

<b>Reference:</b>	22/00299/FUL
<b>Application Type:</b>	Full Application
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Erect replacement outbuilding at rear incorporating bike store, relocate existing office space into outbuilding and form additional floorspace to shop and replace existing steps to side with ramp.
<b>Address:</b>	54 The Ridgeway, Westcliff-on-Sea, Essex, SS0 8NU
<b>Applicant:</b>	Mr Mehmet Hassain
<b>Agent:</b>	Mr Colin Stone of Stone me Design Ltd.
<b>Consultation Expiry:</b>	17.03.2022
<b>Expiry Date:</b>	06.06.2022
<b>Case Officer:</b>	Oliver Hart
<b>Plan Nos:</b>	<b>1705-15a; 1705-16a</b>
<b>Supporting Documents:</b>	<b>Design and Access Statement</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **1 Site and Surroundings**

- 1.1 The application relates to a semi-detached mixed-use property on the southern side of The Ridgeway, backing on to Victory footpath and comprising commercial premises at ground floor with a residential unit above. The application is specific to the ground floor unit which is used as additional office space for a nearby restaurant use.
- 1.2 To the rear of the premises is an existing flat roofed outbuilding (some 56sqm) presently in use as a dry store. The outbuilding is believed to be ancillary to the operation of the nearby restaurant "Baboush". The applicant presently owns both Baboush and the ground floor commercial unit at 54 The Ridgeway.
- 1.3 The site is within a wider parade of shops defined as a Secondary Shopping Frontage within the Development Management Document. The majority of the other surrounding buildings are two-storey, with commercial uses at ground floor and residential accommodation above.

## **2 Proposal**

- 2.1 The application seeks planning permission to replace the existing rear outbuilding with an outbuilding of enlarged footprint, incorporating a general storage area, cycle store and office space.
- 2.2 The agent has confirmed that the office element of the outbuilding will be used in association with the operation of the nearby 'Baboush' restaurant some 85m to the south and linked by Victory Path to the rear, enabling additional floor space within the ground floor retail unit itself which is proposed to be used as a bakery (although this does not form a part of the assessment of the application and as it would fall within Class E (Business) use so is not anticipated to require planning permission in its own right).
- 2.3 As noted, the description of development refers solely to the erection of a replacement outbuilding and must be assessed as such. Anything else subject to that can be dealt with by separate investigations as may be required.
- 2.4 The existing outbuilding is flat roofed and some 2.8m high, 3.9m wide and 14.5m deep. It is positioned alongside the site's western flank boundary with a 1.65m separation retained to its eastern flank boundary.
- 2.5 The replacement outbuilding would also be flat roofed, some 2.9m high, 4.35m wide and 19.8m in maximum depth (inclusive of the cycle store to front). It would be positioned alongside the western flank boundary with a 1.2m separation retained to the eastern flank boundary. Finishing materials are detailed as white render to the exterior walls.
- 2.6 Other alterations include replacing the existing steps to the side with a ramp.
- 2.7 The applicant confirms the proposal would not lead to an increase in staff.

### **3 Relevant Planning History**

- 3.1 17/01286/FUL - Erect timber outbuilding to rear ancillary to shop (Retrospective)- Granted
- 3.2 17/01149/PA3COU- Change of use of ground floor from shop (Class A1) to restaurant (Class A3) and installation of extraction and filtration equipment to rear (Prior Approval)- Refused

### **4 Representation Summary**

#### **Public**

- 4.1 11no. neighbouring properties were notified, and a site notice posted. 3no. letters of representation have been received. Summary of objections:

- Issue with the size of the dormer shown in the existing and proposed plans
- Concerns with the use of the storage component of the existing (and proposed) outbuilding and its relationship with the Baboush restaurant
- Conditions restricting the use of the outbuilding should be incorporated if the application is approved
- Design concerns; size, scale, bulk
- Amenity concerns; loss of outlook light and sense of enclosure to neighbouring rear garden area.
- Noise and disturbance concerns from intensified use.
- Highway obstruction to the Victory Path

**[Officer Comment]** The issues raised so far as they relate to relevant material planning considerations have been taken into account in the determination of the proposal. The points raised are not found to justify refusing planning permission in the circumstances of this case. Amended plans were received correcting the dormer issue. No plant equipment is proposed as part of the application.

#### **Highways**

- 4.2 No objection.

#### **Environmental Health**

- 4.3 No objections subject to conditions regarding construction/demolition management and waste management.

#### **Committee Call In**

- 4.4 This application has been referred to Development Control Committee by Cllr Folkard.

### **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (2021)
- 5.2 Core Strategy (2007) Policies KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment and Urban Renaissance)

- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 The Design and Townscape Guide (2009)
- 5.5 CIL Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 Based on its intended ancillary use, the development has not increased the need for parking nor reduced the current off-site parking provision. The key considerations in relation to this application are therefore the principle of the development, design and impact on character and appearance, impact on residential amenity and CIL (Community Infrastructure Levy) contributions.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 86 of the NPPF supports commercial uses at town centre locations. 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 Policy DM13 states that primary shopping frontages will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies, while the character and function of frontages will be protected and enhanced.
- 7.3 The principle of providing facilities in association with an existing commercial use is considered acceptable. The proposed development is acceptable in principle. Other material planning considerations are discussed in the following sections of this report.

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

- 7.4 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.
- 7.5 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 Design and Townscape guide provide further details on how this can be achieved.

- 7.6 The replacement outbuilding would represent a structure of significant scale when compared with the size of the plot. However, regard is had to the significant size and scale of the existing building together with the surroundings which are already characterised by several relatively large outbuildings and extensions of similar form and design. These include the flat-roofed rear extension at No.40 The Ridgeway, the garage block behind No.44 The Ridgeway and the structure at No.58 The Ridgeway.
- 7.7 No objection is raised to the proposal to alter the existing stairs to the side access to a ramp on account of its modest and acceptable visual impact.
- 7.8 Having regard to the significant size and scale of the existing outbuilding and the presence of similarly scaled rear garden additions, it is considered that subject to compliance with conditions, the replacement outbuilding will not cause any significant harm to the character or appearance of the site or the surrounding area including as viewed from Victory (public) Path to the rear of the site.

### **Impact on 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 bounded by the rear amenity areas serving No's 50 (to the east) and 56 The Ridgeway. Both of the amenity areas are split between the respective ground floor commercial unit and the first-floor residential units (No's 50A and 56A).
- 7.11 With regards to No.56, the rear amenity area is split horizontally, with the area closest to the rear of the property serving as a breakout area for staff of the ground floor commercial unit, whilst the rear portion belongs to the residential unit (No.56A).
- 7.12 The footprint of the outbuilding would be materially increased. Regard however is had in this instance to the comparative impact of the existing main middle section of the outbuilding with regards to dominance and sense of enclosure impacts on the rear garden area serving the first floor flat that would in essence be retained, as the height of the replacement outbuilding would be unchanged, as is its siting along the shared boundary. On balance and having significant regard to the comparative impact of the existing outbuilding, it is not considered that these amenity impacts would be significantly increased as to justify refusal on this basis alone. Whilst the proposed outbuilding would be extended closer to the rear of the neighbouring property and therefore would have an impact on the general amenity of this area from loss of light and sense of enclosure impacts, regard is had to the nature of this area as a breakout space for staff of the ground floor commercial unit and that limited weight can be afforded to their protection in that regard.

- 7.13 With regards to No.50, the rear area is also split centrally, with the portion of garden reserved for the first floor flat adjacent to the shared boundary with the application site. The proposed outbuilding would be sited some 0.45m closer to the shared boundary. The new outbuilding would also be of increased depth when compared with the existing. It is considered that the proposal would give rise to a degree of enclosure and dominance owing to the increased depth of projection and position closer to the shared boundary. However, regard is had to the comparative impact of the existing outbuilding owing to its significant size and scale, the comparative height of the outbuilding and maintained separation to the shared boundary (some 1.2m) such that, on balance, it is not considered that these amenity impacts would be significantly worse than the existing arrangement nor unacceptable when assessed in their own right.
- 7.14 Noting the historic storage use of the outbuilding, it is not considered the development, which includes a new office and cycle store, would result in significantly different noise and disturbance impacts. No increase in staff is proposed. No plant equipment is proposed as part of the development.
- 7.15 The position of the outbuilding and the separations involved to other dwellings/premises is such that the impact of the development is considered to be acceptable. No objections are raised on amenity grounds to the proposal to alter the existing side access steps to a ramp.
- 7.16 The development is therefore considered to be, on balance, acceptable and compliant with the above-noted policies.

### **Equality and Diversity**

- 7.17 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). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Community Infrastructure Levy**

- 7.18 As it 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.

## **8 Conclusion**

- 8.1 For the reasons outlined above the proposal is found, on balance, 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.

**9 Recommendation**

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1705-15a; 1705-16a**

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

- 3 Before the development hereby approved is first used 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 submitted plans.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes 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) Policy KP2 and CP4, Development Management Document (2015) Policy DM1, and advice contained in the Southend-on Sea Design and Townscape Guide (2009).**

- 4 The development hereby permitted shall not be used at any time other than for purposes wholly ancillary to the commercial operation of the ground floor business unit known as 54 The Ridgeway.**

**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, Development Management Document (2015) policies DM1 and DM3 and The Southend-on-Sea Design and Townscape Guide (2009).**

- 5 Before any external lighting is installed in association with the outbuilding hereby permitted details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed solely in accordance with the approved details.**

**Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).**

- 6 No plant equipment or machinery shall be installed or operated at the site unless a noise impact assessment (conducted out by a competent person) has previously been carried out, submitted to and approved in writing by the Local Planning Authority.**

The assessment must be made using the appropriate standards and methodology for the noise sources and the relevant best practice. The plant equipment shall thereafter be implemented in full accordance with the details and mitigation provided in the approved Noise Impact Assessment before it is first brought into use and shall be maintained as such in perpetuity thereafter.

- 7 Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

Hours of works associated with this permission shall only be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank or Public 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the Southend Design and Townscape Guide (2009).

10 Informative

- 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 [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 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.

**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.