

Reference:	18/01541/FUL	
Ward:	Milton	
Proposal:	Convert first floor restaurant (Class A3) to 5 self contained flats (Class C3) and Gymnasium, erect additional floor to form three self-contained flats with associated roof terraces, erect second floor rear extension, layout parking, refuse store to rear and alter elevations	
Address:	Mayas Restaurant, First Floor, 42 London Road, Southend-On-Sea, Essex, SS1 1NT	
Applicant:	Cantor Properties Limited	
Agent:	BGA Architects	
Consultation Expiry:	13 <sup>th</sup> September 2018	
Expiry Date:	5 <sup>th</sup> October 2018	
Case Officer:	Abbie Greenwood	
Plan Nos:	0-001, 0-600A, 1-001, 1-002, 1-600B, 1-601B, 2-001, 2-600B,	
Recommendation:	GRANT PLANNING PERMISSION	



# 1 The Proposal

- 1.1 Planning permission is sought to convert the existing first floor restaurant (class A3) into 5 self-contained flats and an ancillary gymnasium (class C3) and to erect an additional floor on the roof of the building to enable the creation of 3 additional flats and a shared amenity area. The proposal also includes some changes to the exterior of the building including the conversion of 3 of the existing bay windows at first floor to balconies, the insertion of 7 additional windows on the north, east and west elevations, the extension of the existing stairwell to the rear and some internal alterations to create refuse and cycle stores at ground floor. A replacement external commercial bin store is also proposed to the rear of the building. Eight off street parking spaces are proposed to the rear of the building, two of which will be screened from the street by the extension of the existing boundary wall in this location.
- 1.2 The proposed additional storey extension is a maximum of 21m wide and 11.5m deep. It has a flat roof with a maximum height of 3.3m. The height of the proposed stair tower is 3.6m, this follows the same footprint as the existing stairs. The extension will be largely hidden behind the existing false pitched roof, with only 0.7m protruding above this for around half the width of the frontage when seen from London Road. The proposed materials for this extension are brick and render, flat roof and aluminium windows and doors.
- 1.3 The sizes of the proposed flats are as follows:

Flat No	Total size	Bed 1	Bed 2	Private Amenity provision
1 - 2b3p	66 sqm	15 sqm	10 sqm	3 sqm balcony
2 - 1b2p	76 sqm	15 sqm		No balcony
3 - 2b4p	87 sqm	18 sqm	14 sqm	2 sqm balcony
4 - 2b4p	99 sqm	17 sqm	15 sqm	2 sqm balcony
5 - 2b4p	112 sqm	19 sqm	16sqm	2 sqm balcony
6 - 1b2p	52 sqm	12 sqm		48 sqm
7 - 2b3p	70 sqm	12 sqm	8 sqm	46 sqm
8 - 2b3p	70 sqm	12 sqm	8 sqm	56 sqm

As noted above the flats will also have access to a communal amenity terrace measuring 176 sqm and a resident's private gym measuring 76 sqm. 1.8m high balustrades are proposed to be installed at roof level on the east and southern elevations. This balustrade is noted as being glazed to the south side which will be visible from the public realm.

- 1.4 The Design Statement comments that existing rooftop plant relates to the first floor unit only and will be removed to enable the roof extension. The statement confirms that none of the existing roof plant serves the existing ground floor A3 uses. A noise statement has also been submitted in support of the application.
- 1.5 It is noted that planning permission has previously been granted for 4 flats on the roof of this building which was a similar design to the proposed roof extension reference 17/01504/FUL. The full planning history is noted in Section 8 below.

## **2 Site and Surroundings**

- 2.1 The application site is located to the east of College Way and to the south of London Road and measures 0.85 hectares in area. It is located within the Defined Shopping Centre of Southend and the north frontage is allocated as part of the Secondary Shopping Frontage as defined by the Southend Central Area Action Plan.
- 2.2 The site currently contains a two storey building that is used as restaurants at ground and first floor. The building has active frontages onto London Road and College Way measuring 25 and 55 metres long respectively. The existing building has a flat roof, with a false pitched edge which has an eaves height of 8.3 metres and a maximum height of 10.8 metres. Behind the false pitched roof is currently a void area of flat roof. On the north and west frontages are a total of seven first floor bay window projections that measure 3.4 metres wide and 6.7 metres tall. There are two existing crossovers at the site facing onto College Way.
- 2.3 The surrounding buildings are used for a variety of commercial, community and residential purposes and include buildings of varied scale and architectural detailing.

## **3 Planning Considerations**

- 3.1 The key considerations in regard to this proposal are the principle of the development, design and impact on the character of the area, the amenities of existing and proposed residents, highway implications, sustainability and CIL.

## **4 Appraisal**

### **Principle of the Development**

**The National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) policies KP1, KP2, CP1, CP2, CP4 and CP8; Development Management (2015) policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) policies DS1 and PA2 and the Southend Design and Townscape Guide (2009).**

- 4.1 Policy CP8 expects 80% of residential development to be provided on previously developed land and identifies that 2000 dwellings should be provided in the Southend Town Centre and Central Area over the twenty year plan period. The provision of high quality housing is also a key aim of the National Planning Policy Framework.
- 4.2 In relation to the upper floors of the shopping frontages Policy DS1 of the SCAAP states '*6. Proposals for the use of upper floors in shopping frontages for retail, residential, leisure, office or other complementary uses which help to maintain or enhance the character and vitality of the centre will be supported. Where upper floors are currently in retail use, developers should seek to retain retail uses where viable and appropriate.*'

- 4.3 Policy PA2, which sets out the development principle for sites within the London Road Policy area states *'The Council, through its role in determining planning applications and other initiatives, will... promote Town Centre uses that deliver the aims for the Policy Area and support the vitality and viability of the town centre, including leisure, retail floorspace, cafes/restaurants, office and residential (to upper floors)'*
- 4.4 The proposal is seeking to convert the first floor restaurant to residential use and construct additional residential units on the roof of the building. The design and access statement comments that the current restaurant is not renewing their lease and that there has been no interest in the unit from alternative operators. A statement from a property consultant comments that the town centre is struggling with many vacant units. They comment that first floor restaurants are generally only successful where they have a high visibility from the main retail area. They comment that the proposed site is undesirable for retail at first floor because it is outside of the principal retail frontage and is accessed off a dead frontage facing a car park. It therefore lacks visibility compared to other units.
- 4.5 It is considered that this is a reasonable argument in this instance and on balance the loss of the restaurant at first floor is accepted.
- 4.6 The principle of residential units on the roof of this building has previously been approved in application reference 17/01504/FUL and previously at appeal. The broad principle of residential development is therefore supported subject to the detailed considerations discussed below.
- 4.7 In terms of dwelling mix it is noted that the proposal is for 1 and 2 bed units only, but there are a range of sizes and it is accepted that the town centre location and the constraints of the building do not lend themselves to larger family accommodation. In this instance the mix is considered to be reasonable. Overall therefore, the principle of the proposal is acceptable and policy compliant subject to the detailed considerations below.

### **Design and Impact on the Character of the Area:**

**The National Planning Policy Framework (2018); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1 and DM3, Southend Central Area Action Plan Policies DS1 and PA2 and the Design and Townscape Guide (2009).**

- 4.8 Good design is fundamental to achieving high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM3 of the Development Management Document and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

- 4.9 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour and texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and help a development to sit comfortably in its context.
- 4.10 The proposal is seeking to convert the first floor restaurant to flats. This involves a number of changes to the external appearance of the building at this level including the conversion of 3 of the bay windows to balconies and the insertion of 3 new windows and an inset balcony in place of the large scale signage on the north and west elevations. The 3d sketches included with the application provide some comfort that, subject to high quality detailing and matching fenestration, these alterations can be compatible with the character of the building and the wider streetscene. Given the prominence of the building it is considered that a detail of the bay conversion and window reveals should be conditioned to ensure the detailing and materials are well resolved. This can be achieved via a condition.
- 4.11 The design of the roof addition is very plain but is very similar to that which has been previously approved under reference 17/01504/FUL. This element of the proposal will be largely hidden by the false pitched roof and will have little impact on the streetscene save for a small section of the roof fascia which will protrude above. It is therefore considered that a detail of this visible junction between the existing and proposed roofs should also be conditioned.
- 4.12 The only other change to the appearance of the building is the proposal to extend the stair tower in the south east corner to enable access to the second floor. The design of the extension here will match that of the existing core. This is considered to be acceptable subject to matching materials.
- 4.13 The design of the proposal is therefore considered to be acceptable and policy compliant subject to the conditions and details noted above.

### **Traffic and Transport Issues**

#### **The National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP3 and CP4; Development Management (2015) Policies DM1, DM3 and DM15**

- 4.14 Policy DM15 states that each flat should be served by one parking space. The application proposes the rearrangement of the existing service yard on the College Way frontage of the application site. An existing brick wall would be demolished to enable access to six new parking spaces to be created. A further 2 spaces would be created within the site. In total 8 parking spaces are proposed for the 8 flats which would mean that the proposal meets the Council's Parking Standards for flats within the town centre. A vehicle crossover has already been provided in the position shown. The service yard will remain to the rear of the building to serve the remaining ground floor A3 uses.

- 4.15 No objection has been raised by the Council's Highway Officer to this proposal and it is therefore considered that the vehicular access, parking and service arrangements are acceptable and the proposal is policy compliant in this regard.

#### *Refuse and Cycle Storage*

- 4.16 A replacement commercial bin store is proposed in the rear service yard to serve the ground floor units which are unchanged. A residential bin store will be accommodated within the building. Each store has the capacity for 4 eurobins for refuse and recycling. The residential bin store also includes space for a 140L food waste bin.
- 4.17 A cycle store for residents is also proposed at ground floor. This will provide space for 10 cycles. In addition to this, each flat has its own storage cupboard at first floor storage area which they comment could also be used for bike storage although it is noted that this is unlikely to be used to store bikes as there is no lift.
- 4.18 The Southend Waste Management Guide requires 2 eurobins for refuse and 2 eurobins for recycling to serve 8 units. The guide requires commercial uses to make their own arrangements for storage and collection depending on need. On this basis the proposed refuse arrangements appear reasonable and the proposal is acceptable and policy compliant in this regard.

#### **Impact on Residential Amenity**

**The National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).**

- 4.19 Policy DM1 of the Development Management Document states that development should, *"protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight."*
- 4.20 The proposed development includes a roof extension however this will be mostly contained within the existing false pitched roof so will only result in a marginal increase in height over part of the roof. The open aspect to the south and east will be enclosed with 1.8m screens. The proposed use at first floor will change and some of the windows will be amended to balconies. There are also a few additional windows proposed facing the street to the north and west and two additional windows for the proposed gym which would outlook over the top of the neighbouring building to the west.
- 4.21 Records show that the only residential properties close to the site are the student residents on the opposite side of College Way. The other adjacent premises to the south and east within this street block contain only commercial uses. It is also noted that there are some residential flats above properties in Queens Road further to the east.

- 4.22 Overall it is considered that the impact of the proposal on the neighbouring occupiers will be minimal with regard to matters of daylight, sunlight, outlook, sense of enclosure, noise and disturbance and privacy. The increase in the built form is marginal and the outlook will not be materially different to the existing restaurant use except to the south where the proposed amenity terrace has an outlook over the roof of the commercial building. It is therefore considered that the impact on neighbouring properties is acceptable and policy compliant in this regard.

### **Living Conditions for Future Occupiers**

**National Planning Policy Framework (2018), Technical Housing Standards 2015, Development Management Document (2015) Policies DM1 and DM8 and the Southend Design and Townscape Guide (2009)**

#### *Space Standards*

- 4.23 All new homes are required to meet the National Technical Housing Standards in terms of floorspace. The required size for a single storey, 2 bed 4 person household is 70 sqm, a 2 bed 3 person flat must be at least 61 sqm and a 1 bed 2 person flat 50 sqm. The minimum standards for bedrooms are
- Master double - min area 11.5 sqm, min width 2.75m
  - Other doubles – min area 11.5 sqm, min width 2.55m
  - Singles - min area 7.5 sqm, min width 2.15m

In accordance with policy DM8, the units should also provide useable amenity space.

- 4.24 The net internal area of the flats are set out in section 1 above. This confirms that the proposal complies with the above mentioned standards. The proposal also complies with the bedroom standards in all cases.

#### *Amenity Provision*

- 4.25 With respect to amenity space, each top floor flat would be served by a garden/terrace of 46 sqm to 56 sqm. A shared roof top amenity area of 176 sqm is also provided for the use of the first floor flats, 4 out of 5 of which also have a small balcony. The development also includes a resident's gym. Overall this is considered to be generous for flats in a town centre location which are served by other amenities.

#### *Living Environment*

- 4.26 It is noted that an appeal for roof top flats was dismissed because it was considered that the separation distance between the proposed habitable rooms and the screen boundary to the east, which was proposed at 2m, was too narrow and this would give rise to poor outlook for these units. This was increased in the 2017 application to 3.6m which was considered acceptable. The current proposal has reduced this slightly to 3.2m. On balance this is considered to be sufficiently wide to enable a reasonable outlook from the bedrooms facing east.

- 4.27 The first floor units generally face the street and have good outlook. The only exception is flat 1 which looks to the south and east. The service yard is located against the building to the south. This will be seen from the bedroom windows, however, it is a small area which only serves the existing building and this unit also has an outlook to the east onto College Way. On balance it is considered that, in this town centre location, this outlook can be considered acceptable.

#### *M(4)2*

- 4.28 Applications for new build dwellings are required to comply with building regulations M4(2) to ensure that they are flexible enough to meet the needs of all types of resident, however, in this case the proposal is for the conversion and extension of an existing building and therefore there is no obligation for this requirement to be met.

#### *Noise*

- 4.29 Noise implications for future occupiers have also been a consideration for previous applications relating to residential accommodation at roof level. The current proposal is materially different from the earlier applications as it also proposes the conversion of the large restaurant at first floor to residential. The consequence of this is that the plant associated with this unit will be redundant and will be removed. However, it is considered that there would still be the potential for noise nuisance caused by the ground floor uses (plant, service yard and customers), the night time economy generally, the road and any plant on neighbouring buildings. The Design and Access Statement comments that there is no plant associated with the existing ground floor uses which currently comprise a dessert/ice cream parlour and a grilled chicken restaurant.
- 4.30 A noise assessment has been submitted with the application. This concludes that the proposal would be acceptable in terms of the internal noise levels and that for the external amenity spaces and suggests the use of standard construction and thermal glazing for the roof extension together with an enhanced glazing provision for the bedrooms at first floor to mitigate for any noise impact. The Council's Environmental Health Officer has commented that the submitted noise report does not take into consideration the noise potential from the proposed residents gym and so an amended report and associated mitigation measures will be required. He also considers that the glazing specification needs to be enhanced. It is considered that an amended report included updated mitigation measures can be secured via a condition. It is noted that residential development has previously been approved at this site.
- 4.31 Overall therefore it is considered that the proposed provides an acceptable standard of accommodation for future occupiers and is policy compliant in this regard.

#### **Sustainable Construction:**

**The National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4 and CP8. Development Management Document (2015) policy DM2.**



- 4.32 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 4.33 The applicant has shown the inclusion of solar panels on the roof to serve the new dwellings although no details have been provided to justify that this meets the 10% requirement. It is considered, however, that there is scope for pvs to be accommodated in this location and a condition could be imposed to require the 10% threshold to be met. No information has been included in relation to water efficiency, however it is considered that this can also be controlled via condition. The proposal is therefore acceptable and policy compliant in this regard.

### **Community Infrastructure Levy**

- 4.34 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of 1031.7 sqm, which may equate to a CIL charge of approximately £24840.16 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building ” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of future occupiers and neighbours and the character and appearance of the application site, the street scene and the area more widely. There are no highways objections. This application is therefore recommended for approval subject to conditions.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision).

6.3 Design & Townscape Guide (2009)

6.4 Development Management Document policies DM1 (Sustainable Development), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) DM7 (Dwelling Mix), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).

6.5 CIL Charging Schedule

6.6 Technical Housing Standards (October 2015)

## **7 Representation Summary**

### **Highway Authority**

7.1 8 off street parking spaces have been provided along with 10 secure cycle parking spaces the site is in a sustainable location with regard to public transport with good links in close proximity. Future applicants will not be eligible for a town centre of residential parking permit.

It is not considered that the proposal will have a detrimental impact upon the public highway in the surrounding area.

Therefore no highway objections are raised.

### **Environmental Health Officer**

7.2 The Application is to Convert First Floor Restaurant (Class A3) to 5 Self Contained Flats (Class C3) and Gymnasium (Class D2) and Also to Erect Additional Floor to form Three Self Contained Flats with associated Amenity.

EH concerns/impact on Proposed Future Residents are

- 1) Road Traffic Noise from London Road
- 2) Hours of A3 use still on ground floor
- 3) Communal Gymnasium on 1st Floor – See BGA drawing No:1 -600 dated 16/07/2018. “ Rev B”.

The Noise Report by Sharps Redmore dated 6<sup>th</sup> August 2018 has been reviewed and the following concerns are noted:

- Considering high levels of 84 L<sub>Amax</sub>, the windows systems of RW+ctr 37dB is not adequate to mitigate the Road Traffic Noise and requires improvement and in addition the glazing specification and make, is also required.
- There is a Communal Gymnasium on the 1<sup>st</sup> Floor; Ref BGA Drawing NO:1 – 600 and the its impact has not been considered on residents on the 1<sup>st</sup> Floor and those on the additional floor.

The Following Conditions are recommended.

- The Glazing Specification needs to be improved with Window Specification for all habitable rooms to meet (BS 8233:2014 internal noise levels.

- Since the Gym has not been considered in the Noise Report then a Post Completion Testing will apply.
- The Existing Extraction/Ventilation shall operate without with causing Odour/Noise Nuisance to the Proposed Future residents.
- Construction Hours shall be Restricted to 8am - 6pm Monday to Friday, 8am -1pm Saturday and not at all on Sundays or Bank Holidays.
- During Construction and Demolition, there shall Be No Burning of Waste Material on Site.

### **Public Consultation**

7.3 9 neighbouring properties were notified of the application and a notice was posted at the site. 1 letters in support of the application has been received making the following comments

- The design is good and sympathetic to the building
- The flats are large with plenty of amenity space
- The proposal will prevent the building sitting empty and bring footfall to other commercial uses which is needed in the current economic climate.

## **8 Relevant Planning History**

- 8.1 The existing building has been the subject of various applications relating to the change of use of the building and minor alterations to the building. The ones relevant to this proposal are:
- 8.2 17/01504/FUL - Erect additional floor to form three self-contained flats with associated roof terraces, erect part two/part three storey rear extension, layout parking and refuse store to rear (Amended Proposal) – granted
- 8.3 16/01215/FUL - Erect additional floor to form four self-contained flats with associated terraces, erect part two part three storey rear extension, install solar panels to South elevation, lay out parking and refuse storage to rear (Amended Proposal) – refused and dismissed at appeal.
- 8.4 15/01153/FUL - Erect additional floor to form four self-contained flats with associated terraces, erect part two part three storey rear extension, lay out parking and refuse storage to rear (Amended Proposal) – refused.
- 8.5 14/01798/FUL - Erect additional floor to form four self-contained flats with associated terraces, erect part two part three storey rear extension, lay out parking and refuse storage to rear – refused.

## **9 Recommendation**

**Members are recommended to GRANT PLANNING PERMISISON subject to the following conditions**

**01: The development hereby permitted shall begin not 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 in accordance with the following approved plans: 0-001, 0-600A, 1-001, 1-002, 1-600A, 1-601A, 2-001, 2-600B**

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

**03 The external elevations of the building, including walls, roof, fascia, doors and windows, screens, refuse store enclosure and forecourt parking area shall only be finished in accordance with details that have been submitted to and approved beforehand in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.**

**Reason: To safeguard the visual amenities of the area and ensure an acceptable environment for future residents, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 Southend Design and Townscape Guide (2009).**

**04 Prior to their installation, detailed design drawings of the new balconies, window reveals for windows facing the street, proposed screens to the south and east elevation at roof level and flat roof fascia detail at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out and in accordance with the approved details before it is brought into use.**

**Reason: To safeguard character and appearance of the existing building and the surrounding Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).**

**05 The development shall not be occupied until 8 car parking spaces have been provided and made available for use at the site in accordance with drawing reference 0-600A. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the flats hereby approved.**

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

**06** Prior to the first occupation of the flats hereby approved, design details shall be submitted for the provision of the commercial and domestic refuse storage and the proposed residential cycle store at the site. The approved refuse storage shall be provided in full and made available for use by the occupants of the proposed flats and the ground floor commercial occupants prior to the first occupation of the flats hereby approved and be retained as such in perpetuity.

**Reason:** To ensure the provision of adequate cycle parking and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policies DM8 and DM15 of Development Management Document (2015).

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

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

**08** Prior to occupation of the flats hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

**Reason:** To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

**09** Notwithstanding the details specified in the submitted Environmental Noise Report by Sharps Redmore reference 1616048 dated 6<sup>th</sup> August 2018, prior to the construction of the second floor residential units hereby approved, an amended acoustic report that also includes an assessment of the noise potential of the proposed gym and which includes mitigation measures for this use and in relation to the traffic noise and any other relevant sources of noise, to meet the requirements of 'BS 8233:2014: Internal Noise Levels' shall be submitted and agreed in writing with the local planning authority.

**The development shall then be constructed in full accordance with the mitigation measures in the approved report prior to occupation of the residential units hereby approved and shall be maintained as such in perpetuity thereafter.**

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

**10 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.**

**Reason: In order to protect the amenities of occupiers of the development 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).**

**11 The proposed resident's gym shown on plan reference 1-600B shall be used as a resident's gym ancillary to the proposed residential units hereby approved only and for no other purpose including a public gym (class D2) as a separate planning unit. The gym shall not be used outside the hours 07:00 to 23:00 Mondays to Sundays.**

**Reason: In the interest of the amenities of future and neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).**

**12 The proposed resident's storage units shown on plan reference 1-600B shall only be used as resident storage ancillary to the proposed residential units hereby approved and for no other purpose.**

**Reason: In the interest of the amenities of future occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).**

**13 Prior to the occupation of the second floor flats, privacy screens not less than 1.7m high above terrace level shall be fitted between the amenity areas to flats 6, 7 and 8 and between the terrace to flat 6 and the communal amenity area at second floor level. The screens shall be retained for the lifetime of the development.**

**Reason: To protect the privacy and environment of people in new residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).**

## **Informatives**

**01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).**

**02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 borough.**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**