

Appeal Decisions

Inquiry held on 14 and 15 April 2021

Site visit made on 16 April 2021

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 June 2021

Appeal A Ref: APP/D1590/C/18/3218906

Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea SS2 6EL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Malekos against an enforcement notice issued by Southend-on-Sea Borough Council.
 - The notice is dated 5 December 2018 and was issued on 18 December 2018.
 - The breach of planning control as alleged in the notice is the unauthorised development and change of use from office (use class B1) and warehouse (use class B8) to 6 self-contained flats (use class C3).
 - The requirements of the notice are a) Remove the window opening/s to the east wall facing Colchester Road; b) Remove internal fixtures and fixings serving the residential use to include kitchen units, baths and showers, domestic appliances and domestic furniture; and c) Remove all rubble and other materials and equipment associated with complying with the notice.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/D1590/C/18/3218913

Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea SS2 6EL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Malekos against an enforcement notice issued by Southend-on-Sea Borough Council.
 - The notice is 5 December 2018 and was issued on 18 December 2018.
 - The breach of planning control as alleged in the notice is the unauthorised change of use from office (use class B1) and warehouse (use class B8) to 6 self-contained flats (use class C3).
 - The requirements of the notice are a) Cease the residential use; and (b) Cease the use of the yard area used for residential parking.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended. The prescribed fees have not been paid within the specified period so the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Appeal C Ref: APP/D1590/W/19/3242322

Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea SS2 6EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990

against a refusal to grant planning permission.

- The appeal is made by Mr G Malekos against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01582/FUL, dated 19 August 2019, was refused by notice dated 27 November 2019
 - The development proposed is change of use together with external alterations to create six flats (4 x two-bed, 2 x one-bed) together with six parking spaces, refuse store and amenity space (retrospective in relation to the change of use; not retrospective in relation to the operational development).
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Appeal D Ref: APP/D1590/W/19/3242326

Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea SS2 6EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Malekos against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01583/FUL, dated 19 August 2019, was refused by notice dated 27 November 2019.
 - The development proposed is change of use together with external alterations in relation to the creation of four flats (4 x two-bed) and two offices, together with six parking spaces, refuse store and communal amenity space (retrospective in relation to the four flats, not retrospective in relation to the change of use to two offices or the operational development).
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Decisions

Appeal A Ref: APP/D1590/C/18/3218906

1. The enforcement notice is corrected by;
 - a) The deletion of 'the unauthorised development and change of use from office (use class B1) and warehouse (use class B8) to 6 self-contained flats (use class C3)' in section 3 of the notice and the substitution instead of 'the creation of two windows on the western elevation facing Colchester Road';
 - b) The deletion of 'opening/s to the east wall facing Colchester Road' in section 5(a) of the notice and the substitution instead of 'openings on the western elevation';
 - c) The deletion of paragraph 5(b) in section 5 of the notice;
 - d) The deletion of 5(c) in section 5 of the notice and the substitution instead of 5(b);
 - e) The deletion of '(a), (b) and (c)' in section 6 of the notice and the substitution instead of '(a) and (b)'.
2. The appeal is dismissed in so far as it relates to the window that has been removed and, subject to the corrections, the enforcement notice is upheld. The appeal is allowed in so far as it relates to the existing window and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the creation of one window on the western elevation facing Colchester Road at Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea, subject to the following condition:

1. The opaque glazing of the window shall be retained at all times.

Appeal B Ref: APP/D1590/C/18/3218913

3. The enforcement notice is corrected by:
 - a) The deletion of 'an office (use class B1) and' in section 3 of the notice and the substitution instead of 'a'.
 - b) The insertion after paragraph 5(b) in section 5 of the notice of '(c) Remove internal fixtures and fixings serving the residential use to include kitchen units, baths and showers, domestic appliances and domestic furniture; and (d) Remove all rubble and other materials and equipment associated with complying with the notice'.
 - c) The deletion of '(a) and (b)' in section 6 of the notice and the substitution instead of '(a), (b), (c) and (d)'.
4. The appeal is dismissed and the enforcement notice, subject to the corrections, is upheld.

Appeal C Ref: APP/D1590/W/19/3242322

5. The appeal is allowed and planning permission is granted for 'change of use together with external alterations to create six flats (4 x two-bed, 2 x one-bed) together with six parking spaces, refuse store and amenity space (retrospective in relation to the change of use; not retrospective in relation to the operational development)' at Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea in accordance with the terms of the application, Ref 19/01582/FUL, dated 19 August 2019, and the plans submitted with it, subject to the conditions set out in schedule one attached to this decision.

Appeal D Ref: APP/D1590/W/19/3242326

6. The appeal is allowed and planning permission is granted for 'the creation of four flats (4 x two-bed) and two offices, together with six parking spaces, refuse store and communal amenity space (retrospective in relation to the four flats, not retrospective in relation to the change of use to two offices or the operational development)' at Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea in accordance with the terms of the application, Ref 19/01583/FUL, dated 19 August 2019, and the plans submitted with it, subject to the conditions set out in schedule two attached to this decision.

Procedural matters

7. The main parties agreed during the Inquiry that the enforcement notices that are the subjects of Appeal A and B should be corrected to remedy errors and ambiguities. These corrections have been made and do not prejudice either party.

Appeal A

8. During the Inquiry, resulting from agreement between the main parties on the corrections that have been made to the two enforcement notices, the ground (c) appeal was withdrawn.
9. The alleged breach of planning control in the corrected enforcement notice relates to two windows that were in place on the date of issue of the notice. One of the windows was subsequently removed and the opening was blocked up. The

ground (a) appeal therefore only relates to the window that existed on the west elevation of the building at the time of the Inquiry. The enforcement notice has been upheld to prevent the reinsertion of the removed window.

Appeal B

10. The ground (d) appeal relates only to the three first floor flats in Viceroy House; units 1, 3 and 6.

Appeal C

11. The Council considered the application to be for 'change of use from storage (Class B8) to six self-contained flats (Class C3), alter elevations, layout parking, refuse store and amenity space (part retrospective)'; the retrospective element being the change of use. Though this accurately describes the proposed development there is good reason to consider the appeal on the basis of the development described on the application form.

Appeal D

12. The Council considered the application to be for 'change of use from storage (Class B8) to four self-contained flats (Class C3) and two offices (Class B1a), alter elevations, layout parking, refuse store and amenity space (part retrospective)'; the retrospective element being the change of use. Though this accurately describes the proposed development there is good reason to consider the appeal on the basis of the development described on the application form.

Reasons

Background information

13. Viceroy House is a two storey flat roofed building on the west side of Victoria Avenue; a main distributor road leading out of Southend-on-Sea town centre to the north. The building, which is about 20.5 metres wide, 14 metres deep and 6 metres high, is on a backland site with access off Victoria Avenue. To the south and east of the building is a yard area, about 8.5 metres wide to the south and 6.4 metres wide to the east, and access ways to the north and west are about 1.2 metres wide. To the west of the site are gardens of terraced dwellings on Colchester Road, to the north is a commercial building and to the south are gardens of properties on Victoria Avenue.

14. The lawful use of the building is Class B8 – storage and distribution. The building has been converted to, and is in use as, six flats; units 2, 4 and 5 on the ground floor and units 1, 3 and 6 on the first floor.

The ground (a) appeal in Appeal A

15. The main issue is the effect of the window on the privacy of residents of dwellings on Colchester Road.

16. The window is small, at high level in a bedroom, and does not provide any view of neighbouring gardens of properties on Colchester Road from that bedroom. With retention of its opaque glazing ensured by imposition of a condition the window does not result in any loss of privacy for residents of properties on Colchester Road. There is no conflict with policies in the Southend-on-Sea Core Strategy (SCS) or the Southend-on-Sea Development Management Document (SDMD). The ground (a) appeal thus succeeds.

The ground (d) appeal in Appeal B

17. To succeed under ground (d) the Appellant must provide sufficient precise and unambiguous evidence to justify a conclusion that the residential use of units 1, 3 and 6 commenced more than four years before the date of issue of the enforcement notice and continued uninterrupted for the four year period. The critical date is therefore 18 December 2014. The test is on the balance of probability. The Appellant claims that unit 1 was occupied by Mr J Barber from 17 October 2014, that unit 3 was first occupied by the Appellant from 1 November 2014, and that unit 6 was occupied by Ms M Agache from 18 November 2014.

18. An assured shorthold tenancy (AST), dated 17 October 2014, for Mr Barber's occupation of unit 1 has been submitted but the document, though it purports to be an 'agreement for letting a flat unfurnished', refers to '...the exclusive right to use for storage of the storage space consisting of commercial unit x 3 rooms...', so this document does not indicate residential use of the unit from that date. A Statutory Declaration by Mr Barber refers to the AST and does state "I...confirm that I resided at Unit 1...until 23 March 2019 and used the above property for residential purposes". There is a contradiction between the AST and the Statutory Declaration and this evidence is, at best, ambiguous.

19. Under the signatures of the tenant, landlord and witness at the end of Mr Barber's AST the date is given as Tuesday 17 October 2014. But 17 October 2014 was a Friday. The same 'day of the week' error is made on the AST for the Appellant's occupation of unit 3; which states that he rented the unit from Friday 1 November but that date was a Saturday. The AST, similar to that for unit 1 and though it purports to be an 'agreement for letting a flat unfurnished', refers to '...the exclusive right to use for storage of the storage space consisting of commercial unit x 1 room...' so does not indicate residential use of the unit from 1 November 2014. A Statutory Declaration by the Appellant states that "I...confirm that I resided at Unit 3...until 1 December 2016 and used the above property for residential purposes". Again, there is a contradiction between the AST and the Statutory Declaration for unit 3 and this evidence is, again, at best, ambiguous.

20. The ambiguity of evidence for units 1 and 3 is also present in that for unit 6. The original AST for Ms Agache's use of unit 6, whilst it purports to be an 'agreement for letting a flat unfurnished', refers to '...the exclusive right to use for storage of the storage space consisting of commercial unit x 3 rooms...' so does not indicate residential use of the unit from 1 November 2014. Her Statutory Declaration does state that "I...confirm that I resided at Unit 6...until 1 March 2018 and used the above property for residential purposes" but a later lease for the unit by Ms Agache and her sister, dated 19 November 2016, is a Short-term Commercial Lease and does not include any reference to the lease being for residential use of the premises.

21. Documentary evidence of building works carried out to subdivide the property, and the verbal evidence of Mr Rai, does not indicate that the works were carried out to facilitate residential use. The Appellant, in fact, stated during the Inquiry that he had been attempting to lease units at the property for commercial purposes and only turned to leasing for residential purposes because those attempts had been unsuccessful. Evidence indicates that all three units were, in fact, advertised during 2016 for office use and had been newly fitted with washrooms, kitchens and flooring. This evidence is directly contradictory to the Statutory Declarations by Mr Barber, Ms Agache and the Appellant.

22. All other evidence submitted does not alter the conclusion that the Appellant's case under ground (d) is wholly unconvincing. The evidence is contradictory and ambiguous and does not justify, even on the balance of probability, a conclusion that residential use of the three first floor units commenced before 18 December 2014. The ground (d) appeal thus fails.

Planning Appeals C and D

23. It was accepted by the Council at the Inquiry that if Appeal C succeeds that Appeal D would succeed also.

24. The main issues in Appeal C are; first, whether the proposed development would result in an unacceptable loss of land in employment use; second, whether the residents of the six flats have acceptable living conditions; and third, whether there is sufficient parking for cars to meet the needs of residents.

The first issue – loss of land in employment use

25. The Council did not cite the loss of land in employment use as a reason for refusal of the application that is the subject of Appeal D, which retains units 3 and 4 as offices. These are the smallest of the six units in the property and are each about 40 square metres. The effective loss of land in employment use would be 80 square metres of office space.

26. SCS policy CP1 states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the regeneration of the local economy in other ways. SDMD policy DM11 states, amongst other things, that proposals for alternative uses on sites used for employment purposes will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use for employment purposes.

27. Paragraph 121(a) of the National Planning Policy Framework (NPPF) states that local planning authorities should use retail and employment land for homes in areas of high housing demand provided this would not undermine key economic sectors. With regard to paragraph 73 of the NPPF the Council can demonstrate only about 2.5 years of housing land supply. This is woefully short of the minimum of five years' worth of housing land that is required by national policy and Mr Mouratidis accepted at the Inquiry, on behalf of the Council, that the housing land supply position in the Borough is "quite dreadful".

28. In the light of the dire housing land supply position it would simply not be effective to retain units 3 and 4 in employment use when they could continue to provide residential accommodation in an area where there is a shortage of homes. Boosting the supply of homes, even the retention of two small flats, would contribute to the regeneration of the area and would support the local economy, to a greater extent than returning the two units to office use. The loss of land in employment use, 80 sq.m. of office space, would not be significant to the economy of the area and does not conflict with SCS policy CP1 or with SDMD policy DM11.

The second issue – the living conditions of residents

29. The Council's concerns are with daylight in the flats. The proposed development includes the insertion of windows in all elevations of the building and at both floor levels, and the remodelling of the building on its north and west

elevations. Conditions agreed by the main parties would ensure that the existing residential use of the building would cease unless the works are completed within 12 months of the grant of planning permission. Neither main party has provided an objective assessment of existing or proposed daylight levels so an assessment must therefore be, out of necessity, subjective.

30. The proposed alterations, including a larger window to the living area in unit 2 which would be covered by condition, would significantly improve existing levels of daylight in the flats. Existing levels of daylight, as noted at the site visit, are low and bordering on unacceptable, though there is no evidence to suggest that existing residents are unhappy with their current living conditions. Those living conditions would improve significantly and there is good reason to conclude, even for unit 4, the central ground floor unit and given in particular that it is a studio flat, that residents would have acceptable levels of daylight in their homes and therefore acceptable living conditions. The proposed development does not conflict with SCS policies KP2, CP4 and CP8 or with SDMD policies DM1 and DM3.

The third issue – parking provision

31. Drawings submitted with the application show that the yard areas can accommodate six parking spaces though one of these would be difficult to manoeuvre into and out of. But Mr Mouratidis accepted at the Inquiry that less than six parking spaces would be acceptable and the main parties have agreed a condition that would require the setting out of a parking scheme for four parking spaces. Viceroy House is within walking and cycling distance of the town centre and all amenities relevant to residents of the property. The site is in a highly sustainable location and the adequacy of parking provision must be considered in this context. There would be sufficient parking for cars to meet the needs of residents and there is no material conflict with SCS or SDMD policies.

Other matters

32. An agreed condition would require all west facing windows to be obscure glazed and opening elements of these windows only to be above 1.7 metres above floor level. This condition would protect the privacy of residents of properties on Colchester Road. All other matters mentioned by local residents in opposition to the proposed development have been taken into account but they do not, either individually or collectively, outweigh the main conclusions to be reached.

Conditions

33. Eleven conditions, common to both appeals and agreed by the main parties, have been imposed though they have been amended, where necessary, in the interests of clarity, precision and consistency. Condition one is for the avoidance of doubt and in the interests of proper planning, conditions two, three and four are required to ensure that the development has a satisfactory appearance, conditions five and eight will protect the amenities of neighbouring residents, conditions six and seven are in the interests of sustainability, and conditions nine, ten and eleven are necessary to ensure that the development has, respectively, suitable bin storage, cycle storage and parking provision.

Conclusions

34. The development that is the subject of Appeal C would not result in an unacceptable loss of land in employment use, would provide acceptable living conditions, and would have sufficient parking for cars to meet the needs of

residents. There is no conflict with the development plan so, in accordance with paragraph 11 of the NPPF, planning permission has been granted, subject to conditions, for 'change of use together with external alterations to create six flats (4 x two-bed, 2 x one-bed) together with six parking spaces, refuse store and amenity space (retrospective in relation to the change of use; not retrospective in relation to the operational development)' at Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea.

35. Appeal C has succeeded so, in accordance with the position set out in paragraph 23, Appeal D succeeds also and planning permission has been granted for 'the creation of four flats (4 x two-bed) and two offices, together with six parking spaces, refuse store and communal amenity space (retrospective in relation to the four flats, not retrospective in relation to the change of use to two offices or the operational development)' at Viceroy House, 117-121 Victoria Avenue, Southend-on-Sea.

John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms A Foster	Barrister
She called	
Ms M Agache	Former resident of Viceroy House
Ms G Agache	Former resident of Viceroy House
Mr L Henderson	Estate Agent
Mr S Rai	Contractor
Mr G Malekos	Appellant
Mr I Coward	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Parker	Barrister
He called	
Mr S Mouratidis	Senior Planning Officer at Southend-on-Sea Borough Council

INTERESTED PERSONS:

Mr Yiadom	Current resident of Viceroy House
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Schedule 1 - Conditions for Planning Permission 19/01582/FUL

1. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture) shall be removed unless within twelve (12) calendar months from the date of this decision the operational development hereby permitted has been fully carried out and completed in accordance with the following approved plans: 2699 01, 2699 02, 2699 03A, 2699 04, 2699 05A.

2. Notwithstanding the details shown on the approved plans, prior to commencement of any works for the operational development hereby permitted, details of the following shall be submitted to and approved in writing by the local planning authority:

- a. An enlarged window to flat 2 on the south elevation of the building;
- b. A glazed door access to the rear alcove on the western elevation (as shown on plan 03A) for flat 4;
- c. A glazed door access to the rear alcove on the western elevation (as shown on plan 03A) for flat 5;
- d. Details of all windows in the rear alcove on the western elevation and the privacy screen as shown on plan 03A.

The operational development shall be carried out and completed in accordance with the approved details.

3. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision the construction of all the external elevations of the development hereby permitted has been fully carried out and completed in accordance with materials which shall have been previously submitted to and approved in writing by the local planning authority.

4. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision the development hereby permitted has been carried out and completed in accordance with details of hard and soft landscape works and boundary treatments which have been previously submitted to and approved in writing by the local planning authority.

The details submitted shall include, but not be limited to:

- a. Details of external hard surfacing;
- b. Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- c. Details of measures to enhance biodiversity within the site;
- d. All and any means of subdividing and enclosing the site.

Any trees or shrubs which die, are removed, or become severely damaged or diseased within five years of planting shall be replaced with trees or shrubs of the same size and species.

5. Construction hours for the development hereby permitted shall be restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1300 hours on Saturdays, and not at all on Sundays or Bank Holidays.

6. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision a scheme, which has previously been submitted and approved in writing by the local planning authority, detailing how at least 10% of the total energy needs of the development will be supplied, where feasible, using on site renewable sources has been implemented in full. This provision shall be made for the lifetime of the development.

7. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision the development hereby approved has incorporated water efficient design measures 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.

8. Notwithstanding the details shown on the approved plans, all proposed west-facing windows of the development hereby permitted, including the west facing windows within the alcoves, and the privacy screen shown on the rear alcove, shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy). The west facing windows shall also be fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level of the room which they serve. The obscure glazing shall be maintained and retained for the lifetime of the development.

9. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision covered bin storage for refuse, recycling and organic waste has been provided in full and made available for use by the occupants of the development, in accordance with details which comply with the Council's Waste Storage, Collection and Management Guide for New Developments and which have previously been submitted to and approved in writing by the local planning authority. The bin storage scheme shall be retained for the lifetime of the development.

10. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision covered and secure cycle storage has been provided in full and made available for use by the occupants of the development, in accordance with details shown on the approved plan 2699 03A and which has previously been submitted to and approved in writing by the local planning authority. The secure cycle storage shall be retained for the lifetime of the development.

11. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision a car parking scheme to provide at least four (4) parking spaces on site has been provided in full and made available for use by the occupants of the development and their visitors, in accordance with details which have previously been submitted and approved in writing by the local planning authority. The car parking scheme shall be retained for the lifetime of the development.

Schedule 2 - Conditions for Planning Permission 19/01583/FUL

1. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture) shall be removed unless within twelve (12) calendar months from the date of this decision the operational development hereby permitted has been fully carried out and completed in accordance with the following approved plans: 2699 01, 2699 02, 2699 03B, 2699 04, 2699 05A.

2. Notwithstanding the details shown on the approved plans, prior to commencement of any works for the operational development hereby permitted, details of the following shall be submitted to and approved in writing by the local planning authority:

- a. An enlarged window to flat 2 on the south elevation of the building;
- b. A glazed door access to the rear alcove on the western elevation (as shown on plan 03B) for office 2;
- c. A glazed door access to the rear alcove on the western elevation (as shown on plan 03B) for flat 5;
- d. Details of all windows in the rear alcove on the western elevation and the privacy screen as shown on plan 03B.

The operational development shall be carried out and completed in accordance with the approved details.

3. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture) shall be removed unless within twelve (12) calendar months from the date of this decision the construction of all the external elevations of the development hereby permitted has been fully carried out and completed in accordance with materials which shall have been previously submitted to and approved in writing by the local planning authority.

4. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture) shall be removed unless within twelve (12) calendar months from the date of this decision the development hereby permitted has been carried out and completed in accordance with details of hard and soft landscape works and boundary treatments which have been previously submitted to and approved in writing by the local planning authority. The details submitted shall include, but not be limited to:

- a. Details of external hard surfacing;
- b. Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- c. Details of measures to enhance biodiversity within the site;
- d. All and any means of subdividing and enclosing the site.

Any trees or shrubs which die, are removed, or become severely damaged or diseased within five years of planting shall be replaced with trees or shrubs of the same size and species.

5. Construction hours for the development hereby permitted shall be restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1300 hours on Saturdays, and not at all on Sundays or Bank Holidays.

6. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision a scheme, which has previously been submitted and approved in writing by the local planning authority, detailing how at least 10% of the total energy needs of the development will be supplied, where feasible, using on site renewable sources has been implemented in full. This provision shall be made for the lifetime of the development.

7. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision the development hereby approved has incorporated water efficient design measures 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.

8. Notwithstanding the details shown on the approved plans, all proposed west-facing windows of the development hereby permitted, including the west facing windows within the alcoves, and the privacy screen shown on the rear alcove, shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy). The west facing windows shall also be fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level of the room which they serve. The obscure glazing shall be maintained and retained for the lifetime of the development.

9. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision covered bin storage for refuse, recycling and organic waste has been provided in full and made available for use by the occupants of the development, in accordance with details which comply with the Council's Waste Storage, Collection and Management Guide for New Developments and which have previously been submitted to and approved in writing by the local planning authority. The bin storage scheme shall be retained for the lifetime of the development.

10. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision covered and secure cycle storage has been provided in full and made available for use by the occupants of the development, in accordance with details shown on the approved plan 2699 03B and which has previously been submitted to and approved in writing by the local planning authority. The secure cycle storage shall be retained for the lifetime of the development.

11. The residential use hereby permitted shall cease and the internal fixtures and fittings which facilitate the residential use (including but not limited to kitchen units, baths and showers, domestic appliances and domestic furniture shall be removed unless within twelve (12) calendar months from the date of this decision a car parking scheme to provide at least four (4) parking spaces on site has been provided in full and made available for use by the occupants of the development and their visitors, in accordance with details which have previously been submitted and approved in writing by the local planning authority. The car parking scheme shall be retained for the lifetime of the development.