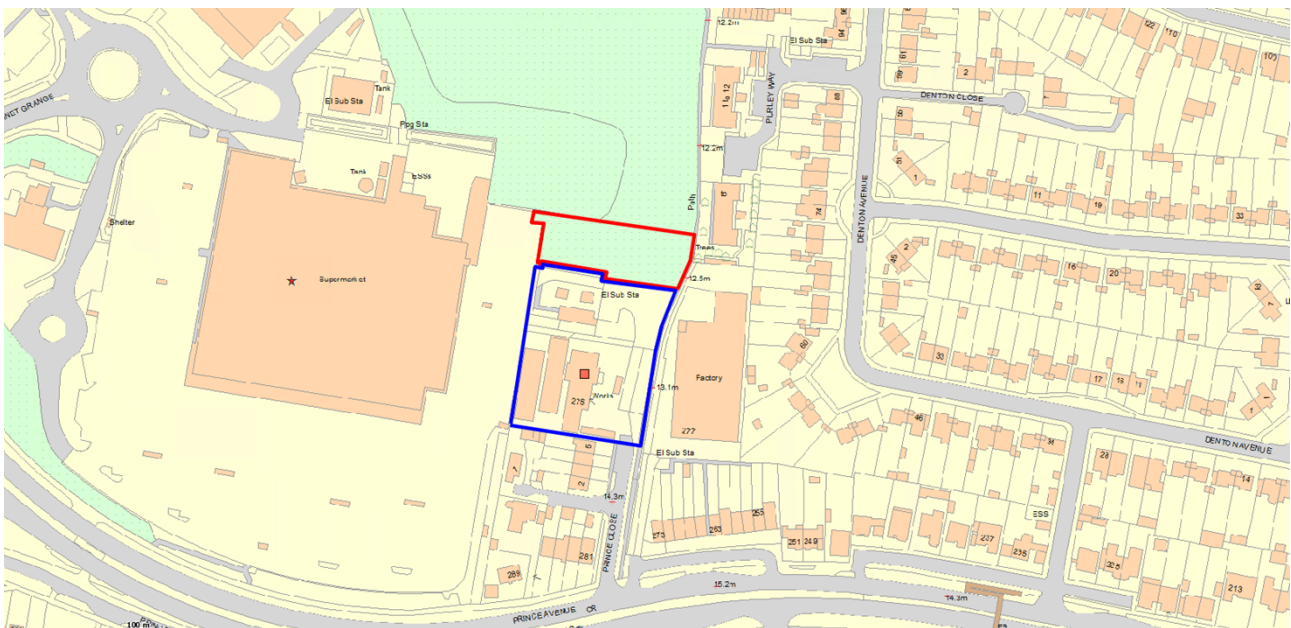


Reference:	20/02050/FUL	
Ward:	St Laurence	
Proposal:	Change of use from vacant storage yard (Use Class B8) to car sales (Class Sui Generis) erect ancillary buildings to provide office, car wash and detailing area, security lighting and form hardstanding (Part-Retrospective).	
Address:	275 Prince Avenue, Westcliff-On-Sea, Essex, SS0 0JP	
Applicant:	Marden Homes Ltd	
Agent:	Mr Alan Gloyne of SK Architects	
Consultation Expiry:	30.12.2020	
Expiry Date:	09.04.2021	
Case Officer:	Scott Davison	
Plan Nos:	688 SK01, 688 P01, 688 P02 A & 13201 Drainage Plan	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is an area of vacant industrial land located to the northern side of Prince Close. The site is some 64m wide and 20m deep and is located 200m north of Prince Avenue (A127). Access to the site would be from Prince Close through an open car park area which is under the control of the applicant. Levels across the site are generally flat.
- 1.2 The site is located within Prince Close Industrial Estate which is one of the Borough's designated employment areas. The blue lined site area contains four industrial buildings which are occupied by a property development firm's office, a recording studio and a gym. A number of these uses do not appear to benefit from planning permission including the recording studio and the fitness gym and it is noted that application ref: 18/00814/FUL to erect extensions to existing buildings at the site was withdrawn. There are also several portable buildings which also do not appear to benefit from planning permission. There is an electricity substation located to the south of the site which is bounded by palisade fencing and open land to the north of the site. The industrial estate is surrounded by residential properties in Prince Close. To the east of the site is a footpath that runs through the middle of the industrial estate. The trees that line this route are protected by TPO 5/96 and beyond that is an industrial unit with extant permission for residential redevelopment under reference 19/01924/FULM. There is a Tesco superstore to the west of the site.
- 1.3 Prince Close is located within a designated industrial estate as defined within the Core Strategy and Development Management Document. There are no other site-specific policy designations. The site is located within Flood Zone 1.

2 The Proposal

- 2.1 The application seeks planning permission for a change of use from a vacant storage yard (Use Class B8) to car sales (Class Sui Generis). It also proposed to erect ancillary buildings to provide office and a car wash and detailing area. Car detailing is a process of thoroughly cleaning the interior and exterior of a vehicle besides doing minor repairs to improve the appearance of a vehicle to like-new condition and typically the processes are done by hand. This differs from car valeting which is a service that aims at cleaning the bodywork and interior of a car.
- 2.2 The site is described as a car sales unit. The applicant has confirmed that there will no customers visiting the site to view vehicles. The car sales are completed online and vehicles will just be stored at the site and once purchased, they will be cleaned and prepared prior to delivery to buyers. The applicant has advised that there will be between 20-30 cars on-site at any one time.
- 2.3 A flat roof office building some 10m long, 6m wide and 3m high has been erected. It contains window and doors in three elevations. A car wash canopy has been erected adjacent to the office building some 3.3m high, 4.8m long and 6m wide. Drainage facilities comprised of silt trap, interceptor and surface water drains are proposed. A building to be used for the detailing of vehicles has been erected. It is some 5.9m wide 5.9m deep and some 3.3m high with a flat roof and a single roller shutter opening.

- 2.4 Six security lights operated by sensors and security cameras on poles some 3.7m high have been erected on palisade boundary fencing bounding the site. The applicant states that lighting does not operate during the evening/night unless the sensors are triggered. New hard surfacing has been installed with drains across the site. There is current enforcement investigation into the hardstanding.

3 Relevant Planning History

- 3.1 87/00105 Erect single storey detached office building and 3m high boundary fence
Granted.
- 3.2 95/00902 Demolish industrial buildings erect part single storey / part two storey / part three storey building to provide 64-bedroom nursing home with communal facilities and lay out seventeen parking spaces Refused.
- 3.3 96/00186 Demolish industrial buildings erect part single storey / part two storey/ part three storey building to provide 64-bedroom nursing home with communal facilities and lay out 17 parking spaces with 1.8m high wall to southern boundary Refused.
- 3.4 97/00138 Demolish industrial buildings erect part single/part three storey block of 32 sheltered flats a warden's flat communal meeting rooms kitchen office laundry and visitor facilities lay out parking spaces and erect 1.8-metre-high wall to southern boundary. Refused
- 3.5 05/01298 Fell various beech, oak and sycamore trees (Application for works to trees covered by a Tree Preservation Order) Grant consent to carry out work to trees.
- 3.6 18/00814/FUL Erect single storey side and rear extension to be used as Office Space (Class B1a), single storey front extension to be used as Fitness Centre (Class B1c) and alter elevations, erect single storey warehouse (Class D2) and layout parking
Withdrawn.
- 3.7 19/00774/FUL Erect palisade fence to storage yard (retrospective)
- 3.8 20/01506/TPO Remove deadwood and reduce row of trees adjacent to the Marden Homes car park (Application for works to trees covered by a Tree Preservation Order) Grant consent to carry out work to trees.

Enforcement History

- 3.8 EN/20/00326/UNAU_B Unauthorised installation of hardstanding – live

4 Representations Summary

Public Consultation

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

28 neighbours have been notified and a site notice posted on site. No letters of representation have been received.

Highways

4.2 No objections

London Southend Airport

4.3 No objections

Environmental Health

4.4 No objections subject to construction hours condition

Essex County Fire Service

4.5 No objections

Parks

4.6 No objections

5 Planning Policy Summary

5.1 National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development) & CP4 (Environment & Urban Renaissance)

5.3 Development Management Document (2015): DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas) DM14 Environmental Protection & DM15 (Sustainable Transport Management).

5.4 Design & Townscape Guide (2009)

5.5 Community Infrastructure Levy CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on neighbouring occupiers, traffic and transport implications and CIL implications.

7 Appraisal

Principle of Development

7.1 The proposal is considered in the context of Core Strategy policies, KP1, KP2 and CP4 and Development Management Document policy DM1, DM10 and DM11.

7.2 One of the Core Principles of the NPPF is to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value”*. The proposed development would meet this requirement.

- 7.3 Policy KP1 of the Core Strategy states that appropriate regeneration and growth will be focused within main industrial and employment areas. Policy CP1 of the Core Strategy states permission will normally be refused for the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objectives of the local economy i.e. enhancement of the environment, amenity and condition of the local area.
- 7.4 Policy DM10 of the Development Management Document states development that contributes to the promotion of sustainable economic growth by increasing capacity of employment land, floorspace and jobs will be encouraged and this area is identified as aviation industries, health and medical, business and financial, manufacturing etc.
- 7.5 Prince Close Industrial Estate is identified as a designated Industrial / Business Estate in the Development Management Document. Policy DM11 of the Development Management Document seeks to protect Class B uses within the Borough's designated Employment Areas. In relation to this issue Section 2 of policy DM11 states:

'The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:

2A the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or

2B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or

2C. it can be demonstrated to the Council's satisfaction that:

i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes, and*

ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and

*iii. the alternative use cannot be reasonably located elsewhere within the area it serves**; and*

iv. the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking.

2D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the daytime needs of the estate's working population and will not result in a material change to the Class B character and function of the area.

**This should include a minimum 2 year active marketing exercise where the vacant site / floorspace has been offered for sale or letting on the open market at a realistic price and that no reasonable offers have been refused. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. Appendix 4 sets out the information to be provided in relation to marketing and market demand.*

*** The Borough Council will make a judgement about the extent of the area based upon the site concerned and the proposed use.*

- 7.6 It is clear that criteria 2B 2C and 2D of policy DM11 do not apply in this case. The proposal therefore is assessed against criterion 2A. The site is a vacant and comprises a B8 storage area. While the application seeks a sui generis use, the nature of the proposed use is so similar to the existing B8 use which policies seek to retain it is considered that the proposal is entirely consistent and compliant with the objectives of criterion 2A. This is considered to be the case in all regards, but particularly as it relates to the business and employment character of B8 uses. The proposal would not compromise the operation of surrounding business uses and the change of use is therefore considered acceptable in principle, and compliant with policy objectives, subject to detailed considerations which are discussed below.

Design and Impact on the Character of the Area

- 7.7 The National Planning Policy Framework requires new development to respond positively to its surroundings. Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document, and the Design and Townscape Guide, advocate the need for new development to respect and complement local character.
- 7.8 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.9 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”.
- 7.10 The proposed use for the storage of cars and the buildings are relatively low profile. The largest of the 3 buildings would have a maximum height of 3.3m. The proposed buildings are located closed to the southern boundary of the site to the rear of the industrial estate. The development is functional in appearance with timber style cladding with windows within the south facing elevation of the office building. The site is bounded by palisade fencing and the six security lights would be seen in the context of the fencing. There is a line of protected trees to the eastern boundary that screens this area. Given the trees and the set back from the main site frontage of the industrial estate, it is considered that the proposed development would appear as an unobtrusive feature in the context of the supermarket building, substation to the west and south west and the industrial estate and associated facilities to the south. Therefore, it is not considered to have a detrimental impact on the overall character and appearance of the site, the industrial estate or the wider surrounding area.

7.11 The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Neighbouring Occupiers

7.12 Paragraph 124 of the National Planning Policy Framework seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.13 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”

7.14 Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure.

7.15 The proposed development is located within an industrial estate and three buildings have been erected within the site. Vehicles will be parked and stored on site in connection with the internet car sales use. The site is bounded by a 2.4m high palisade fence on all boundaries including section of the industrial site and substation to the south. It is not considered that the development would have a negative impact on the amenities of the neighbouring industrial sites in this employment area or the commercial uses beyond.

7.16 The nearest residential properties are the flats to the north east of the estate in Purley Way. They are located some 15m from the north east of the site on the other side of the public footpath. The estate here is screened by the mature trees which line this footpath which are protected by a TPO. It is considered that the subject to conditions restricting the hours of operation, hours of operation of security lighting and details of any plant and equipment to be used in the detailing, the proposed development will not have a detrimental impact on residential amenity at these or any other dwellings.

7.17 No details have been supplied in relation to the equipment within the car wash and detailing facilities. Typically, these types of facilities use pressure jet washers to clean the cars and vacuum cleaners within detailing service areas and may involve the polishing and waxing of vehicles as well as paint touch up and glass chip repairs. No objections to the proposed development were raised by the Environmental Health Officer and it is considered that levels of noise and activity arising from activities associated with the use could be controlled by the use of appropriate planning conditions.

7.18 Overall, therefore it is considered that the impact on neighbour amenity is acceptable and policy compliant in this regard

Traffic and Transport Issues

- 7.19 Policy DM15 (Appendix 6) of the Development Management Document sets out maximum parking standard for different use classes. It advises that one space per 150 m² is required for a B8 use. The open land is some 1280 sqm which equates to a maximum parking requirement of 9 spaces. For sui generis car sale uses, there is no set standard.
- 7.20 The application site is hard surfaced however there is no formal parking layout. The applicant advises that between 20 and 30 vehicles being advertised for sale would be on site. It is not considered the level of parking for the proposed development would affect conditions locally or give rise to materially adverse impacts in terms of parking or highway movements. Highways have raised no objection to the proposal and details of parking within the site can be secured by condition.
- 7.21 It is considered that subject to condition, the proposed parking provision is therefore considered to be acceptable and policy compliant in this respect.

Waste Storage and collection

- 7.22 No details of waste storage have been provided but appropriate waste storage and management details can be secured by condition.
- 7.23 It is considered that subject to condition, the proposed development is considered to be acceptable and policy compliant in this respect.

Drainage

- 7.24 The drainage from new hardstanding areas has the potential to be contaminated by fuels, chemicals or other polluting material and should be connected to the foul sewer. Car wash liquid waste is classed as trade effluent. The submitted plans show that the cleaning and washing operations would be carried out within an enclosed designated car wash area. A concrete area with a central drain, silt trap would be installed isolating it from the surface water system. Wastewater would drain into an interceptor tank before draining into the foul sewer which would require the approval of the sewerage undertaker.
- 7.25 It is considered that subject to condition, the drainage detail considered to be acceptable and policy compliant.

Community Infrastructure Levy

- 7.26 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 113.2 sqm, which may equate to a CIL charge of approximately £1450.09 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusions

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking and the character and appearance of the application site, the street scene and the locality more widely. This scheme is therefore recommended for approval subject to conditions.

9 Recommendation

Members are recommended to: GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be carried out in accordance with the approved plans: 688 SK01, 688 P01, 688 P02 & 13201 Drainage Plan**

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

- 02 The use hereby permitted shall not be open to customers seeking to view or purchase cars at any time.**

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with the National Planning Policy Framework (2019), 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).

- 03 Prior to the first operation of the use hereby approved, details shall be submitted to and approved in writing by the local planning authority for the provision of the recycling and refuse storage and associated waste management plan including collection arrangements. The approved refuse arrangements shall be provided in full and made available for use by commercial operators prior to the first use of the car wash hereby approved and be retained as such in perpetuity.**

Reason: Reason: To ensure the provision of adequate recycling and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policies DM8 and DM15 of Development Management Document (2015).

- 04 Notwithstanding the details submitted and otherwise hereby approved, details of drainage within the site including a separator or series of oil separators to prevent surface water being discharged into any watercourse, soakaway or surface water sewer shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development.**

Reason: To reduce the risk of pollution to the water environment in accordance with the National Planning Policy Framework (2019) Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

- 05 No machinery or plant shall operate on the site in association with the use hereby permitted outside the following times: 8 am to 6 pm on any day.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 06 The Rating Level of noise for activities associated with the use hereby permitted shall not exceed 10dB(A) below the background level as measured at the closest residential property in accordance with BS4142:1997.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), 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).

- 07 The 'car washing' and 'car detailing' facilities hereby approved, as described in the application documents, shall remain ancillary to the main use of the site as a car sales facility and shall not operate as an independent planning uses at any time.**

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with the National Planning Policy Framework (2018), 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).

- 08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Use Class Order 1987 (as amended) or any provisions equivalent to those Orders in any statutory instrument amending, revoking or re-enacting the Orders, with or without modification the development hereby approved, shall be used as a sui generis car sales business where customers do not visit the site and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that in any statutory instrument amending, revoking or re-enacting that Order, with or without modification.**

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity and the provision of employment uses in accordance with Policies CP1, KP1 and KP2 of the Core Strategy (2007) and Policies DM1, DM3, DM10 and DM11 of the Development Management Document (2015).

09 Other than the security lighting hereby approved, no external lighting shall be installed on site other than in accordance with details that have been previously submitted to and approved in writing by the local planning authority. All external lighting shall thereafter be retained on site in line with the details approved under this condition only.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

Informatives

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notices. This contains details including the chargeable amount when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Planning Portal. (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_in_frastructure_levy) or the Council's website at www.southend.gov.uk/cil.

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.