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| Reference: | 20/01450/FUL | |
| Ward: | St Laurence | |
| Proposal: | Change of use from retail shop (Class A1) to mixed use restaurant/takeaway (Class A3/A5) at ground floor and self-contained flat (Class C3) to first floor, erect bin store to rear and alter front elevation to provide access to first floor flat. | |
| Address: | 91 - 93 Prince Avenue, Southend-On-Sea, Essex, SS2 6RL | |
| Applicant: | Mr Newland - Eclipse Homes Limited | |
| Agent: | Knight Gratrix Architects | |
| Consultation Expiry: | 07.10.2020 | |
| Expiry Date: | 11.12. 2020 | |
| Case Officer: | Scott Davison | |
| Plan Nos: | 010A & 011A | |
| Recommendation: | GRANT PLANNING PERMISSION, subject to conditions | |



Site and Surroundings

- 1.1 The application site is located on the northern side of Prince Avenue and is a mid-terrace building (at one time 2 separate units) with a flat roof within a small parade of ground floor commercial units with a mix of various uses at first floor level including residential flats at 95A, 93 and 89A Prince Avenue. The ground floor of the application building is vacant and was formerly used as motor scooter and accessories showroom, with associated commercial/storage space above No 91. The neighbouring uses in the parade include an off licence / corner shop to the west and a sandwich shop and hot food takeaway to the east. To the west of the parade is the Bell Toby Carvery and to the east of the site is a laundrette, a block of flats and car sales lot. On the southern side of the road is a Petrol Station. The wider surrounding area is mixed but is mainly residential in character. Immediately to the front of the site is a slip road off Prince Avenue A127 which provides parking for the units within the terrace.
- 1.2 The site is located within a secondary shopping frontage but does not have any other specific allocation within the Development Management Document Proposals Map.

2 The Proposal

- 2.1 The application seeks planning permission for a change of use of the ground floor commercial units to a mixed use restaurant/takeaway and one self-contained residential flat above 91.
- 2.2 The ground floor unit would have a frontage of some 12.6m. The only change to the frontage of the building would be a new entrance door for the first floor flat. There would be some changes to the internal layout of the building including the formation of a new separate corridor access leading to an existing staircase to the first floor. The ground floor would be a mixed, restaurant/hot food takeaway use with a gross internal floor area of some 164 sqm, including a restaurant seating area of some 48 sqm. The proposed hours of operation would be 11:00 – 23:00hrs (Monday - Sunday). The ground floor would also include a reception area, takeaway counter, kitchen, customer toilets and store areas. To the rear of the building would be refuse storage facilities for the ground floor unit. At first floor the windows in the rear elevation would be replaced with new units including an obscured glazed window to the bathroom. No parking spaces are proposed.
- 2.3 The proposal would form one new flat at first floor accessed with its own entrance onto Prince Avenue. The flat would have a gross internal floor area of 54 sqm, with 1 bedroom measuring some 13.4sqm. The flat would not have any amenity space and would not have any off-street parking.
- 2.4 The application is described as a change of use to class A3/A5 however changes to the use classes order came into force on 1 September 2020. This included a number of existing uses including use A3 (Café & Restaurant) which was replaced by a new 'Class E' (Commercial Business and Service). The A5 (Hot Food Takeaways) was not one of the existing uses incorporated into the new class E and is now classed as a "Sui Generis" use. The proposed use would therefore be a sui generis mixed use of restaurant & hot food takeaway.

3 Relevant Planning History

3.1 93 Prince Avenue

- 01/00023/FUL Use ground floor retail shop (class A1) as motor scooter and accessories showroom (sui generis) – planning permission refused.
- 02/00253/FUL Use ground floor retail shop (Class A1) as motor scooter and accessories showroom (Sui Generis) and install new shopfront (Revised application-retrospective)-planning permission granted.

4 Representation Summary

Public Consultation

4.1 Councillor Flewitt has called the application in for consideration by the Development Control Committee.

10 neighbours were notified and a site notice was displayed. No representations were received.

Environmental Protection

4.2 No objection subject to pre-commencement condition(s) that require submission of a detailed extract design statement and plan showing layout of plant and equipment together with odour mitigation methods and noise assessment.

Essex Fire

4.3 No objections, subject to informatives relating to sprinkler systems

Parks & Green Spaces

4.4 No objections

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) KP3 (Implementation and Resources) Policy CP1 (Employment Generating Development) CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility) CP4 (Environment and Urban Renaissance) and CP8 (Dwelling Provision)

5.4 Development Management Document (2015) DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009).

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015).

- 5.7 RAMS (Essex Coast Recreational disturbance Avoidance Mitigation Strategy) SPD 2020

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability, CIL (Community Infrastructure Levy) and RAMS considerations.

7 Appraisal

Principle of the development

- 7.1 This proposal is considered in the context of the relevant Council policies relating to new development and design. Also, of relevance are the National Planning Policy Framework including section 12 (Achieving well-designed places) and Core Strategy Policies KP2, CP4 and CP8.
- 7.2 Policy KP2 of the Core Strategy requires that all new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough.
- 7.3 Policy DM3 of the Development Management Document promotes “the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”
- 7.4 Policy DM13 of the Development Management Document states; “*Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.*”
- 7.5 The site is located within a Secondary Shopping Frontage. Appendix 5 of the Development Management Document sets out potentially acceptable uses according to centre hierarchy. For existing local centres elsewhere (i.e. not town or district centres) at street frontage level a Sui Generis use (see paragraph 2.4) is potentially acceptable. Given there is no restriction on the uses within this area of Prince Avenue, it is considered that the proposed restaurant / takeaway use of the ground floor would be acceptable in principle and integrate acceptably with the existing commercial parade, subject to compliance with other relevant planning policies and guidance and planning considerations.

- 7.6 The first floor of the building would contain a new self-contained flat. The application site is located within a parade with some residential uses on the first floor of other units in the street. It is considered that the proposed flat (use class C3) would provide benefits in the provision of additional housing and the broad principle of residential use of the upper floors is considered acceptable, subject to compliance with other relevant planning policies and guidance and planning considerations.
- 7.7 On this basis and subject to the following detailed considerations, it is considered that no objection should be raised to the principle of new residential and broad principle of commercial development.

Design and Impact on the Character of the area

- 7.8 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (section 12) and in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. 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.”
- 7.9 Policy KP2 of the Core Strategy advocates the need for all new development to “*respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design*”.
- 7.10 Policy DM1 of the Development Management Document states that all development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.
- 7.11 Policy DM3 (1.) advises that: The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.
- 7.12 The character of the area is mixed, but predominately retail uses exist within the vicinity of the site at ground floor. The proposed change of use of the building would require alterations to the ground floor front elevation including the installation of a new entrance door within the existing shop frontage as well as an internal reconfiguration of the ground floor restaurant to create a corridor leading to a staircase to the first floor. A new bin store is proposed within the rear forecourt area. At first floor the windows in the rear elevation would be replaced with new units including an obscured glazed window to the bathroom. It is considered that the new entrance door opening and other alterations are acceptable and integrate satisfactorily within the existing shopfront and wider streetscene and the proposed change of use will have the capacity to maintain an active frontage. The proposal includes no other alterations to the shop front and any advertisements in connection with the proposed use may require separate advertisement consent.

- 7.13 The external alterations proposed to enable the change of use of the premises would require the provision of extract ventilation equipment which would be located to the rear of the building. Whilst the existing rear elevation is visible from Hampton Gardens it is separated by commercial premises and access way. No details of the extract ventilation equipment have been submitted with this application. However, in the event the application was deemed acceptable, full details of the position of any extract and ventilation equipment and refuse store design and external materials will need to be agreed. Given the commercial location of the premises, and separation from the residential properties to the rear it is considered that extract equipment could, in principle, be accommodated without material harm to visual amenity.
- 7.14 Subject to conditions it is therefore considered that the proposed development would be acceptable and would comply with policy in the above regards.

Traffic and Transport Issues

- 7.15 Policy DM15 states that each flat should be served by one parking space. Policy DM15 also states that "*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.*"
- 7.16 Development Management Policy DM15 recommends a maximum of 1 space per 18 sqm for retail (former A1) uses and a maximum of 1 space per 5 sqm for restaurant (former A3 uses) and for hot food takeaways (former A5 use), 1 space per 20 sqm. (DM15 has not been updated to reflect the changes to the use classes order). It is considered that the site is located within a sustainable location in relation to public transportation frequency and links. On street parking is located along the slip road off Prince Avenue and as such, no objection is raised in relation to parking provision and availability.
- 7.17 No parking spaces would be provided for the residential element of the proposed development. The site is located just off Prince Avenue close to a number of bus routes. Noting the sustainable location of the site with shops and services and public transport within walking distance, no objection is raised on this basis.
- 7.18 Residential cycle storage facilities are not shown on the plans, but it is considered that they could be secured by a planning condition.
- 7.19 The proposal is acceptable and policy compliant in the above respects.

Impact on Neighbouring Properties

- 7.20 Paragraph 343 of The Design and Townscape Guide (2009), under the heading of Alterations and Additions to Existing Residential Buildings states, amongst other criteria, that extensions and alterations must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.

Policy DM1 of the Development Management Document also states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*

- 7.21 It is not considered that the proposed development would result in a material loss of privacy or overlooking of neighbouring occupiers to the south of the site nor would it give rise to any detrimental overbearing, perceived or actual dominant impacts or loss of light to these neighbouring occupiers to the south of the site. Given the 30m separation distance from the proposed development to the front elevation of the dwellings on the southern side of Prince Avenue, the first floor windows of the proposed flat are not considered to result in a loss of privacy or overlooking of these neighbouring building or amenity areas.
- 7.22 To the rear (north) of the site are residential dwellings. There are two existing first floor windows in the rear elevation and two windows would be provided for the proposed development. Given the 43m separation distance from the proposed development to the rear elevation of the dwellings to the rear, the windows of the proposed flat are not considered to result in a material loss of privacy or overlooking of these neighbouring building or amenity areas. Similarly, it is not considered that the proposed development would give rise to any detrimental overbearing, perceived or actual dominant impacts or loss of light on these neighbouring dwellings to the north of the site.
- 7.23 The site is located on Prince Avenue within an area of mixed commercial uses, with residential flats above these units. A new residential flat is proposed above the proposed ground floor restaurant and takeaway. The plans do not include any external seating areas. There are residential properties at first floor level to the east and west of the application site within the parade and to the rear of the application site. The site is located close to a main road. The proposed restaurant and takeaway use would increase the potential level of visitors but would not be materially different from the existing uses in the neighbouring premises within the parade which generate a degree of noise and activity. It is considered that this area has an existing active evening economy with similar premises representing an existing noise sources on this section of Prince Avenue. In terms of levels of activity, the application form indicates opening times of the premises from 11:00 to 23:00, Monday to Sunday are proposed. In this respect, the site is located within a commercial parade where ambient noise levels are higher than in surrounding areas. It is considered that the proposed change of use would not significantly exacerbate the noise levels within the vicinity and Environmental Health have not objected subject to a condition restricting the opening times as proposed. The proposed hours of operation would be generally in accordance with surrounding opening times for similar uses, no objection is raised on this basis.
- 7.24 The proposed restaurant and takeaway would be dependent on the creation of a commercial kitchen with associated plant and equipment being required. This would include the installation of noise and odour mitigation measures including a kitchen extraction flue to deal with the emission of smells and odours from the proposed development and noise from associated plant and equipment. No details of noise and odour mitigation measures have been submitted with the application.

The Environmental Health department have not objected to the proposal but have expressed concerns that it has the potential to cause noise nuisance/disturbance to the rest and sleep of nearby residents. It is considered that these issues could be dealt with by conditions requiring a noise assessment and details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish.

- 7.25 In light of the above it is reasonable to conclude that the impacts of noise from the proposed commercial premises would not be materially harmful to future occupiers of the proposed flat and the occupiers of the adjacent flats in the parade subject to conditions. The proposed development would be acceptable and policy compliant in the above regards.

Standard of Accommodation:

- 7.26 Paragraph 127 of the NPPF states that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

-Minimum property size for a 1 bedroom, 2 person flat (one storey) is 50 sqm.

-Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8. These include standards requiring suitable space for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme, suitable, safe cycle storage with convenient access to the street frontage and refuse facilities.

- 7.27 The gross internal floorspace for the dwelling and bedroom size would exceed the minimum size required by the technical housing standards. All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook.

- 7.28 The Council has no adopted standards for amenity space provision and policy DM8 states, “*Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances*”. The submitted plans show no external amenity space for the proposed dwelling.

Having regard to existing flatted accommodation along Prince Avenue wherein no amenity space is provided for other residential flats, and given that the flat is a 1-bedroom unit and therefore unlikely to be occupied by families, on balance, whilst the lack of amenity space provision is a negative aspect of the proposed development, it is not considered to be sufficient justification to refuse the application.

- 7.29 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations. Given that Part M applies to new build dwellings and not for conversions, the proposal would not be required to adhere to these Building Regulation standards.
- 7.30 The proposed residential flat would be directly above the proposed restaurant / take away with opening hours until 23:00 hours. The application site is located next to No.87 – 89 Prince Avenue, a unit which presently contains a hot food take away use at ground floor level. Other retail units in the parade appear to operate into the evening period including No.85, a sandwich shop which opens until 21:00 and an off licence at 95 Prince Avenue which is understood to be open into the late evening. The site is also located on a main traffic route. Whilst Building Regulations can address the noise between units, Environmental Health considers that the proposal has the potential to cause noise nuisance and disturbance to the rest and sleep of nearby residents. In this instance subject to a noise assessment and details of plant and equipment such as the means of ventilation for the extraction and dispersal of cooking smells/fumes, odour control measures and noise mitigation measures and anti-vibration measures and air conditioning units it is considered that an acceptable standard of accommodation could be provided for future occupiers of the development.
- 7.31 The development is therefore considered acceptable and policy compliant.

Sustainability

- 7.32 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), such as those set out in the Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste is also a consideration.” Policy DM2 of the Development Management Document also states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”
- 7.33 No information has been submitted in relation to the provision of renewables on site. However, given that the proposal relates to the conversion of an existing building, it is not considered reasonable to require the proposal to accord with these standards in this instance.
- 7.34 Policy DM2 (iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpp) (110 lpp 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." No information has been submitted but this could be achieved by condition.

- 7.35 As such, subject to conditions it is considered that the development is acceptable and policy compliant and in the above regards.

Waste Storage

- 7.36 Policy DM8 states that refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- 7.37 The submitted plans contain details of the location of refuse storage for the proposed commercial use but no details of facilities for the residential unit. There is scope within the application site for the provision of facilities for refuse storage for the development and details of the location of refuse and recycling facilities for the commercial and residential elements can be secured by condition.
- 7.38 Subject to conditions, the proposal is therefore acceptable and policy compliant in the above regards

Community Infrastructure Levy (CIL)

- 7.39 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 54 sqm, which may equate to a CIL charge of approximately £1,387.26 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.40 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 was 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.

- 7.41 Confirmation has been received that the applicant has made this RAMS payment and therefore the ecological implications of the site can be considered acceptable and policy compliant in the above regards.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions including detailed submission of noise and odour mitigation measures, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the commercial and residential development is found to be acceptable and the proposal would provide satisfactory internal living conditions for future occupiers of the proposed flat. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking and the character and appearance of the application site, the street scene and the locality more widely. The provision of additional housing is considered to be a public benefit of the scheme. This scheme is therefore recommended for approval subject to conditions.

9 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 The development hereby permitted shall be carried out in accordance with the approved plans: 010A & 011A.**

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

- 03 Prior to the first occupation of the building for mixed use restaurant / take away purposes details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including full specification of any installation of odour control measures, noise levels, noise mitigation measures and anti-vibration measures, air conditioning units and other plant and equipment, its appearance and finish shall have been submitted to and shall have been approved in writing by the Local Planning Authority. The approved scheme shall be installed in full accordance with the approved details before the use hereby approved is occupied or brought into first use and thereafter shall be permanently retained in perpetuity.**

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and

DM3 and Design and Townscape Guide (2009).

- 04** Prior to the first occupation of the building for mixed use restaurant / take away purposes, details of the design and materials of the proposed commercial waste storage and an associated waste management plan shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and shall be maintained and managed as such in perpetuity.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

- 05** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the flat hereby permitted shall not be occupied until and unless a noise assessment report has first been submitted to and agreed in writing by the local planning authority to demonstrate that the internal noise levels for all habitable rooms within the flat hereby approved will meet the standards set out in British Standard BS 8233:2014 (Internal Noise Levels). The development shall be undertaken and completed in accordance with the agreed details within that report before the flat is occupied and shall be retained as such in perpetuity.

Reason: In order to protect the amenities of the occupiers of the dwelling hereby approved from noise arising from the adjacent uses and plant and equipment in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 06** Prior to the first occupation of the development hereby approved full details of refuse, recycling and secure, covered bicycle storage facilities for the residential dwelling shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby approved, refuse, recycling and bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter for that use.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

- 07** Water efficient design measures as 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 shall be installed and made available for use prior to the first occupation of the development hereby approved and 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, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

- 08** The ground floor unit of the development hereby approved shall solely be used as a sui generis mixed restaurant and takeaway use and shall be used for no other purposes including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of that order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to control the impact of the use of the premises within the Use Class specified in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 09** The ground floor premises hereby approved shall not be open for customers outside the following hours: 11:00 hours to 23:00 hours Monday to Sunday and at no other times.

Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in 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 (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). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal or the Council's website (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.
- 03 This permission does not convey any form of consent for external advertisement signs, consent for which will separately be required under the provisions of the Town and Country Planning Advertisement Regulations.
- 04 Essex County Fire and Rescue Service (ECFRS) advise that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. ECFRS therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.