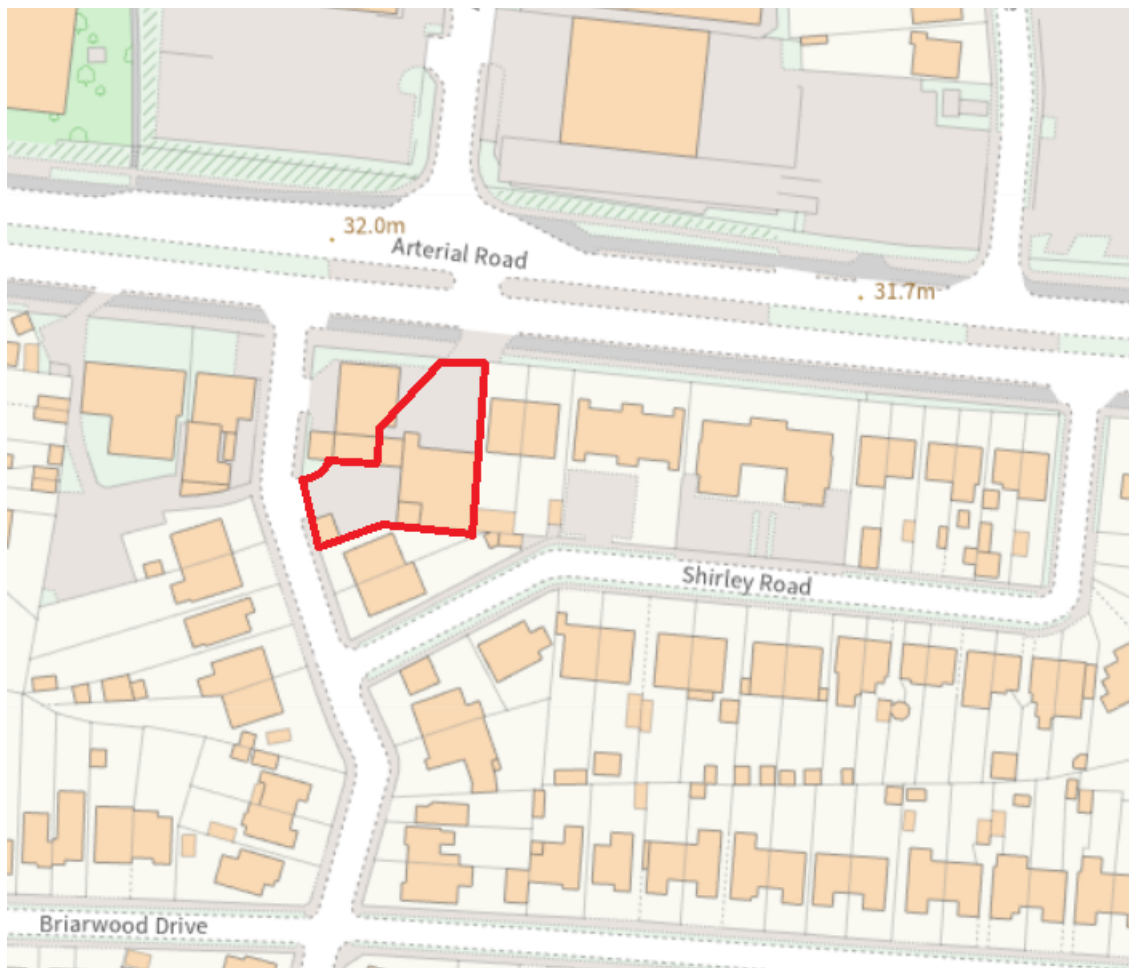


<b>Reference:</b>	24/01301/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Erect roof extension and install roller shutter	
<b>Address:</b>	116 Arterial Road, Leigh-on-Sea, Essex, SS9 4DG	
<b>Applicant:</b>	Mr Marius Balilaj	
<b>Agent:</b>	Mr Gary Horrigan	
<b>Consultation Expiry:</b>	21st November 2024	
<b>Expiry Date:</b>	13th December 2024	
<b>Case Officer:</b>	Hayley Thompson	
<b>Plan Nos:</b>	<b>Site Location Plan, 1292/1, Existing South Elevation, Existing Roof Plan</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The “L”-shaped application site is to the south of Arterial Road (A127) and extends westwards to Oakwood Avenue. The site is occupied by a large building and a number of associated smaller buildings. The site currently is operated as a car wash with an area for car servicing and tyre fitting.
- 1.2 The site is in a mixed use area. Land to the east and south is predominantly residential in character with a variety of dwellings. Directly north-west of the site is a car rental business. There are other commercial uses to the west and to the north, on the opposite side of Arterial Road. Land in the area slopes upwards from north to south.
- 1.3 The site is not in a conservation area or subject to any site-specific planning policies.

## **2 The Proposal**

- 2.1 The application seeks planning permission to erect a roof extension over an existing service bay area and to install a shutter to the western elevation of the building.
- 2.2 The roof extension would enclose an existing service bay to the southern part of the main building. It is proposed to have a sloping flat roof, between 3.3m and 3.8m high, 6.6m deep and 5m wide. The proposed material for the roof is corrugated steel.
- 2.3 The roller shutter would be 3.1m high and 4.7m wide and is solid in design. No specific details for the shutter including materials have been provided.
- 2.4 There is currently an ongoing enforcement investigation at the site about an unauthorised timber structure that has been constructed over the service bay. For the purpose of clarification, this application is not seeking to retain the unauthorised structure in situ, the submitted proposal being different in form, size and design.
- 2.5 The wider use of the site is not a matter for consideration as part of this application and is subject of separate enforcement investigation.

## **3 Relevant Planning History**

- 3.1 The most relevant planning history is listed below:
- 3.2 92/0141 - Form new vehicular access doors in north elevation and use vacant exhaust and tyre replacement centre as car valeting premises – Granted
- 3.3 92/0358 - Form new vehicular access doors in north elevation and use vacant building as tyre and exhaust replacement centre - Granted
- 3.4 12/01097/FUL - Demolish buildings and erect two dwellinghouses and part two/part three storey buildings comprising 4 flats, layout parking and amenity space and form vehicular accesses onto Oakwood Avenue - Granted
- 3.5 24/00166/UNAU\_B – Enforcement investigation about the use of the site and an unauthorised structure. - On going

## **4 Representation Summary**

## Public Consultation

4.1 20 neighbouring properties were notified of the application by letter and a site notice has been displayed. 28 representations have been received from 15 households which raise the following objections:

- Concern about waste management
- Noise and disturbance through use of machinery
- Nuisance to neighbouring properties
- Concerns about light pollution
- Concerns about air pollution
- Concerns about fire risk
- Concerns about highways safety and vehicle movements
- No architectural attributes
- Visual impact of development
- Concerns about structural integrity
- Loss of light
- Impacts on residential amenity
- Concerns about overlooking
- Overwhelms neighbouring garden
- Issues with surface water and drainage
- Impact on mental health
- Neighbours not informed of works by the business
- Works have been carried out without permission
- Works appear to overhang site boundary
- The planning application does not reflect the structure in situ
- Alleged change of use
- Vehicle repair works taking place on site
- Damage to neighbouring plants

[**Officer comment:** The comments in the representations have been taken into consideration in the assessment of the application where they raise relevant planning matters but are not found to be justifiable reasons for refusing planning permission in the circumstances of this case.]

## Essex Fire and Rescue

4.2 No objection.

## Highways

4.3 No objection.

## Environmental Health

4.4 No details have been submitted with the application about the acoustic performance of the structure and how intrusive the roller shutter will be. Conditions relating to noise and the protection of nearby occupants and details for external lighting are recommended.

[**Officer comment:** Conditions are suggested at the last section of this report which are considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case. The comments in the representation about the acoustic performance of the structure and shutter have been considered and a condition

restricting the hours of use of the shutter is considered to sufficiently address concerns. As the application does not relate to the wider use of the site, it is not considered necessary or reasonable to impose a condition about external lighting.]

## **5 Procedural Matters**

5.1 This application has been called into Development Control Committee by Cllr Aylen.

## **6 Planning Policy Summary**

6.1 Town and Country Planning Act 1990 (as amended) Section 90A, Schedule 7A (Biodiversity Net Gain (BNG))

6.2 The National Planning Policy Framework (NPPF) (2023)

6.3 Planning Practice Guidance (PPG) (2024)

6.4 National Design Guide (NDG) (2021)

6.5 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport & Accessibility), CP4 (The Environment and Urban Renaissance)

6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM15 (Sustainable Transport Management)

6.7 Southend-on-Sea Design and Townscape Guide (2009)

6.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **7 Appraisal**

### **Principle of Development**

7.1 The car-related commercial use of the site is well established. There is no objection in principle to altering and extending an existing building in association with the site's existing commercial use. Other material planning considerations are discussed in the following sections of this report. Representations received allege that the use of the site has been altered to include car servicing and repair works which may need planning permission. This alleged breach of planning control is the subject of an investigation without prejudicing the ability of this LPA to decide the current application for a proposed roof structure on its individual merits.

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

7.2 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.3 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between

buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.

- 7.4 The surrounding area is characterised by a mix of commercial and residential uses. The proposed works to erect a roof extension over an existing service bay area and to install a roller shutter to the western elevation of the building would be visible in the streetscene from Oakwood Avenue.
- 7.5 The proposed shutter would have a functional design and would be seen in the context of the existing commercial site and building. No details have been provided for the specific design of the shutter. However, this matter can reasonably be secured by condition.
- 7.6 Due to its modest size and scale, the roof enlargement would not appear unduly prominent or obtrusive in its setting.
- 7.7 It is considered that the design, size, siting and scale of the proposal are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely.
- 7.8 The proposal is therefore considered to be acceptable and policy compliant in the above regards subject to the described condition.

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

- 7.9 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.10 The application site is neighboured by No.112 Arterial Road to the east and No.52 Oakwood Avenue to the south.
- 7.11 A separation distance of 9.9m is maintained between the proposed roof enlargement and the adjoining eastern boundary and as a result of its position, it is considered that the proposed roof enlargement would not cause significant harm to neighbouring occupiers at No.112 Arterial Road in any relevant regards.
- 7.12 The proposed roof enlargement is situated up to the southern boundary with No.52 Oakwood Avenue. A separation distance of some 1.8m would be maintained from the western corner of the development to the dwelling at No.52. The proposed development would be between 3.3m and 3.8m high, which is between some 0.5m-1m higher than existing boundary treatments at the site. Taking into account the existing high boundary treatment that projects the full depth of the flank site boundary with No.52 and other built form to the rear of the proposed development, and that the roof of the building slopes away from No.52, it is not considered that the proposal would result in an unacceptable loss of amenity, including in relation to any dominant impacts or loss of light.
- 7.13 The proposed roller shutter is positioned to the western elevation of the building which is part of an established commercial site. As roller shutters, by their nature, are used intermittently, typically at the start and end of a working day, it is not considered that the

roller shutter would result in any significant harm to occupiers of nearby residential properties in relation to noise and disturbance. A condition is recommended, however, to restrict the opening and closing of the shutter, other than within the hours from 8am to 8pm Monday to Saturday and 10am to 5pm on Sundays and bank or public holidays, to protect the amenity of nearby residents from undue noise.

- 7.14 Other dwellings are further away from the application site. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Other Matters**

- 7.15 The proposal is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 7.16 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).
- 7.17 The application is considered to be 'de-minimis' and exempt from BNG. This is because the development does not impact upon a priority habitat and impacts less than 25sqm of onsite habitat or 5m of linear habitats, such as hedgerows.

### **Equality and Diversity Issues**

- 7.18 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Conclusion**

- 7.19 For the reasons outlined above, the proposal is found to be acceptable and policy compliant with regards to the principle of the development, design and impact on the character of the area and impact on residential amenity. As there are no other material planning considerations which would justify reaching a different conclusion, it is recommended that planning permission is granted subject to conditions.

## **8 Recommendation**

### **8.1 GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin no later than three years from the date of the decision.**

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

- 02** The development hereby permitted shall be carried out only in accordance with the following approved plans: Site Location Plan, 1292/1, Existing South Elevation, Existing Roof Plan.

**Reason:** To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 03** Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing building. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

**Reason:** To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04** The roof of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 05** Notwithstanding the information submitted with the application, no development shall take place unless and until full details of the roller shutter hereby otherwise approved have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and completed in accordance with the approved details.

**Reason:** To safeguard the character and appearance of the surrounding area in accordance with Policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06** The roller shutter hereby approved shall not be permitted to be opened or closed outside of the following hours:  
-8am to 8pm Monday to Saturday  
-10am to 5pm on Sundays and Public or Bank Holidays.

**Reason:** In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

**Positive and Proactive Statement:**

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

**Informatives:**

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.**
  
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 City.**