



Appeal Decision

Site visit made on 28 April 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/D1590/W/24/3352206

Land at 444 - 456 Southchurch Road, Southend-on-Sea, Essex SS1 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stilwell, Belle Vue Motors against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 24/00011/FUL.
 - The development proposed is erect four storey building comprising of commercial units on the ground floor and 8no. self-contained flats to first, second and third floors, with associated amenity space, landscaping, bike and refuse store and car parking, with vehicle access from Chase Road. Elevation changes to the shop front of the existing separate two storey commercial building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a four storey building comprising of commercial units on the ground floor and 8no. self-contained flats to first, second and third floors, with associated amenity space, landscaping, bike and refuse store and car parking, with vehicle access from Chase Road. Elevation changes to the shop front of the existing separate two storey commercial building at land at 444 - 456 Southchurch Road, Southend-on-Sea, SS1 2QA in accordance with the terms of the application, Ref 24/00011/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Mr Stilwell, Belle Vue Motors against Southend-on-Sea Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. I have taken the site address above from the appeal form rather than the application form as it more clearly identifies the location of the appeal site.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the integrity of European sites.

Reasons

Character and appearance

5. The appeal site comprises an end of terrace two storey commercial property and an open-air car sales lot located on the corner of Southchurch Road and Chase Road. The character of the area is mixed with commercial and residential uses present. The scale of development directly adjacent to the east, west and south is two storeys. Opposite the appeal site is an existing development referred to by the parties as Meridian Point which comprises a large modern building on a corner plot with sections ranging from three to six storey in scale.
6. The proposed development would step up from two storey adjacent to the existing two storey development on Southchurch Road and Chase Road up to three storey and at the corner point of the site, there would be a small section that would be four storeys in height. The proposed built form would be stepped back above the ground floor level.
7. This staggered and stepped approach would ensure that the relationship with the adjacent built form would appear congruous, as well as breaking up the massing and providing architectural detailing and interest. The section that would be four storeys would be well proportioned in relation to the remainder of the development and would be set back from all boundaries of the appeal site which would lessen its overall prominence whilst also providing a clear focal point at the corner of the appeal site.
8. Whilst I recognise that the scale of development to either side of the appeal site is two storeys in height, the development opposite at Meridian Point is of a much larger scale. The Council assert that the Meridian Point development plays a different role in the street scene and provides a local landmark. However, this existing built form directly opposite the appeal site does contribute to the mix of scale, design and massing of built form in the immediate surrounding context.
9. When approaching the appeal site along Chase Road, views of the appeal proposal, including the section which would form the fourth storey, would be seen against the backdrop of the Meridian Point development, which is taller than the development proposed. When approaching along Southchurch Road from both directions, it would also be seen in the context of the surrounding built form, including that of the Meridian Point development directly opposite.
10. Whilst I accept that there are more expansive areas of glazing in the front elevation of the Meridian Point development opposite which provides a sense of transparency, there are also side elevations at the upper storey level that are blank which are finished in a similar light grey colour to that proposed in the scheme before me. Therefore, notwithstanding the more limited fenestration detailing proposed on two of the elevations of the proposed fourth storey, the materials identified, along with the setback proposed and the overall proportions and how it would be read alongside the wider development mean that it would not appear overly dominant, particularly given the surrounding context in which it would be viewed.
11. Consequently, given the design, massing and scale of surrounding built form, the proposed development would not appear out of place in its surroundings. I find that the proposed development would respond to both the two storey development

adjacent to the appeal site as well as the larger scale more modern development opposite. The architectural style and detailing, including the fenestration and balconies along with the materials identified would add interest to the main facades of the development and it would harmonise with the character and appearance of the surrounding area. Overall, I find that the development would respect the mixed character of development in the immediate surroundings, rather than being overly dominant.

12. The Council referred to its supplementary planning document, the Design and Townscape Guide 2009 (SPD) in its reason for refusal and whilst no further discussion on this is provided in its appeal statement letter, an extract relating to 'justification for increased height', has been submitted. Whilst the SPD does not form part of the development plan it can form a material consideration. The SPD states that schemes that propose buildings that are taller than their neighbours will be required to justify why an increased height is acceptable. However, given that the Meridian Point development is directly opposite and is taller than the proposal I do not consider the requirements set out under paragraph 98 of the SPD are specifically relevant in this case, nor do they override my findings above.
13. I therefore find that the proposal would not have a harmful effect on the character and appearance of the area. It would comply with Policies DM1 and DM3 of the Development Management Document July 2015 (DMD) which seek, amongst other things, that developments should be well designed and add to the overall quality of the area and respect the character of the site, its local context and surroundings.

European sites

14. The appeal site is located within the Zone of Influence of the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar, Crouch and Roach Estuaries SPA and Ramsar, Foulness Estuary SPA and Ramsar, Dengie SPA and Ramsar, Blackwater Estuary SPA and Ramsar and Essex Estuaries Special Area of Conservation (SAC). These European sites are protected pursuant to the Conservation of Habitats and Species Regulations 2017 (the Regulations).
15. The conservation objective, as set out in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) May 2020 (RAMS), is to protect the endangered or vulnerable populations of seabirds of the Essex coast and the wider ecosystems and functions that support these and other populations from the increased visitor pressure associated with new residential development.
16. Through the addition of 8 new flats, the proposal would generate an increase in population which has the potential to increase recreational pressure on the European sites. Therefore, when considered either alone or in combination with new plans or projects, this development would have a likely significant effect on the integrity of the European sites, in the absence of avoidance and mitigation measures. An Appropriate Assessment (AA) is therefore required.
17. The RAMS sets out a strategic approach to mitigate such adverse impacts, and details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. These include a range of habitat-based measures, education, communication and monitoring. As set out in the RAMS SPD the approach is endorsed by Natural England.

18. The parties agree that a financial contribution towards the RAMS would provide suitable strategic mitigation. The appellant has submitted a completed Unilateral Undertaking (UU) in this respect with the right amount identified for the previous financial year when the UU was drafted. The UU also includes a clause relating to inflation provision. I am satisfied that the UU would secure the payment prior to the commencement of development. Whilst I note that a receipt has been submitted showing a payment was made prior to the UU being signed, it is for a different amount to that identified in the UU. It would be for the parties to resolve that matter.
19. I find that in this case, the appropriate contribution has been secured through the UU. As such, the contribution may be taken into account as mitigation towards the recreational impacts of the proposed development on the nature conservation interest of the European sites and avoid adverse effects to their integrity. In light of the above and following an AA, I find that the proposal would not adversely affect the integrity of the European sites.

Other Matters

20. Whilst not raised in the Council's reason for refusal, interested parties have raised a number of other concerns which I have considered. There is no substantive evidence before me that the proposal would place undue strain on facilities, services or utilities in the local area.
21. It is proposed to remove two existing access points and create a new access point from Chase Road which would provide adequate visibility. Electric vehicle charging points are also proposed as part of the scheme which would encourage the use of electric vehicles. The appeal proposal would provide one off street parking space per flat, and the appeal site is located where services and facilities could be accessed by walking, cycling and via public transport options. I acknowledge that no parking spaces would be provided for the commercial units proposed, nevertheless, I noted during my site visit, albeit a snapshot in time, that there were areas along Southchurch Road where parking is permitted for a limited time, in order for people to park and access the existing range of services and facilities.
22. For these reasons, I find that there is no compelling evidence before me to suggest that the proposal would result in significant impacts in terms of additional vehicle movements or parking pressure that would result in unacceptable highway safety impacts, particularly given the scale of the proposal and that it would replace an existing commercial use on the appeal site.
23. Given the proposed stepped design and the separation distances that would be provided between the proposed built form and neighbouring properties on Chase Road, Southchurch Road and Bellevue Place, I consider that the proposal would not result in any unacceptable impacts on the living conditions of neighbouring occupiers, in terms of outlooks, loss of light or overshadowing.
24. With regard to issues of overlooking and privacy, the width of both Southchurch Road and Chase Road would provide reasonable separation distance between existing properties and the proposed development. Windows proposed at first and second floor level in the rear elevation that would face the rear garden areas of properties on Chase Road are identified as being high level obscure glazed windows with limited opening on the elevation drawings. Windows proposed in the first, second and third floors that would face towards the side boundary with the

adjacent built form that fronts onto Southchurch Road would be angled away and separated from rear garden spaces by a sufficient distance and they would have direct views over the parking and external space that would serve the proposed development. Overall, I do not find that the proposal would result in harmful overlooking of adjacent properties, or that existing levels of privacy would be unacceptably harmed.

25. The proposal is a mixed use scheme located within an area where a mix of commercial and residential uses is a common feature. Noise and disturbance generated by its future occupants would be in association with its proposed uses and in keeping with the character of the surrounding area, and this would not be a reason to resist the development. Concerns are also raised that adverse effects of noise and disturbance would occur during the construction period. However, while I appreciate the inconvenience this could cause, this would only be for a temporary period.
26. A neighbouring occupier has identified that they have a child with health conditions and that the increased noise would cause distress to the child. I have therefore had due regard to the protected characteristics for the purposes of the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
27. I recognise the importance of ensuring the wellbeing of neighbouring residents and that the child's best interests are a primary consideration. However, I have found that there would not be an unacceptable harmful effect on the living conditions of neighbouring occupiers in the longer term and that the noise and disturbance generated from the construction phase would be temporary. The Council has suggested conditions restricting when works can be carried out and requiring a scheme to ensure measures to control noise during construction. I therefore consider that it would be proportionate in this case to allow the appeal subject to the mitigation measures identified being subject to planning conditions.
28. I have also had regard to the rights of the occupiers of a neighbouring flat in the Meridian Point development opposite, under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of their home. Article 8 affords the right to respect for private and family life. However, these are qualified rights, and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
29. The proposed development would be located on the opposite side of the road to the Meridian Point development and as such there would be significant separation between the proposal and those existing flats. As a result, I do not consider that those neighbouring occupiers would suffer unacceptable harm to their living conditions. I am satisfied that a grant of planning permission would not unacceptably interfere with the neighbouring occupiers' rights to the peaceful enjoyment of their possessions including their home, and to a private and family life. It is proportionate in these circumstances to allow the appeal.

30. A concern is raised about the effects on the mental health of the future occupants living in flatted accommodation. However, there is no evidence before me that the living conditions that would be provided by the proposed development would not be of an adequate standard.
31. Therefore, whilst I recognise the strength of local concern, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of the matters raised. Consequently, they do not lead me to a different conclusion. The impact on house prices is a matter that does not fall within the remit of this appeal, which I have considered on its planning merits.

Conditions

32. A number of conditions have been suggested by the Council in the event of the appeal being allowed. I have assessed and, where necessary, amended and reordered the conditions in line with the advice provided in the Planning Practice Guidance (PPG). As well as the standard time limit for commencement, a condition requiring adherence to the approved plans is necessary for certainty.
33. A pre-commencement condition requiring a risk assessment and any further remediation or verification reports that are required relating to contamination is necessary in the interests of future occupants and the environment more generally. A pre-commencement condition requiring a Demolition and Construction Management Plan and Strategy is necessary along with a condition restricting the hours of working on the site between specified periods to safeguard the living conditions of adjacent occupiers and those using the local highway. A condition requiring an Unexploded Ordnance (UXO) Preliminary Risk Assessment is necessary in order to ensure the safety of the users of the site. A condition in respect of drainage is necessary to ensure that the development is designed in accordance with sustainable urban drainage systems principles.
34. Conditions in relation to materials, hard landscaping, soft landscaping and signage are necessary in the interests of the character and appearance of the development and the surrounding area. Conditions requiring the provision of the new crossover and the reinstatement of the existing crossovers along with the provision of the parking spaces is necessary in order to ensure highway safety and sufficient parking. The provision and retention of waste and cycle storage facilities and electric vehicle charging points are necessary to increase the environmental advantages of the proposed development and to promote the use of more sustainable modes of transport and to ensure the adequate living conditions of future occupants. A condition requiring at least 10% of the development's total energy needs to be supplied using on-site renewable sources is required to reduce the dwellings' impact on climate change.
35. A condition relating to the impact of noise is necessary to ensure adequate living conditions for future residents. A condition requiring compliance with building regulation M4(2) in relation to accessible and adaptable dwellings is necessary to ensure the development can respond to the changing needs of future occupants. I have not imposed both conditions referring to the obscuration of glazing in the high level windows in the southern elevation, as it appears to be duplication. I have imposed one such condition, in order to ensure the living conditions of neighbouring occupiers are not harmed unacceptably through perceived or actual

overlooking. A condition in respect of water efficiency measures is necessary to account for water resourcing issues.

36. Conditions relating to a delivery and servicing plan, filtration equipment or air conditioning, ventilation, or refrigeration equipment and noise levels in relation to the commercial units, are reasonable to protect the living conditions of neighbouring and future occupiers. A condition restricting the commercial units to a Class E use is reasonable and necessary due to the established character of the area and the presence of residential uses. A condition requiring lighting details is necessary in the interests of the living conditions of future and existing occupiers and the character and appearance of the area.
37. A number of informatives were suggested in the consultee responses to the Council. However, informatives do not carry any legal weight and therefore I have not included them in the schedule of conditions. Nevertheless, I am satisfied, given that they were provided with the Council's evidence that the appellant has been referred to this additional information.

Conclusion

38. The proposal accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

G Dring

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with drawing nos: SR-SCN-XX-XX-DR-A-01_001-A1 Rev PL02; SR-SCN-XX-XX-DR-A-01_002-A3 Rev PL02; SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02; SR-SCN-XX-01-DR-A-10_002-A3 Rev PL01; SR-SCN-XX-02-DR-A-10_003-A3 Rev PL01; SR-SCN-XX-03-DR-A-10_004-A3 Rev PL01; SR-SCN-XX-04-DR-A-10_005-A3 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_001-A1 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_001-A3 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_002-A3 Rev PL02.
- 3) A - Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of any underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- i) a survey of extent, scale and nature of contamination;
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

B - Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended uses by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C – Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation unless and until the measures

set out in the approved Remediation scheme have been implemented. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. The development shall not proceed until the verification report has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

D – Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified the development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

- 4) No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:
- The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding;
 - Measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction;
 - A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site;

- A dust management plan to include mitigation and boundary particulate monitoring during demolition and construction; and
 - Details of the duration and location of any noisy activities.
- 5) Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.
- 6) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than for site preparation purposes shall take place unless and until an Unexploded Ordnance (UXO) Preliminary Risk Assessment of the potential for unexploded ordnance at the site is undertaken by competent persons and a report is submitted to and approved in writing by the Local Planning Authority. Any recommendations for further action included in the report, shall be undertaken solely in accordance with the approved report at the timing recommended in the approved report.
- 7) Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details must have regard to the following;
- i) Drainage calculations must be provided showing climate change at +45% (currently at +40%) and showing both the summer and winter CV values at 1.
- ii) Provision of a final drainage plan as the current one is shown to be a sketch design of the drainage.

The development must only be implemented in accordance with the details approved under this condition and the conclusions and recommendations contained in the Drainage Strategy by Delta Simons (dated December 2023) Ref. 104167.598487.

- 8) Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until details, including full product details, of the materials to be used on all the external elevations of the development hereby approved, including but not limited to the exterior walls and associated brick and cladding details including details of the brick banding; roof, including coping; windows and doors; commercial shutters; waste and recycling store doors; shopfronts including fascias; privacy screening measures and balcony specifications; and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.
- 9) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and

construction up to ground floor slab level shall take place unless and until full details of hard landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping details shall be completed in full accordance with the approved details prior to first occupation of the development.

- 10) The soft landscaping details contained within the proposed landscape plan 'SC-SCN-XXXX-DR-A-ZZ.601-A3 Rev PL01' shall be delivered in full accordance with the details hereby approved within the first planting season following first use or occupation of the development hereby approved. The grassed areas must comprise a species rich lawn turf only.

Prior to first occupation of the development hereby approved, a Landscape Management Plan containing details for the long-term management of the areas of planting within the site, including the Green Walls and the areas of fencing identified for climber planting on approved drawing no SC-SCN-XXXX-DR-A-ZZ.601-A3 Rev PL01 shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall be managed in accordance with the approved management plan. The Green Wall and the areas of fencing identified for climber planting shall be maintained in perpetuity and managed in accordance with the approved management plan.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

- 11) Notwithstanding the plans hereby approved, the development shall not be brought into first use unless and until a signage strategy has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. This shall include details of the location, materials and design approach to signage at the site. The signage at the site shall then be installed in full accordance with the agreed strategy. Any illuminated signage or signage above first floor window level will also require advertisement consent.
- 12) Occupation of the development hereby approved shall not begin unless and until the reinstatement of the existing vehicle crossovers serving the site has been completed and unless and until the new vehicle crossover hereby approved has been provided and made available for use by the occupiers of the development.
- 13) The eight car parking spaces shown on approved plan 'SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02' shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles of the occupiers and visitors to the approved dwellings.
- 14) Prior to the first occupation or first use of the development hereby approved, the separate residential and commercial waste storage facilities and the cycle

storage facilities shown on the approved plan SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02 shall be provided and made available for use by the occupiers and users of the development. With regards to the cycle parking, 1 space shall be allocated to each flat (8 in total) and commercial unit (2 in total). These areas shall be retained for the lifetime of the development in accordance with the approved details included in the approved plan SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02.

- 15) Prior to first occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.
- 16) Prior to first occupation of the development a scheme for protecting the occupiers of the dwellings hereby approved from noise generated by existing commercial uses and road traffic and, as relevant, the impact of the commercial units within the development itself has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the flats are occupied and retained thereafter.
- 17) Before the development hereby approved is occupied or brought into use, the residential units hereby approved shall be carried out in a manner to ensure that they comply with the building regulation part M4(2) 'accessible and adaptable dwellings' standard.
- 18) Prior to first occupation of the development hereby approved, the high-level windows to the southern elevation shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.
- 19) The dwellings hereby approved shall incorporate 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 before they are occupied.
- 20) Prior to first use or occupation of the commercial units hereby approved, a delivery and servicing plan shall first have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. Thereafter, and for the lifetime of the development the delivery and servicing needs of the commercial units shall only take place in accordance with the approved details.
- 21) No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed in association with the

development hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter for the lifetime of the development.

- 22) Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard BS7445:2003, the noise rating level arising from any equipment, plant or activities associated with the ground floor commercial units hereby approved shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest noise sensitive premises.
- 23) The commercial units hereby approved shall only be used for purposes falling within Use Class E as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.
- 24) No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.