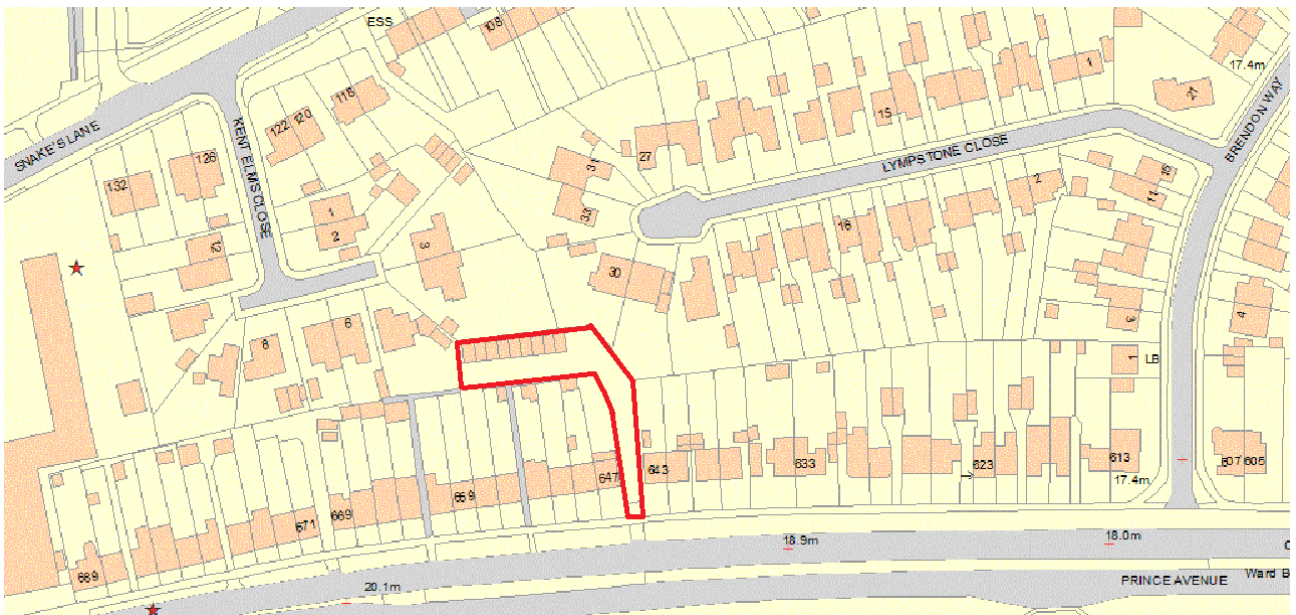


Reference:	22/01880/FUL	
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Replace existing derelict garage with 1no. storage unit and erect 1no. storage unit (retrospective)	
Address:	Garages rear of 647 to 657 Prince Avenue, Westcliff-on-Sea, Essex	
Applicant:	Mr Andrew Timotheou	
Agent:	Mr Craig Pallett of BDA Architecture	
Consultation Expiry:	30th March 2023	
Expiry Date:	7th April 2023	
Case Officer:	Hayley Thompson	
Plan Nos:	22.167/01, 22.167/02 Revision A, 22.167/03 Revision A, 22.167/04 Revision A	
Supporting Document:	Planning Statement, Email from agent regarding use of the units dated 3rd March 2023	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to an existing garage court behind dwellings at 647 to 657 Prince Avenue (A127). Access to the garages is from Prince Avenue alongside No 647. Land levels slightly rise northwards. Historic mapping indicates that the garages were constructed between 1922 and 1939 at a similar time to the dwellings fronting the site in Prince Avenue. The site is within a generally residential area with some commercial uses to the west at the junction where Prince Avenue meets Rayleigh Road to the north and Bridgwater Drive to the south around Kent Elms Corner.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 The application seeks planning permission to replace an existing derelict garage with one double width storage unit and to erect one storage unit. This application is retrospective in nature and has been submitted following an enforcement enquiry.
- 2.2 The unit labelled “garage 10” within the submitted plans, occupies a similar position to a former garage at the eastern end of the row. The applicant has advised that this was replaced due to its dilapidated state with a collapsed roof. Part of the former garage, comprising the outer brick walls to the far east side of the site, has been retained. It is a prefabricated metal panel unit with a corrugated metal flat roof and electric roller shutter door to the front and is 2.95m high, 5.48m wide and 5.34m deep.
- 2.3 The second storage unit is located to the south-east of the row of garages, on the eastern boundary, along the site’s access road from Prince Avenue. This unit, labelled “unit 11” within the submitted plans, comprises pre-fabricated metal panel units with a corrugated metal flat roof and has two electric roller shutters. It is 2.86m in high, 6.13m wide and 3.82m deep.
- 2.4 A planning statement has been submitted and updated since submission clarifying that unit 10 would be occupied and let out in a similar way to the existing use at the site for vehicle storage and unit 11 is for use by the applicant for household storage. The applicant has confirmed that: “The new units are to be personal storage only, with no commercial use”.
- 2.5 The wider use of the site is not a matter for consideration as part of this application.

3 Relevant Planning History

- 3.1 22/00194/UNAU_B – Enforcement enquiry pending.

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillor Hyde.

Public Consultation

- 4.2 Thirteen (13no.) neighbouring properties were notified of the application by letter and a site notice was displayed. At the time of report preparation 13 letters of representation have been received from 3 households. Summary of objections:

- The existing building did not have a collapsed roof
- The new structures are too high and wide
- Units are close to surrounding boundaries
- The structures are an eyesore
- Vehicle turnover at the site has increased
- Increased commercial activity including use as a transfer facility/yard
- The site has only been used to store vehicles
- Increase of activity at unsociable hours
- Scrap is being stored
- Concerns about damage to surrounding fences
- Concerns about drainage
- Concerns about capacity for vehicles to turn within the site
- A generator has been installed
- Concern about noise including roller shutters, vehicles and machinery
- Concerns raised about dangerous access into the site
- Concerns about smells and rodents

[**Officer Comment:** These concerns are noted and all relevant planning considerations have been assessed within the appraisal section of the report, however, following an assessment of the planning application on its individual merits they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

Highways

4.3 No objection subject to suggested conditions.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)

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

5.6 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, the design and impact on the character and appearance of the area and residential amenity, highways implications and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located. Policy DM1 of the Development Management Document seeks to promote successful places.
- 7.2 The use of the site for garaging and general storage associated with domestic dwellings is understood to be well established and there is no objection in principle to an alteration within this use. Other material planning considerations are discussed in the following sections of this report. Representations received allege that uses taking place in elements of the wider garage court may need planning permission. This is capable of separate investigation without prejudicing the ability of this LPA to decide the current application on its individual merits.

Design and Impact on the Character of the Area

- 7.3 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.
- 7.4 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.
- 7.5 The units in situ on site are functional in design, modestly sized and in an area absent from clear public views. Having regard to the size and scale of the row of existing garages, and the presence of similarly-scaled rear garden outbuildings and similar structures in the immediate vicinity, it is considered that the units do not cause any significant harm to the character or appearance of the site, the streetscene or the wider surrounding area.
- 7.6 The proposal is considered to be acceptable and policy compliant in the above regards.

Amenity Impacts

- 7.7 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.
- 7.8 The application site is bounded by the rear garden areas of dwellings in Prince Avenue to the south and in Lympstone Close and Kent Elms Close to the north. The position of the units, their modest height, separation distances to the neighbouring dwellings and relationship to neighbouring gardens are such that the residential amenity impact of the development is considered, on balance, to be acceptable in terms of the development's built form, impact on light and sense of enclosure.
- 7.9 The proposed use of the buildings, as stated within the submitted planning statement, is as vehicle storage and household storage use only with no commercial use. The use of the buildings can be controlled by condition to ensure that the buildings are retained

for the domestic storage of vehicles and/or for domestic storage purposes only.

- 7.10 It is considered that, subject to the described conditions, the design, size, siting and scale of the development is such that it does/ would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. Subject to the described condition, the development is considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 7.11 The NPPF states (para 111) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”
- 7.12 The development is not found to result in any significant parking or highways impacts. Garage 10, proposed for domestic vehicle storage, has the same turning space available as the existing row of garages. Unit 11 appears not to have sufficient space in front for a vehicle to access and egress into it so is unlikely to have capacity to accommodate a conventionally-sized vehicle. However, the applicant has applied for the use of this unit for domestic storage purposes only and not for vehicle storage in which case it is considered that no significant harm would be caused. In any event, garage 11 is set well into the site such that if attempts were made to put vehicles into it despite such manoeuvring likely to be difficult, is considered that such potentially protracted vehicle manoeuvres would not be likely to impact directly, or indirectly onto Prince Avenue. Conditioning this unit only to be used for domestic storage including keeping of domestic motor vehicles is therefore considered to be reasonable and proportionate in the circumstances of this case.
- 7.13 The Council’s Highways officer raised no objection to the proposal but has recommended that a ‘Give Way’ sign to oncoming traffic should be placed to the north side of unit 11 in the interest of the safety and free flow of vehicle movement within the garage court. This can be secured by condition and would sufficiently encourage safe use of the site’s access to and from Prince Avenue.
- 7.14 It is considered that the existing vehicular accessway is not harmfully affected by the proposal. It is therefore not considered that the proposal would have a detrimental impact on the local highway network, parking or highway safety and is acceptable and policy compliant in the above regards.

CIL

- 7.15 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Equality and Diversity Issues

- 7.16 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 Equalities Act 2010 (as amended) and the purpose of the access and hardstanding to improve the access requirements of a disabled person. They have concluded that the decision

recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

7.17 For the reasons outlined above and subject to conditions, the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. 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 **Members are recommended to:**

GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall be retained only in accordance with the following approved plans: 22.167/01, 22.167/02 Revision A, 22.167/03 Revision A, 22.167/04 Revision A.

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).

02 The external appearance of the buildings hereby approved must accord with approved plan: 22.167/04 Revision A in terms of the choice of materials, method of construction and finished appearance.

Reason: In the interests of visual amenity and to ensure that the appearance of the buildings make a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice in the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

03 The development hereby permitted shall not be used at any time other than for the domestic storage of goods and the domestic storage of vehicles. The development shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

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 (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) policies DM1 and DM3.

04 A 'Give Way' sign shall be installed to the north side of unit 11 incorporating instructions displayed for vehicle drivers to access/egress the site in forward gear, in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and they shall be retained for the lifetime of the development.

Reason: To discourage unsafe vehicle movements within the site to the material detriment of pedestrian and highway safety and the local highway network and to

comply with Policy CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015).

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) or the Council's website (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.