

14/00725/FUL

89 EASTWOOD ROAD, RAYLEIGH, SS6 7JR

PROPOSED RETENTION OF RELOCATED CANTILEVERED CANOPY (APPROXIMATELY 1.125M TO THE SOUTH AND 700MM TO THE WEST AND RAISED BY 400MM); AND RELOCATION OF CABIN ALONGSIDE BOUNDARY FENCE AND BETWEEN CANOPY SUPPORTS TO PROVIDE TOILET FACILITIES, OFFICE AND CUSTOMER WAITING ROOM IN CONNECTION WITH USE OF PART OF THE SITE AS A CAR WASH

APPLICANT: **MR KUTJIM HALILAJ**
ZONING: **RESIDENTIAL**
PARISH: **RAYLEIGH TOWN COUNCIL**
WARD: **RAYLEIGH CENTRAL**

1 PLANNING APPLICATION DETAILS

- 1.1 The applicant seeks permission for the relocation of a cantilevered canopy (including raising of height of canopy) and retention of a portacabin to provide toilet facilities, office and customer waiting room in connection with use of the site as a car wash. This application has been made in part retrospectively as the canopy has already been relocated
- 1.2 A blue fabric cantilevered canopy has been sited to the rear of the Pro-Wash building since before April 2009 with a clearance height of 2.3m whereas the openings to the building are 2.7m in height. This restricted higher vehicles from flowing through the car wash building on site. The current operator and applicant, Mr Halilaj, took over the site in April 2014 and had the canopy moved and raised to its current position. A site cabin was also installed with toilet facilities, kitchen galley, office and customer waiting area.
- 1.3 There is an enforcement case for the unauthorised erection of a container (the cabin) on the site (14/00053/BLDG_C). A previous application, 14/00327/FUL, to regularise the siting of the container in its present position and the relocation of the canopy was refused. A subsequent enforcement notice to permanently and completely remove the container took effect on 30 September 2014 with a three-month period for compliance. The cabin would be turned around 90 degrees, moved closer to the car wash building and

positioned with its back to the boundary with 99 Eastwood Road. In order for it to be sited in this location its length would be shortened by 0.6m to enable siting between the concrete bases of the canopy, which would have otherwise prevented its relocation in this position. Effectively it will appear as sited beneath the domed shape canopy.

- 1.4 Members should be aware that this application has now been appealed for non-determination. Therefore, this application is now with the planning inspectorate for determination. This report would form the view of the Council on appeal.

2 THE SITE

- 2.1 The Rochford District Council Local Development Framework Allocations Plan (Adopted 25 February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is allocated residential in the Allocations Plan.
- 2.2 The 0.1ha site occupies a corner plot of land sited on the corner of Eastwood Road and Queens Road. It lies immediately outside the town centre boundary of Rayleigh. There are residential areas to the north and east.
- 2.3 The site features a barrel vaulted car wash building permitted in 2007 sited close to the boundary with 99 Eastwood Road. The canopy and cabin, that form the subject of this application, are sited to the rear of this building. The remainder of the site is hardstanding.
- 2.4 There is vehicular access from both Eastwood Road and Queens Road.
- 2.5 There is a modest decline in site levels towards the northern corner.

3 RELEVANT PLANNING HISTORY

- 3.1 RAY 194/70 - Erect petrol station, accessories shop and car wash. APPROVED.
- 3.2 99/00174/FUL - Install jet wash machine. REFUSED.

This application was refused due to insufficient information in relation to noise and highway safety and its proposed location in a prominent open position at the front of the site.

- 3.3 Applications after 1999 and before 2006 have only related to installation of ATM machines and advertisements.
- 3.4 07/00495/FUL - Demolish Existing Buildings on Site and Erect New Car Wash and Single Storey Retail Shop. APPROVED.

- 3.5 09/00352/COU - Construct new building for Class A5 takeaway. REFUSED.
- 3.6 11/00354/FUL Single Storey Extension to Provide M.O.T. Testing and Service Station with Office Customer Waiting Area and Disabled W.C. APPROVED.
- 3.7 14/00327/FUL Proposed Relocation Of Cantilevered Canopy (including raising of height to a maximum of 4 metres from ground level) and Retention Of Portacabin To Provide Toilet Facilities, Office And Customer Waiting Room In Connection With Use Of The Site As A Car Wash. REFUSED.

Reason for refusal:

The proposed cabin is considered to be of an unattractive utilitarian appearance inappropriate for a prominent corner position open to views from main public thoroughfares close to Rayleigh Town Centre and immediately adjacent residential dwellings. Furthermore the use of the cabin would encourage staff and customer to congregate within a part of the site close to the rear of the dwelling at 99 Eastwood Road adversely affecting privacy and amenity enjoyed by the occupants of that dwelling.

4 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

- 4.1 No objection.

Neighbours

- 4.2 One objection received from 99 Eastwood Road: Main points:-

- As an immediate neighbour to the car wash it would have a serious impact on our standard of living.
- Now the canopy has been raised and repositioned our privacy has seriously been affected, our daughter's bedroom can now be clearly seen from the whole of the compound.
- The canopy now towers over our garden; not only is it an eye sore, it now blocks out a vast amount of sunlight. We feel trapped in our own home, which is very intimidating.
- The position of the cabin would still encourage staff and customers to congregate within a part of the site directly next to the rear of our property, adversely affecting our privacy. Therefore, repositioning the cabin will not change the fact that our privacy will be affected.
- The new height of the canopy is unreasonably high and we would urge it to be returned to the original height and position, which provided privacy to our property.

- We understand that there is a need for staff toilets/office, therefore would suggest the type/design and location of cabin be looked at in more detail and for the toilets to be situated away from our fence, particularly for hygiene purposes. There is plenty of space to the side of the car wash to accommodate the staff toilets and waiting office as this area is away from any neighbouring houses.
- We would urge you to consider the responsibilities of the Council under the Human Rights Act, which states that a person has a right to peaceful enjoyment of all their possessions, which includes the home and other land.
- In conclusion, we would like to point out that there is no real difference between the two applications as the cabin is still to the rear/side of our property, causing staff and customers to congregate in the same location. Our privacy will still be affected.

5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 The Local Planning Authority must determine the proposal in accordance with the adopted Development Plan, which includes policies in the Rochford District Core Strategy (2012) and the Development Management Document (2014), taking account also of any other relevant planning policy and other material planning considerations.

Design and Layout

- 5.2 The canopy is made of blue fabric and rectangular with a length of 8m and a width of 4.5m. It features a steel frame supported by two uprights. The canopy does not feature on the original planning approval, but was shown on the subsequent MOT proposal as existing and it is not known when it was originally erected, but is shown on the aerial mapping sites provided by Google and Bing. The canopy has been moved from its previous position and is now approximately 1.125m to the south, 0.7m to the west and has been raised by a height of 0.4m.
- 5.3 The cabin would be located so that it backs onto the boundary with 99 Eastwood Road. It would be shortened by 0.6m to enable its siting between the concrete bases of the canopy. The cabin is to be repainted grey to match the colour of the adjacent car wash building, thereby giving the appearance of visual unity with that building. The applicant considers that this would overcome the part of the reasons for refusal that relate to appearance, of the previous application. It is considered that locating the cabin, reduced in size, in this position and with a colour matching that of the adjacent car wash building would result in the cabin being less conspicuous than the present position, which is more open to views from main public thoroughfares.
- 5.4 The canopy would slightly overlap the front of the cabin with a clearance between the two structures varying between 0.5m and 0.7m and this would

allow some intervisibility with the rear of the neighbouring dwelling, potentially impacting on residential amenity. Officers have been in discussion with the applicant regarding the lowering of the canopy, however the applicant considers the height necessary to allow adequate clearance for larger vehicles enabling them to flow through the building without hindrance. The applicant has proposed to infill the space between the roof of the cabin and the canopy with fabric similar to that of the canopy. It is not proposed to display any signage and would be of matching colour to the canopy fabric. It is considered that this could be addressed by planning condition.

Impact on Neighbouring Amenity

- 5.5 It is considered that any impact on residential amenity would principally be on the occupants of the neighbouring dwelling at 99 Eastwood Road and it is noted that the occupants strongly object to the proposed development, with the main concern relating to impact on privacy.
- 5.6 It is considered that the relocation of the cabin to the proposed position, in conjunction with the condition proposed in 5.4, would provide an effective visual barrier between on site operations and residential amenity at the neighbouring dwelling.
- 5.7 The position of the canopy, (approximately 1.125m to the south 700mm to the west and raised by 400mm) does not over shadow the garden of the neighbouring dwelling to any significant degree.

6 CONCLUSION

- 6.1 It is considered that the proposed development has overcome the previous reason for refusal and would be development acceptable on this site.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

That this report be put to the Planning Inspectorate on appeal, stating that had the Authority been in a position to determine this application, it would have been **APPROVED** subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The external colour of the cabin hereby permitted shall match (ie. be of an identical appearance to) those of the corresponding areas of the existing car wash building.

Within two months of this grant of planning permission details of a suitable means to infill the void between the canopy edge and the roof of the cabin shall have been submitted to and approved in writing by the Local Planning

Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted and shall be implemented within three months of this consent and retained thereafter in perpetuity.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Rochford District Core Strategy (2011) Policy CP1

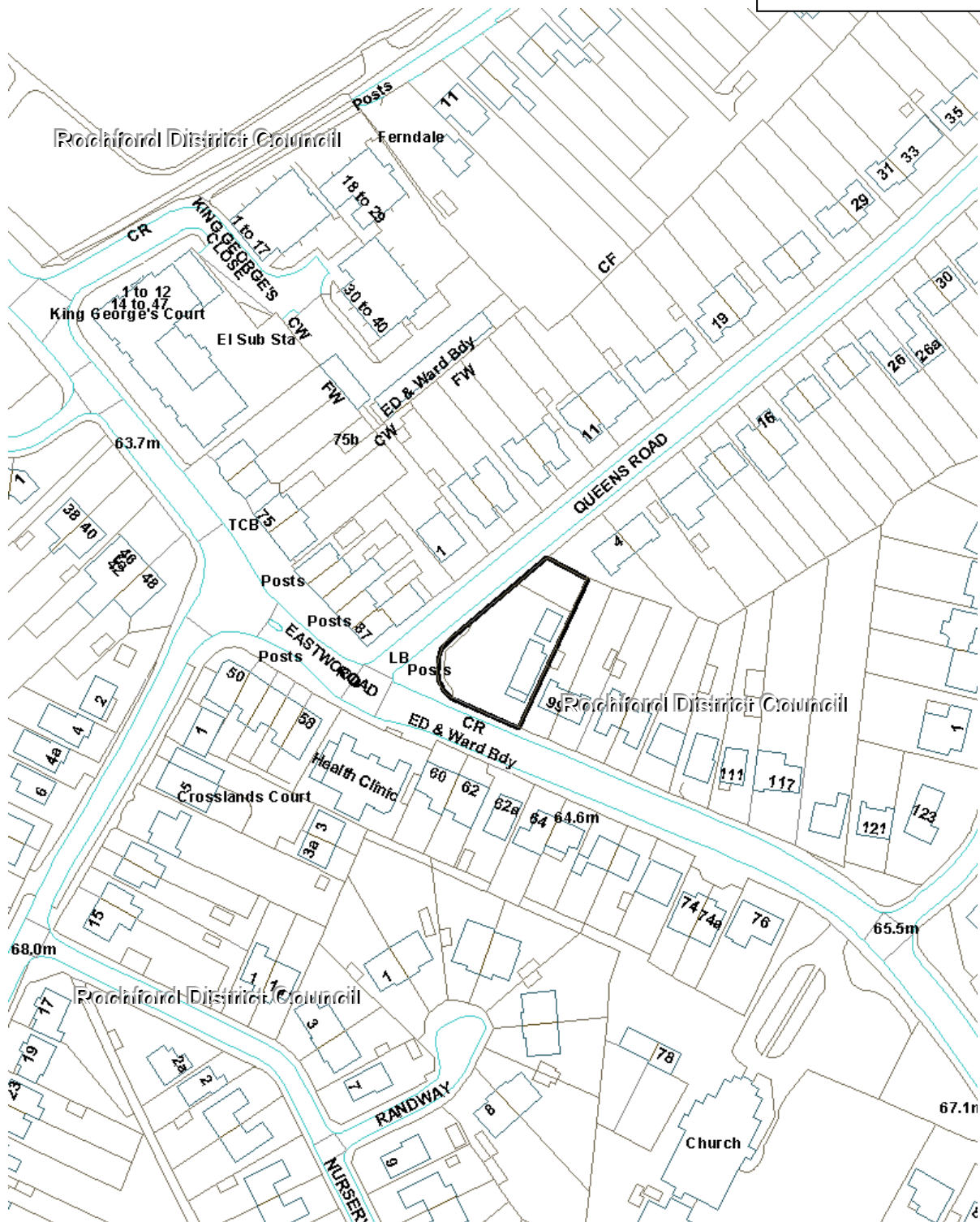
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