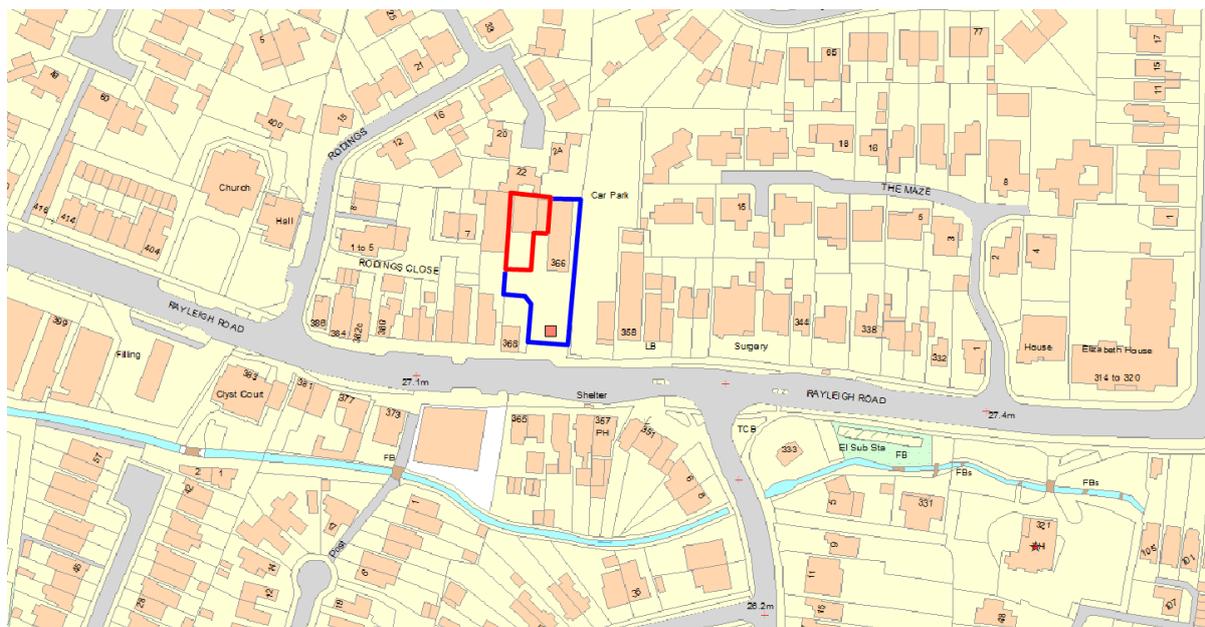


<b>Reference:</b>	21/00902/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Eastwood Park	
<b>Proposal:</b>	Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation	
<b>Address:</b>	364 Rayleigh Road, Eastwood, Essex	
<b>Applicant:</b>	MR Karsaz Jamal Hassan	
<b>Agent:</b>	Mr Gurdev Singh of ARCHITECTURAL SERVICES	
<b>Consultation Expiry:</b>	3rd June 2021	
<b>Expiry Date:</b>	30th July 2021	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>PP/01, PP/02, PP/03</b>	
<b>Supporting Documents:</b>	<b>Planning Statement</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located on the northern side of Rayleigh Road and is occupied by a single storey warehouse building which, according to the submitted information, was used for storage of tyres. The entirety of the site is hardsurfaced or developed and there is available car parking to the front of the building. According to the submitted information the adjoining yard used for sales of cars is within the same ownership as the application site.
- 1.2 The surrounding area on Rayleigh Road is commercial in nature. This part of the road is designated as a Secondary Shopping Frontage. Residential units exist on the upper floors of buildings on Rayleigh Road and to the west and north of the site including within The Rodings and Rodings Close. The land in the area slopes upwards towards the north and west. No other planning related designations affect the site or the area.

## **2 The Proposal**

- 2.1 Planning permission is sought to change the use of the existing building on site from the existing storage use to an MOT Testing station and vehicle repair garage (Class B2) and to alter the front elevation. The proposed use would generate employment for three full-time equivalent employees. The suggested times of operation are 8am to 5pm Monday to Saturday.
- 2.2 The dimensions of the building would remain unaltered. Its front elevation would be altered with the enclosure of this part of the building and the installation of a garage door and a pedestrian door. The proposed materials would match those on the existing building.

## **3 Relevant Planning History**

- 3.1 Although the site was the subject of previous planning applications, these are not considered to be relevant to the determination of the current proposal.

## **4 Representation Summary**

### **Call in**

- 4.1 This application was called-in for determination by the Council's Development Control Committee by Councillor Walker.

### **Public Consultation**

- 4.2 Seventeen (17) neighbouring properties were consulted and a site notice was displayed. Representations from six interested parties have been received. Their objections and comments are summarised as follows:

#### *Design and impact on the character of the area*

- The proposed use is better suited in an industrial site.
- Proliferation from existing sites.

#### *Impact on residential amenity*

- The application site is too close to neighbouring properties.
- Noise and pollution from the proposed use.

*Other matters*

- Discrepancies in the submitted documents.
- This application is of a nature that should not even be considered.

4.3 The comments have been taken into consideration and those matters relevant to planning raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

**Environmental Health**

4.4 No objections subject to conditions regarding hours of construction and hours of operation.

**Fire Safety Officer**

4.5 No objections.

**5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM15 (Sustainable Transport Management).

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

**6 Planning Considerations**

6.1 The main considerations in relation to this application include the principle of the development, the design and impact on the character and appearance of the area, the effect of the proposal on the residential amenity on neighbouring occupiers and the traffic and parking implications. As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 80 of the NPPF states that: “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 7.2 Policy CP1 of the Core Strategy states that “offices, retailing, leisure and other uses generating large numbers of people should be focussed in the town centre.” It is also added that “to promote economic regeneration, development will be expected to contribute to the regeneration and development of existing and proposed employment sites; the Town Centre and Seafront; existing industrial areas and other Priority Urban Areas”.
- 7.3 Policy DM11 of the Development Management Document seeks to support the retention, enhancement and development of Class B uses within the Employment Areas and also states that: “Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies”.
- 7.4 Considerations regarding the impact of the development on the neighbouring residential amenity are discussed in the relevant section of the report. In summary, subject to conditions and given that the Council’s Environmental Health service has no objections, the proposed use of the building on site is not considered to cause a significant impact on the amenity of the surrounding uses. The proposed use would not be out of place in the surrounding area.
- 7.5 It is considered that the proposed use of the site is acceptable in principle. Other material planning considerations are discussed in the following sections of this report.

### **Design, Impact on the Character of the Area and Impact on Heritage Assets**

- 7.6 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.7 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”

- 7.8 The proposed use would not materially affect the character or appearance of this predominantly commercial locality. Alterations proposed to the front elevation of the building would not have a detrimental impact on the character and appearance of the site or the area. The proposed materials would not be out of place in the local context. The proposal is considered acceptable and policy compliant on design and character grounds.

### **Impact on Residential Amenity**

- 7.9 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.10 The rear part of the building almost abuts the boundary of the site with 22 The Rodings, the nearest residential property to the north of the application site. This dwelling sits on significantly higher ground than the building on site. Other residential units in the vicinity of the site include 7 Rodings Close, some 13m to the west of the site and 370A Rayleigh Road, the upper floor flat, some 26m to the south of the building on site.
- 7.11 The scale and form of the building on site would not be altered and the proposed openings are introduced to the front elevation which is already open. When compared to the existing situation, there would be no significantly different impact on the residential amenity of neighbours in relation to privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight.
- 7.12 In terms of pollution, noise and disturbance by definition a use falling within Use Class B2 would have potential to cause some degree of impact on residential amenity. It is noted that within the Borough, it is not uncommon for this type of use as a proposed vehicle repair garage and MOT testing station to be located reasonably near residential properties (e.g. Dvan Autos on Sutton Road, Christchurch Service Station on Christchurch Road etc). Furthermore, the application site and the wider plot under the same ownership has had uses associated with vehicles since at least 2009. These uses, including as van rental premises and tyre workshop, would have caused a certain level of associated pollution, noise and disturbance. Conditions to control the specific use proposed and the hours of operation of the site are suggested. It is considered that, on balance and subject to these conditions, that the additional harm that may result from the proposed use would not be so significant to justify the refusal of the application on this ground. The Council’s Environmental Health service raised no objection.
- 7.13 Overall, the proposal is, on balance and subject to conditions, acceptable and policy compliant in these regards.

### **Traffic and Transportation Issues**

- 7.14 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.

- 7.15 Assessed against parking standards, the maximum car parking standard required for storage uses is one space per 150m<sup>2</sup> whilst for industrial uses it is one space per 50m<sup>2</sup>. There is sufficient parking provision on site to accommodate the car parking needs arising from the proposed use. Two cycle parking spaces are required to meet the minimum standard. A condition can be imposed and is suggested. The access arrangements of the site would remain unaltered.
- 7.16 Subject to a condition, the proposal is acceptable and policy compliant in the above regards.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle, it would have an acceptable impact on the character and appearance of the area and the highways and parking conditions of the area. On balance and subject to conditions, the proposal would also have an acceptable impact on the residential amenity of neighbouring occupiers. The proposal offers the benefit of retaining an existing employment site in a commercial, employment generating use which forms part of the planning balance. This application is recommended for approval subject to conditions.

## **9 Recommendation**

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

#### *General Conditions*

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

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

- 02 The development hereby approved shall be carried out and operated in accordance with the approved plans: PP/01, PP/02, PP/03.**

**Reason: To ensure the development is carried out in accordance with the development plan.**

#### *Design and related conditions*

- 03 Prior to the first use of any part of the development hereby approved, the external elevations of the development hereby permitted shall be constructed solely with materials as detailed in the submitted application form and approved plan PP/03 or alternative materials details of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.**

**Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

*Impact on residential amenity of neighbours*

- 04 The use of the site shall be solely as a vehicle repair garage and MOT testing station and not for any other purposes within Use Class B2 or any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders.**

**Reason: To determine the scope of the permission in the interest of the character and functionality of the area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP1, Development Management Document (2015) and Policies DM10 and DM11.**

- 05 The hours of operation of the use hereby permitted shall be 8 am to 5 pm Mondays to Saturdays and not at all on Sundays or Bank and Public Holidays.**

**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 Construction 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.**

**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).**

*Highways*

- 07 Prior to the first occupation of the use hereby approved, at least two covered and secure cycle parking spaces shall be provided and made available for use on site in accordance with details which have previously been submitted to and approved in writing by the local planning authority under the provisions of this condition. The approved cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development in perpetuity.**

**Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.**

## **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 development equates to less than 100sqm of new floorspace 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 [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about the Levy.**
- 2 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.**