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| Reference: | 20/01395/FUL | |
| Application Type: | Full Application | |
| Ward: | Belfairs | |
| Proposal: | Erect single storey rear extension to form additional floor space to existing commercial unit, use of ground floor commercial space as use class A2, erect rear extensions at first floor and roof level, and erect roof extension to front, in association with the conversion of the first floor and loft space into one self-contained flat (Class C3), install balconies to front, lay out garden space with associated bin and cycle stores (Amended Proposal) | |
| Address: | 1335 London Road Leigh-On-Sea Essex SS9 2AB | |
| Applicant: | Property Point - Mr M Saunders | |
| Agent: | iArch Consulting | |
| Consultation Expiry: | 30 th September 2020 | |
| Expiry Date: | 21 st October 2020 | |
| Extension of Time: | 5 th November 2020 | |
| Case Officer: | Julie Ramsey | |
| Plan Nos: | 001,001 Option D, 002 Option D, 003 Option D, 004 Option D 005 Option D, 002 Section & Elevation 1 of 2, 003 Section & Elevation 2 of 2 | |
| Recommendation: | GRANT PLANNING PERMISSION subject to completion of a S106 Agreement or the securing of a RAMS payment by other suitable means. | |



1 Site and Surroundings

- 1.1 The application relates to a mid-terraced two storey building with a commercial unit to the ground floor and associated storage and office space to the rear and at first floor level. The commercial unit has been operating as a motorcycle sales and parts shop, considered to be within an A1 (retail use).
- 1.2 The property has extensive rear projections, including one at first floor, with a cat slide roof. This is typical of the commercial properties in this row. To the rear of the site is an alleyway leading from Tankerville Drive.
- 1.3 The site is located on the northern side of London Road close to its junction with Tankerville Drive. Opposite the site is Leigh Cemetery. The surrounding area to the east and west of the site is characterised by mixed-use properties, typically with commercial uses at ground floor and residential flats above. The townscape to the rear is characterised by two storey dwellings.
- 1.4 The site is not the subject of any site specific policy designations. It is located in Flood Zone 1 which has a low risk of flooding.

2 The Proposal

- 2.1 The application proposes extensions and alterations in association with the conversion of the first floor into a residential flat over two levels, incorporating the converted roof space.
- 2.2 The ground floor commercial unit would be extended at the rear through the erection of a single storey rear extension, following demolition of the existing outbuildings and projections. This would retain a shop area and training space associated with the ground floor commercial use. The ground floor of the building is to be changed to an A2 use and would facilitate an estate agent with an ancillary training suite for staff training, back office work, storage kitchen and W.C. facilities. However, following the amendments to the Use Classes that came into force on 1st September 2020, the commercial use of the ground floor would fall into the newly formed Class E (Commercial, Business and Services), which permits a range of uses.

- 2.3 A gabled roof protection would be formed at roof level to the front, along with balconies to the first and second floors. To the rear a similar gable projection is proposed within the roof and the cat slide roof removed and a flat roof formed over the first floor extension.
- 2.4 The proposed two bedroom flat would measure approximately 79sqm gross internal area (GIA) and provide a main double bedroom of some 22.6sqm and an additional bedroom of some 14.3sqm GIA. The two balconies to the front (south) elevation measure 2.8sqm at roof level and 7sqm at first floor level.
- 2.5 The flat would be accessed via the rear alleyway and an access ramp within the site of some 1.2m wide. Cycle and bin storage are indicated to the rear, extending across the width of the site. The cycle storage area would be some 2.8m wide and some 1.2m deep. The bin store would be some 1.45m wide and 1.2m deep. An 8.3sqm garden area is also provided to the rear of the enlarged single storey extension.
- 2.6 The proposed external materials are stone cladding, brickwork and render to match the existing building.
- 2.7 This is a revised application following a recent refusal (20/00725/FUL). This revised scheme has reduced the number of flats to one and reduced the first floor and roof extensions to the rear. The amenity space at the rear has been reconfigured to provide a slightly smaller garden area but increase the size of the bin and cycle storage areas.

3 Relevant Planning History

Application site:

- 3.1 20/00725/FUL - Erect single storey rear extension to form additional floor space to existing commercial unit, use of ground floor commercial space as use class A2, erect rear extensions at first floor and roof level, and erect roof extension to front, in association with the conversion of the first floor and loft space into two self-contained flats (Class C3), install balconies to front, lay out garden space with associated bin and bike stores – Planning permission refused.(The “refused scheme”)
- 3.2 87/1339: - Erect single storey detached building at rear to form store – Planning permission granted.

1333 London Road:

- 3.3 20/00481/AD - Application for approval of details pursuant to conditions 03 (Samples of Materials), 04 (Details of Renewable Energy), 06 (Details of Cycle, Refuse and Re-cycling Storage), 09 (Details of Tree Protection Measures) of planning permission 19/01331/FUL dated 02.10.2019 - Planning permission granted.
- 3.4 19/01441/FUL - Erect two storey rear extension to form dwelling (Class C3), install balconies to side, alter elevations, layout garden space with associated bin and bike stores – Planning permission granted.
- 3.5 19/01331/FUL - Erect two storey rear extension to form two self-contained flats (Class C3), install balconies to side, with associated bin and bike stores – Planning permission granted.

- 3.6 19/00089/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations and layout parking space (Amended Proposal) – Planning permission granted.

4 Representation Summary

Consultation Responses

Fire Brigade

- 4.1 No objection

Environmental Health

- 4.2 No objection, subject to conditions regarding construction hours, waste management plan and the provision of adequate glazing specification of RW35 with adequate ventilation for all habitable rooms to mitigate road traffic noise on London Road.

Leigh Town Council

- 4.3 Objection raised due to insufficient cycle parking provision

Highways Team

- 4.4 There are no highway objections to this proposal. Future occupiers will not be eligible for a residential parking permit.

Public Consultation

- 4.5 Eleven neighbouring properties were notified and a site notice was posted at the site. Four letters of representation have been received.

Summary of matters raised:

- Proposal not in keeping with area
- Area saturated in flat developments
- Impacts on daylight, overshadowing and sense of enclosure to neighbours
- Impact on on-street parking availability which is already at its limit
- Impact on parking and highway safety, vehicles parked on double yellow lines
- Inadequate cycle storage
- Impacts on amenities of neighbours and area regarding loss of light and overlooking
- Inadequate waste and recycling provision
- Safety of occupiers given access available
- Adequacy of emergency access
- Impact on access to existing units to rear
- Lack of infrastructure for new occupiers e.g. drainage, sewers
- Overdevelopment of area.

- 4.6 These concerns are noted and they have been taken into account in the assessment of the application at Section 7. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Committee Call In

4.7 The application was called to Committee by Councillor Aylen.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance and National Design Guide (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), Policy CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)

5.4 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards), DM11 (Employment Areas) Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)

5.5 Design & Townscape Guide (2009)

5.6 National Technical Housing Standards (2015)

5.7 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of development, design and impact on the character of the building and the streetscene, impact on neighbouring occupiers, standard of accommodation for future occupiers, parking and highways impacts, sustainability, Community Infrastructure Levy (CIL) and RAMS contributions and whether this revised proposal has overcome the previous reasons for refusal. The relationship of the proposed development to the approved development being constructed at the adjoining site (1333 London Road) is a material consideration.

7 Appraisal

Principle of Development

7.1 The existing building is used as a motorcycle sales and parts shop, with associated storage areas and ancillary offices at first floor. There are no objections raised to its reconfiguration and modest extension in relation to Policy CP1 of the Core Strategy and Policy DM11 of the Development Management Document, given the established use falls outside of the definition of 'employment uses' and that the site is not located in an identified local or district centre as defined in Policy DM13. Given there are no specific policy designations relating to this site, the principle of the loss of the ancillary space at first floor is acceptable. The applicant states that it is proposed to use the ground floor as estate agency (use class A2), with a large associated training space shown. The existing use is described as a retail shop which has specialised in motorcycle accessories. On this basis an A2 use, with associated training space, is acceptable in general principle at this location.

- 7.2 There is no objection in principle to the extension and creation of residential space at upper floors subject to the other material planning considerations discussed in detail below. The principle of the proposed development is therefore considered to be acceptable and policy compliant.

Design and Impact on the Character of the Area

- 7.3 Paragraph 127 of the NPPF states that Local Planning Authorities should aim to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.4 The National Design Guide seeks well-designed places in which development integrates and relates well into its surroundings.
- 7.5 Paragraph 130 of the NPPF states that *“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”*.
- 7.6 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.7 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and that *“proposed development [should] make a positive contribution to the local area”*. At paragraph 95 the Guide states that *“areas of the Borough where the townscape is more varied in terms of height, plot size and design, tend to offer more scope for a change in scale”*.
- 7.8 While the application relates to a commercial premise, rather than a household extension to a dwelling, it is considered that the principles in section 10.2.10 of the Design and Townscape Guide (roof extensions to dwellings) are relevant. Paragraph 366 the Guide states that *“Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape”*.
- 7.9 The proposed roof extension to the front would be a contemporary addition, however it would reflect the gabled frontage of No.1333 London Road adjoining and as a result its design would be reasonably related and subservient to the main building. The provision of second floor accommodation is not objected to in principle as the street scene is varied to a degree with some three-storey buildings locally. The use of stone cladding to match No. 1333, would in principle be acceptable however details of materials could be secured by condition to ensure a suitable match.
- 7.10 The proposed rear extensions would have an acceptable projection at ground floor, in view of the existing arrangement, and at first floor, given the modest projection at that level. The revised rear roof extension has been designed to reflect the gabled addition proposed to the front elevation and the overall depth of the rear roof extension has been reduced significantly from the refused scheme.

Therefore, the proposal is considered to have a subservient appearance which integrates acceptably with the rear of the existing building and does not dominate this elevation as in the previously refused application. This revised application has reduced the number of flats from two to one and overall is considered to have satisfactorily overcome the previous reason for refusal in terms of character and appearance.

7.11 The proposal is therefore considered acceptable and policy compliant in these regards.

Impact on Residential Amenity

7.12 Paragraph 127 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

7.13 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.

7.14 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.

7.15 Furthermore Paragraph 349 states that *“Rear extensions can sometimes adversely affect neighbouring properties through overlooking and blocking of light. The design should therefore ensure that these are kept within reasonable limits.... Extensions on the boundary can have a significant effect on the neighbouring property and may not be considered appropriate”*.

7.16 A former rear projection at No.1333 has been demolished. Planning permission has been granted for development at No.1333 London Road which would involve an extensive two-storey projection alongside the application site and works have commenced on site. Given the reduction in the rear additions of this revised scheme. The proposed extensions within the roof plane and at ground floor level are not considered to have a materially harmful impact to No.1333 London Road in any relevant regard.

7.17 The proposed rear addition at roof level would not materially impact on the adjoining first floor flat, No. 1337A London Road, in terms of overshadowing, loss of daylight, or loss of outlook or sense of enclosure to occupiers of the adjacent first floor flat. The first-floor element is existing.

7.18 The proposed single storey rear extension would be situated to the east of a shorter projection at No.1337 London Road. The site photographs show that this is in commercial use as part of the ground floor hot food business. As such there would be no materially harmful amenity impact arising to the ground floor of No.1337.

- 7.19 The proposed rear windows of the flat would face principally towards the flank wall of No.7 Tankerville Drive, some 5.5m separation distance exists. Oblique views would be available towards the secondary windows on its front gable projection and towards its rear garden, there are no windows present in the flank wall facing the site. It is considered given the existing layout of buildings and spaces, and the separation distance from the proposed rear windows to No.7, that there would not be a materially harmful impact in terms of an actual or perceived loss of privacy to occupiers at No.7.
- 7.20 The use of the site for a new dwelling would result in more people being present in proximity to neighbouring occupiers and this could lead to some limited additional noise and disturbance in general. However, sound transmission is a matter for building regulations and environmental health legislation and in this instance it is considered that the potential for any increased disturbance is unlikely to cause sufficient harm to the amenities of nearby occupiers to an extent that would justify the refusal of the application on those grounds. In the main road context of the site it is considered that the small number of additional occupiers would not be likely to result in significant additional noise from within the building or from comings and goings, which, particularly taking into account the existing use, would not affect nearby residents to a degree that would cause material harm.
- 7.21 The reconfigured ground floor commercial use could be used for purposes within Class E which comprises of a range of uses, which in the round, can be carried out in a residential area without detriment to its amenity in most cases and therefore it is not considered the development would materially affect nearby occupiers. The introduction of a large training space and a meeting space would potentially increase footfall but subject to limits on opening times would not have a materially harmful impact on surrounding occupiers given the established commercial use. Class E however does include the previous use class A3 (which is restaurants and cafés). Given the introduction of residential accommodation to the first floor, it is considered reasonable in the circumstances of the case to prevent the ground floor unit being used for this purpose. (Class E (b) Sale of food and drink for consumption (mostly) on the premises can be restricted by way of a condition to any grant of planning permission)
- 7.22 Therefore, subject to the above condition, it is considered that the development would maintain neighbour amenities to a satisfactory degree in accordance with the objectives of the above-mentioned policies and guidance. The proposal is therefore considered to be acceptable and policy compliant in the above respects.

Living Conditions for future occupiers

- 7.23 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Further to this, from the 1st October 2015 the national Technical Housing Standards have been adopted and state that for a two bedroom, 4 person dwelling over two floors must have a minimum floor area (GIA) of some 79sqm.

7.24 The proposed flat would provide a GIA of some 79sqm. Furthermore the bedroom sizes exceed the Technical Standards provision:

In order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm and one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide. The proposed flat would therefore satisfy the minimum dimension requirements under the Technical Housing Standards. Adequate daylight and outlook would be available to both floors.

7.25 Policy DM8 of the Development Management Document states that all new dwellings must make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The Council's Design and Townscape Guide states that "*Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development*".

7.26 The two balconies are considered to provide a reasonable level of outdoor amenity space to the occupiers and at this location the arrangement is acceptable. The proposed rear amenity space would be associated with the commercial space at ground floor.

7.27 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide adaptable and accessible dwellings. Given the fact that the parameters of the existing building are fixed, it is considered that, in this particular instance, the proposal relating to the existing building should not be required to accord with those standards.

7.28 Revised refuse and cycle storage have been indicated on the submitted plan. It is considered that this reconfiguration would be capable of accommodating cycles and the required refuse and recyclable storage, subject to the submission of the specific details by way of a condition added to any grant of planning permission. The proposed cycle storage is capable of being made secure given this revised configuration.

7.29 No noise assessment in relation to road noise has been supplied. However, a scheme of noise insulation can be secured by condition in the event of a grant of planning permission.

7.30 Therefore, the proposal is considered to be acceptable and policy compliant in these regards.

Sustainable Construction

7.31 Policy KP2 of the Core Strategy states:

"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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), such as those set out in the Design and Townscape Guide".

- 7.32 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

Traffic and Transportation Issues

- 7.33 Policy CP3 of the Core Strategy seeks to improve highway safety and accessibility. Policy DM15 of the Development Management Document (2015) states: *All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.*
- 7.34 The adopted Vehicle Parking Standards state that one space should be provided for the proposed flat at this location.
- 7.35 No off-street car parking is proposed as part of this application. Currently there is no off-street car parking for the commercial unit. As there is an established retail use on the site, a similar 'high street' type of use such as A2 is considered appropriate. There is no difference in parking standards between an A2 use and an A1 use. There is an overall loss of commercial floor space by virtue of the loss of the existing ancillary space at first floor which is greater than the additional commercial space added at ground floor. Therefore, the proposal does not result in an increase in parking demand or requirement for off-street car parking for the commercial element of the proposal.
- 7.36 The lack of provision of any parking for the proposed flat is considered to be a negative aspect of the proposal, particularly given the size of the flat which could accommodate up to four persons. Given the existing circumstances of the site, with regard to its current use, the existing floor space at first floor and the location of the proposed flat on a main highway (A13), which is served by a number of bus routes, it is considered, on balance, that the absence of off-street car parking would be within acceptable limits, subject to suitable cycle parking/storage space provision. The cycle parking and storage arrangements have been revised from the previously refused application and it is considered, subject to the submission of further details, by way of a condition to any grant of planning permission, the cycle space provided is adequate for the proposed flat. Therefore, the application has overcome the previous reason for refusal regarding adequate cycle parking to be provided.
- 7.37 Therefore, the proposal is considered to be acceptable and policy compliant in these regards.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.38 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which is proposed to be adopted by Full Council on 29th October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via a S106 legal agreement or other suitable means, the proposal is considered to be acceptable and policy compliant in this regard.

7.39 **Community Infrastructure Levy (CIL)**

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 79 sqm of residential and an addition 5sqm of commercial space, which may equate to a CIL charge of approximately

8 £6089.08 (subject to confirmation).

8.1 **Conclusion**

Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, on balance, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

9

9.1 **Recommendation**

Members are recommended to:

(a) DELEGATE to the Interim Director of Planning or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to the following conditions and following the completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation to secure the provision of:

- **a financial contribution of £125.58 (index linked) to mitigate the potential disturbance to European designated sites, in accordance with the Essex Coast Recreational disturbance Avoidance Mitigation Strategy or the securing of this same payment by other suitable means.**

(b) The Interim Director of Planning or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above requirement, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out solely in accordance with the approved plans: 001 Option D, 002 Option D, 003 Option D, 004 Option D 005 Option D

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until appropriately sized samples of the materials on the external elevations have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved materials before the development hereby approved is first occupied.

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

04 Prior to the first occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

05 Prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the existing and proposed commercial and proposed residential unit on the site.

The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupiers of the ground floor development prior to the first use of the ground floor unit and made available for use by the occupiers of the first development prior to the first occupation of the dwelling hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document.

- 06 Hours of works associated with this consent shall be only between 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 07 The ground floor areas shall only be occupied for purposes falling within Use Classes A1 and A2 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. The ground floor area must not be used for a Class A3 use or Class E (b) use, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 08 The roof of the rear extension hereby approved shall not 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 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 the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and Design and Townscape Guide (2009).

- 09 Prior to the first occupation of the proposed flat hereby approved, glazing to specification RW35 with adequate ventilation shall be provided for all habitable rooms so as to meet BS 8233 :2014 internal noise levels.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

(c) In the event that the planning obligation or other means of securing the financial contribution referred to in part (a) above has not been completed by 5th November 2020 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, contrary to National and Local planning policy.

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.

10 Informatives

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).**
- 2 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.**