens Road, Southend on Sea, Essex SS1 1LU</b>
<b>Applicant:</b>	<b>New Inventive Bar Company Ltd</b>
<b>Agent:</b>	<b>Firstplan</b>
<b>Consultation Expiry:</b>	<b>14.04.2016</b>
<b>Expiry Date:</b>	<b>12<sup>th</sup> August 2016</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan Nos:</b>	<b>101F</b>
<b>Recommendation</b>	<b>GRANT PLANNING PERMISSION</b>



## **1.0 The Proposal**

- 1.1 The application proposes change of use of the ground and first floors of the existing vacant retail premises to a Bar (Class A4 use) and to use the basement as ancillary storage. The proposals also include alterations to the shopfront, the creation of an outdoor seating area on the roof at first floor, which would be partially covered, and the installation of extract ducts to serve the kitchen.
- 1.2 The ground floor would be accessed both centrally and via side doors and would be used as a bar, with seating and a DJ area, together with access and exit routes and a waste store area that is accessed externally. Changes to the shopfront include adding additional entrance doors revising the location of entrances and revising glazing.
- 1.3 The first floor would be used for offices, staff rooms and WCs, together with a bar area, kitchen and seating area, which would be enclosed by existing walls and partly covered (achieved by opening up the existing roof covering and leaving roof joists exposed). Plant would also be located within this area.
- 1.4 The submitted plans show that rooms on the second floor would remain unused. Plant and extract ducting would extend out from the kitchen above this is area and up above the main roof of the building.
- 1.5 The proposed opening hours are 11am – 1am Monday to Thursday, 11am – 2am Friday and Saturday, 11am – 1am Sundays and Bank Holiday.
- 1.6 A Design and Access Statement, Transport Statement, Travel Plan and noise reports have been submitted in support of the application.

## **2.0 Site and Surroundings**

- 2.1 Queens Road is located to the west of the High Street. 8-14 Queens Road is located on the northern side of the road, opposite the Forum access road. The existing building is vacant and has been for some time, but was previously in retail use at ground floor (HMV) with associated storage above. The existing building is three storeys high. Within the same frontage as the application site are a mix of retail and restaurant premises, some with residential use above, including the premises adjacent to the application site. A service alley lies to the rear of the building. To the north of the alley are the rear elevations of properties within London Road.
- 2.2 Queens Road is primarily in retail and restaurant/cafe use where it is adjacent to the High Street, however to the west after the junction with College Way, becomes more residential in character. The University Halls of Residence lie at the junction of College Way and Queens Road. With the exception of the Halls of Residence and the application property, development within Queens Road consists primarily of two storey high Victorian buildings.
- 2.3 The site is allocated as being within the Town Centre within the Core Strategy and DM and the emerging SCAAP, and within the SCAAP is shown as

Secondary Shopping frontage, as a proposed pedestrianized street and an area for Key Public Realm Improvements.

### **3.0 Planning Considerations**

3.1 The main issues when considering this application are: the principle of use of the building as a bar, design and the impact on the character of the area; traffic and transport issues, and impact on the amenities of neighbouring occupiers.

### **4.0 Appraisal**

#### **Principle of development**

**Planning Policy: NPPF 2012; DPD1 (Core Strategy) policies: KP1, KP2, CP1, CP2, Borough Local Plan Policy S5, Southend Central Area Action Plan DPD (consultation draft)**

4.1 The site is located on Queens Road just off the Southend town centre High Street. The site is in a sustainable location within the Town Centre and a Secondary Shopping Frontage area as defined by the BLP Proposal Map (Town Centre Inset) and emerging SCAAP. Policy CP1 and KP1 identify the need for generation of 6,500 new jobs within the area between 2001 and 2021. It is also stated that “*Offices, retailing, leisure and other uses generating large number of people should be focussed in the town centre*”. The policies also emphasise the need to improve the vitality and viability of Southend Town Centre.

4.2 Town Centre Primary and Secondary Shopping Frontages, perform a vital role by managing the shopping function of the town centre to ensure its vitality and viability is not significantly harmed. Secondary shopping frontages located within the town centre, are often located just off the high street, and allow for a greater number and diversity of uses and provide a supporting function to primary frontages.

4.3 The council has recently adopted the Development Management DPD, however in respect of shopping policies within the town centre, this refers to the SCAAP. Given the SCAAP is currently a draft document, albeit gaining increasing weight, it is also considered necessary to refer to the saved Borough Local Plan retail policy S5.

4.4 Policy S5 states:

*Secondary Shopping Frontages (as defined on the Proposals Map)*

*“Subject to the provisions of Policy S9 there will generally be no discrimination between shops and non-retail uses falling within Classes A2 or A3 of the Use Classes Order, except where this would be likely to isolate other shops from the bulk of the shopping frontage or from the main pedestrian flows, would adversely affect residential amenities by way of noise, disturbance or the emission of smells and fumes, or in cases of small local parades or individual units performing an essential retail function for the local community. Other uses will be considered on their individual merits.”*

4.5 The emerging SCAAP does not seek to restrict specific uses within Secondary Shopping Frontages, but states in Policy DS1:

*All proposals in the town centre secondary shopping frontage, as defined on the Policies Map, must ensure:*

*a. an active frontage appropriate to a shopping area is included; and  
b. it would not be detrimental to those living or working nearby, for example by causing undue noise, odour and disturbance.*

4.6 The eastern most part of Queens Road contains a vibrant mix of A1 and A3 uses, together with an A4 public house and A5 fish and chip shop. The application site building has a significant frontage and has been vacant for a number of years. It is considered that its reuse in an appropriate manner would be beneficial to the area. It is considered that the use of the premises as a bar, which also serves food will not detract from the vitality or viability of this secondary shopping frontage and the re use of the building will in principle, assist in its regeneration.

4.7 The submitted plans show that an open shopfront would be retained and the proposed layout demonstrates that the use could be undertaken without the need to obscure the glazed area or apply vinyl's. Thus, in this respect, the use is considered to comply with emerging Policy DS1.

4.8 The impact on those living or working nearby will be discussed below.

4.9 Whilst the application states that the whole of the existing floorspace is in retail use, the exact use of the upper floors is unclear, indeed previous applications have described it as both B8 storage and retail. It is likely that it was in use as ancillary storage in association with the previous record store use. It is clear that the premises have been marketed for a number of years since becoming vacant in 2009 and it is considered that notwithstanding the loss of the use part of the upper floors, the proposal would contribute to the objective of regeneration of the town in a number of ways and thus no objection is raised in this respect. .

4.10 To conclude; The development may result in the loss of some employment space at upper floors, however it is recognised that the proposed mixed development would help to regenerate this part of Queens Road and presents an opportunity for physical improvement. There is no objection in principle to the A4 use at ground and first floor as this would not prejudice the viability or vitality of the Secondary frontage. Therefore, subject to the development having an acceptable impact on surrounding occupiers no objection is raised in principle to the proposed use.

#### **Design and impact on the character of the area**

4.11 **NPPF; (Core Strategy) policies KP2 and CP4; Development Management Policy DPD1, SPD1 Design and Townscape Guide, SCAAP**

4.12 *NPPF – Para 56 states:*

*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

*Para 64. States: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

4.13 The need for good design is reiterated in policies KP2 and CP4 of the Core Strategy.

Policy DM1 of the DMDPD states that:

*“The Council will require all new development to achieve a high design standard that contributes positively to the local distinctiveness and characteristics of places, spaces and neighbourhoods within the Borough.”*

4.14 The Design and Townscape Guide states in para 393:.

*“Shopfronts contribute significantly to the quality create a pleasant shopping environment positively enhancing the shopping experience and boosting local businesses. Just one unsympathetic shopfront can destroy the character of the whole street, therefore to build high quality retail environments it is important that basic design principles and high quality detailing is applied to each and every shopfront alteration.”*

4.15 Whilst the existing shopfront is of limited merit, it is considered that the proposed alterations, incorporating two additional entrance doors with windows above would help break up the large expanse of existing glass and would not be detrimental to the streetscene.

4.16 The alterations to the rear of the building, opening up the roof to create an external area, would not be open to wider view, being enclosed within existing walls and would thus have very limited visual impact. However it is noted that no details of the new internal rear elevation have been submitted with the application and this would be required to be agreed by condition.

4.17 Bin stores for the development have been shown to be contained within the envelope of the building and accessed via gates to the rear of the building and would therefore have very limited visual impact and are acceptable as shown.

4.18 *Plant and extract equipment:* Some details of plant and equipment have been submitted with the application. Air conditioning plant would be located on the first floor flat roof, where they would be hidden from wider view by existing walls and at second floor level, where although visible from the rear, these views would be limited to those from upper levels of properties within the London Road which back onto the alley way to the rear of the site. Thus the impact is

very limited and considered acceptable in this commercial area. An extract duct would run above the roof of the first floor and extend up slightly above roof level. Again because of its siting, wider views would be limited and it would not result in harm to the character of the area or to visual amenity.

- 4.19 To conclude, the impact of the development on the character and appearance of the area is considered to be in accordance with policies KP2 and CP4 of the Core Strategy, DM1 and the Design and Townscape Guide.

#### **Traffic and Transport issues**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1 KP2, KP3, CP3; DMDPD Policy 15**

- 4.20 The site is considered to be accessible; it is located within walking distance of three stations which connect with both London Liverpool Street and Fenchurch Street and is close to cycle routes and bus routes. The site is within the town centre and its associated amenities and is also close to the A13 and A127, Southend to London arterial roads. The applicant has submitted a transport statement and draft travel plan with the application.

- 4.21 The existing use has no parking and is serviced on street; applying the current DM15 maximum parking standards for the existing use (and that all the existing floorspace could all be used for retail purposes, the site would generate a demand for a maximum of 62 car parking spaces. The proposed A4 use has a significantly higher parking demand in policy terms, equating to a maximum of 141 car parking spaces, taking into account only floorspace which is shown to be used for A4 purposes and not cellar or vacant office space. The applicant has submitted evidence of traffic generation associated with similar uses, based on the TRICS database and this demonstrates that vehicular traffic generation from the use is such that it would not detrimentally impact upon the traffic flow within the surrounding highway network

- 4.22 Furthermore, the site is within the town centre which is highly accessible by non-car forms of transport. During the day time, when parking demand is highest within the area, linked trips are likely to be made to the development. It is considered that at times when use of the site is likely to be at its highest (during evenings), town centre car parks have greater levels of vacancy and would therefore be able to accommodate any parking demand generated by the development. The applicants have agreed to implement a Travel Plan, details of which would need to be agreed by condition. Highways officers have raised no objection to the development based on the submitted information. It is noted that there are no cycle parking spaces shown on the plans however there appears to be space for limited cycle storage adjacent to the bin store and a condition can be imposed requiring cycle parking spaces to be provided.

#### *Servicing*

- 4.23 Currently servicing and refuse collection for the site takes place on street and there is informal bin storage in the alley to the rear of the premises. Given the limited accessibility of the street, the method of collection is considered to be acceptable. The application includes adequate space for waste storage within

the accommodation at ground floor with access onto the rear service alley. This is an improvement over the current situation. Refuse storage to serve the development is considered to acceptable.

- 4.24 Therefore the proposed development is considered to meet with policies CP3 of the Core Strategy and DMDPD policy DM15 with regard to traffic generation and parking.

#### **Impact on amenity of existing adjacent occupiers**

#### **Planning Policy: NPPF; DMDPD Policy DM1**

- 4.25 The property directly to the west of the application site is in residential use at first floor, comprising one bedsit and one flat. There are a number of other residential properties at first floor above commercial units near to the site.
- 4.26 The application site is in a busy, relatively noisy, town centre location and an area that is part of the night time economy. There are commercial uses surrounding the development, including restaurant and pub uses. There is also noisy air conditioning/extract equipment within the service alley to the rear of the development. The adjacent residential unit has a window facing into the alley to the rear of the site and there are habitable rooms internally along the shared boundary.
- 4.27 The applicants have submitted various noise assessments and there has been extensive discussion between the applicant and environmental health officers. The applicant has explained their management strategy, the methods by which they intend to protect adjacent occupiers and their willingness to address any issues should they arise from development. They have also agreed to a number of conditions which would control how the use is carried out. Officers have investigated how other bars run by the applicants operate elsewhere and have spoken to EHOs in the corresponding local authorities.
- 4.28 The applicant has agreed (inter alia) to carry out sound insulation to the building to prevent structure borne noise, and to restrict the volume and tonal qualities of amplified music. A smoking area is proposed to the roof to deter smokers spilling out onto the street. These elements can be controlled by condition and are welcomed.
- 4.29 The main area of concern in relation to the use, is how the rear roof terrace is operated and the hours that it is operated. In order to reduce the impact on surrounding occupiers, the applicant has agreed that there will be no music played on the open terrace area and that music within the covered area will be restricted to background noise levels only. All music at first floor will be switched off at 10pm and the canopy awning will be closed from 10pm. The side wall of the terrace will be clad with sound muting artificial planting. Given that the way that the bar will be operated, implementation of a rigorous management strategy and evidence of how the chain of bars operates elsewhere have been contributory factors in persuading officers that the development should not result in undue harm to surrounding occupiers, the applicant has indicated a willingness to accept a personal condition. It is noted that the applicant is firmly of the view that their noise assessment demonstrates that the unit will not result

in harm to surrounding occupiers.

- 4.30 It is accepted that the above measures will help mitigate any harm resulting from use of the terrace.

### **Community Infrastructure Levy Regulations**

- 4.31 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. This application is CIL liable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. However the proposed development will not result in a net increase in gross internal area and thus will not be subject to a CIL charge.

## **5.0 Conclusion**

- 5.1 There is no objection in principle to the loss of the vacant retail unit and the use of the premises as a bar in this location. The design of the physical alterations is acceptable and will enhance the property. Traffic generation as result of the development is considered to be acceptable and a travel plan will be implemented, parking demand resulting from the development will be able to be accommodated within existing car parks. Waste can be stored and collected in an acceptable manner. In these respects the development is considered to be in accordance with the development plan.

- 5.2 There remain some concerns in relation to the potential impact of the development on adjoining occupiers, however it is necessary to balance this matter against the benefits of the development. This is a town centre location. The proposal will bring back into use a large unit which has stood vacant for a number of years and is currently run down and dilapidated. The applicant is investing a substantial sum of the money in the unit, which will help regenerate this part of Queens Road and will generate circa 50 full and part time jobs. Furthermore discussions with the applicant have demonstrated to officers that they operate in a manner which seeks to protect neighbouring occupiers and mitigate harm which might otherwise arise.

- 5.3 Para 19 of the NPPF 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".

- 5.4 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 discussed above.

## **6.0 Planning Policy Summary**

- 6.1 National Policies – National Planning Policy Framework; Core Planning Policies, 1. Building a strong competitive economy; 2. Ensuring the vitality of town centres; 4. Promoting sustainable transport, 7. Requiring good design, 8. Promoting healthy



## Communities 11. Conserving and enhancing the natural environment

- 6.2 DPD1 (Core Strategy) Policies: KP1: Spatial Strategy; KP2: Development Principles; KP3: Implementation and Resources; CP1: Employment Generating Development; CP2: Town Centre and Retail Development; CP3: Transport and Accessibility; CP4: The Environment and Urban Renaissance; CP6: Community Infrastructure.
- 6.3 Borough Local Plan: Policy S5 (saved)
- 6.4 Development Management DPD Policies: DM1: Design Quality; Policy DM15: Sustainable Transport Management.
- 6.5 Southend Central Area Action Plan: Consultation Draft Proposed Submission
- 6.6 Supplementary Planning Document 1: Design & Townscape Guide 2009.

### 7.0 Representation Summary

#### 7.1 Design and Regeneration

No objections in principle, details of shopfront to match existing, signage to be agreed separately.

#### 7.2 Highways

The submitted evidence shows that there are adequate available on-street and car parking spaces to cater for the peak trip rates of the development. As requested the developer has used the TRICS database to determine the trip rates.

The Travel Plan they have provided doesn't include any targets, however a condition can be imposed to require a travel survey/questionnaire for both the staff and visitors once they have been open for 3 months. This will actually be beneficial to the developers by provide them with modal split and trip rate data for any future planning applications and will also enable us to make sure the trip rate data they have provided within their TA is correct.

Waste - The alleyway to the rear has been the subject of complaints, rough sleepers sifting through the bins and fly-tipping, a number of businesses use it to store waste and recycling receptacles An internal waste storage area within their proposed is requested. **[Officer comment: revised plans have been received and waste storage is now proposed within the building]**

#### 7.3 Environmental Health

The area is part of the night time economy area but overall does not have a particularly high background noise with no similar outdoor areas with music in the vicinity. (Seeking the following hours- 11am-2am Fri/Sat and 11am-1am Sun-Thurs).

The application of standard conditions regarding plant and music noise from the premises is proposed together with a restriction on structural borne noise.

Details have been provided from their acoustic consultants recommending acoustic treatment of the fire doors, the provision of lobbies to facades facing residential dwellings and acoustic treatment of the separating wall with adjacent residential accommodation. I would expect them to give an undertaking that these works will be undertaken or for a condition to be applied. **[Officer comment - this has now been agreed with the applicant and a condition is proposed]**

For the music they are choosing a BSS Audio Sound web which has signal processing so it is not an external limiter but rather hard set by their engineer into the system and if set right will prevent general tampering with by operatives as long as all the amplified material is passed through this system (ie no external monitors or devices introduced to the system).

The acoustic consultant is giving a 10dB(a) below background prediction on the operation of the terrace but is just at 34dB(a) with the awning in place after 00:30 hrs when the bgr falls to 44dB(a) so from Thursday-Saturday we are only just on this accepting the readings given are a true reflection of the noise profile in the area.

The primary concern is the use of the outdoor terraces until the early hours of the morning. There are continued concerns regarding the activity of significant numbers of people in this outside area but note that the applicant is unwilling to compromise further. The applicant's assurances seem genuine and the indication from other LA is that as a company they are co-operative where issues arise. In the event that there are issues I would reiterate that the test for statutory nuisance is higher than that for amenity and fraught with difficulties. There will therefore be inherent difficulties in seeking to resolve this at a later point using SN and in proving the issue is Revolution and not street noise.

The covered area is not isolated from the open area (no doors just some supporting columns) so this area will act as a sounding board. Some attenuation will be achieved by inserting double glazed doors even if bi-fold doors or similar (as is the case at Southampton) to achieve some reduction. If this was done then if the music on the open roof proved an issue we could look at restricting the music to inside; even if people were on the roof this would both encourage people not to linger on the roof and would also prevent the need for people to speak louder in order to be heard over the music as well as the general hub bub. A physical structural control is always better than controls like limiters where technical items can fail or the unit can be tampered with. There is reference to absorptive furnishing/planters but these are not finalised. There is also sent a picture of a living wall but again there is no concrete proposal regarding its use. **[Officer comment – further details have since been submitted]**

No objection to serving food throughout the opening hours. Vertical drinking or

even sit down drinking is likely to be the primary activity on the terrace.

The test to prove 'statutory nuisance' is higher than that required to affect 'amenity' in planning terms. There will therefore be inherent difficulties in seeking to resolve this at a later point using SN and in proving the issue is Revolution and not street noise which they may try to argue. The agent is vociferous they will not proceed without the use of the terrace throughout their licensed period/planning hours as indicated.

I am not of the view that the use of the terrace is inherently unacceptable but its use in this area particularly with increase infill/conversion to residential and at late hours is likely to disturb existing and further residents.

Recommend the following conditions:

- The rating level of noise for all plant (including but not exclusively the ventilation, refrigeration and air conditioning equipment )determined by the procedures in BS:4142:2014, should be at least 5dB(A) below the background noise with no tonal elements. The LA90 to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. The equipment shall be maintained in good working order thereafter. The plant must not have distinctive tonal or impulsive characteristics.
- The rating level of noise for all activities (including amplified and unamplified music and human voices) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445 The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.
- There will be no music on the outside terrace at any time.
- The first floor bar off the terrace will only have background music and this will be turned off between 22:00 hours and 11:00hours.
- The awnings over the terrace area will be closed to cover the terrace at 22:00hrs and will remain closed until 02:00hrs or until any required ancillary work activities by staff in this area have been completed whichever is the latest time.
- Activities at the site shall not give rise to structure borne noise to any noise sensitive premises.

Recommend informatives relating to: Compliance with other regulatory frameworks; need to comply with Food Safety Hygiene Regulations; and guidance relating to extract ducts.

7.4 **Public Consultation** – 58 properties have been consulted and a site notice posted on site.

2 letters of objection have been received on the following grounds:

- Noise
- Public Order Problems
- Not in keeping with the area

## 8.0 Relevant Planning History

12/00129/OUTM - Demolish existing building, erect three storey building comprising two retail units (class A1) and managers office to ground floor, 32 student accommodation units to first and second floors and internal courtyard (Amended Proposal) – Application recommended for approval but permission refused because the applicant did not complete the necessary S106 Agreement.

## 9.0 RECOMMENDATION

**Members are recommended to:**

**GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

- 02 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number: 101F**

**Reason: To ensure the development is carried out in accordance with the development plan.**

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

- 04 Prior to commencement of development sections through the first floor roof terrace and bar from east to west and north to south shall and details of the proposed canopies (including materials,**

manufacturer details) to be installed over the first floor open area, shall be submitted to and approved by the Local Planning Authority, the canopies shall be installed as approved prior to operation of the premises for A4 use and permanently retained thereafter.

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

- 05** Prior to commencement of the A4 use secure covered cycle parking shall be provided to serve the development in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority. The cycle storage must be made available at all times to staff using the development and retained thereafter.

**Reason** To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, Development Management DPD Policy DM15 and SPD1 (Design and Townscape Guide)

- 06** Prior to commencement of the A4 use the proposed refuse stores shown on plan 1010F shall be provided. These stores must be clearly marked and made available at all times to everyone using the development. Waste must be stored inside the appropriate stores and waste 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 DPD1 (Core Strategy) 2007 policies KP2, CP3 and CP4, Development Management DPD Policies DM1 and DM15 and SPD1 (Design and Townscape Guide).

- 07** The use hereby permitted shall be carried on only by the applicant (Revolution Bars Ltd).

**Reason:** Permission has been granted taking into consideration the special circumstances of this case. The local planning authority needs to control future use of the premises if The New Inventive Bar Company ceases to operate the premises to ensure protection of the amenities of surrounding occupiers and compliance with Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

- 08** The premises shall not be open for customers outside the following

**Hours and all customers must be off the premises within 30 minutes of closure:**

**11am – 1am Sunday to Thursday,**

**11am – 2am Friday and Saturday.**

**Reason: To protect residential amenity and general environmental quality in accordance with , DPD1 (Core Strategy) 2007 policy KP2 and Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide)**

- 09 The rating level of noise for all plant (including but not exclusively the ventilation, refrigeration and air conditioning equipment )determined by the procedures in BS:4142:2014, should be at least 5dB(A) below the background noise with no tonal elements. The LA90 to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. The equipment shall be maintained in good working order thereafter. The plant must not have distinctive tonal or impulsive characteristics.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

- 10 The rating level of noise for all activities taking place at the premises (including amplified and unamplified music and human voices) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

- 11 No music shall be played on the outside terrace at any time.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape**

Guide).

- 12 Only background music shall be played within the internal first floor bar off the terrace and no music shall be played within this bar between 22:00 hours and 11:00hours.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

- 13 The canopies over the terrace area shall be closed to cover the terrace at 22:00hrs and shall remain closed until 02:00hrs or until any required ancillary work activities by staff in this area have been completed whichever is the latest time.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

- 14 The first floor terrace must be closed to customers by midnight on Sundays to Wednesdays, and by 1am and on Thursdays and by 2am on Fridays and Saturdays.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

- 15 Activities at the site shall not give rise to structure borne noise to any noise sensitive premises.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

- 16 The entrance lobbies shown on drawing 101F must not be used for any activities associated with the Class A4 use. Tables and chairs must not be placed in it or customers allowed to stand there.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape**

Guide).

- 17 All acoustic attenuation measures as set out within the Acoustic Report by ACA Acoustics ref 160409-002B and dated May 2016 shall be implemented before the development is occupied, including acoustic walls, secondary shopfront glazing and sound lobbies to entrance and fire exit doors.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

- 18 Customers must not be allowed to use the basement and areas notated on the approved plan as “office”, “store” and “staff” at first floor and the second floor of the must not be used as part of the Class A4 use unless otherwise agreed in writing by the Local Planning Authority

Reason: To avoid intensification of the Class A4 use and prevent a use that could have an adverse effect upon the character, function and amenities of the area, (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

- 19 No vinyls/graphics shall be applied to the shopfront windows without prior written approval of the Local Planning Authority.

Reason: To prevent an inactive and ‘dead’ frontage which would be to the detriment of the street scene and in accordance with Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policy DM13 and SPD1 (Design and Townscape Guide).

- 20 Prior to commencement of the A4 use of the premises, a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of:

- (a) A comprehensive survey of all staff ;
- (b) Targets set in the Plan to reduce car journeys to the premises;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the building is occupied for A4 use.
- e) At the end of 3 months following first occupation of the premises for A4 use a travel survey/questionnaire shall be carried out for staff and customers/visitors, within 28 days of the survey the travel plan document must updated to take into account the results of the staff/customer/visitor survey and submitted to the Local Planning Authority for approval. Immediately following approval of the revised



**Travel Plan it must be implemented.**

**At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.**

**Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, Development Management DPD Policy DM1 and DM15 and SPD1 (Design and Townscape Guide.**

- 21 The first floor and first floor terrace shall be managed in strict accordance with the details set out in the “8-14 Queens Road Southend – Roof Top Management Plan, July 2016” submitted on 13<sup>th</sup> July 2016 and the premises as a whole shall be managed in accordance with a management strategy for the whole premises which shall be submitted to and agreed by the Council prior to first operation of the A4 use hereby approved.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

#### **Informatives**

- 01 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property.**
- 02 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**
- 03 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council’s Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG**

- 04 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from [www.DEFRA.Gov.UK](http://www.DEFRA.Gov.UK)**