

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1365 – 13 JANUARY 2017****16/01149/COU****UNIT 2, MALTESE COURT, RAWRETH INDUSTRIAL  
ESTATE, RAWRETH LANE, RAYLEIGH****CHANGE OF USE TO USE CLASS D2 (MARTIAL ARTS AND  
FITNESS STUDIO)****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1365 requiring notification to the Assistant Director, Planning & Regeneration Services by 1.00 pm on Wednesday, 18 January 2017 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr C M Stanley referred this item on the grounds that the application does not adhere to the new regulations on parking. The site, when built, was inadequate and there is no extension or modification proposed on site; it will be used primarily at evening time. The Council should help and encourage more entrepreneurs into the District.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

**2 RECOMMENDATION**

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

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

## Appendix 1

---

Application No: 16/01149/COU      Zoning: Existing Employment Land  
Case Officer: Miss Elizabeth Thorogood  
Parish: Rawreth Parish Council  
Ward: Downhall and Rawreth  
Location: Unit 2 Maltese Court Rawreth Industrial Estate Rawreth Lane  
Rayleigh  
Proposal: Change of Use to Use Class D2 (Martial Arts & Fitness Studio)

**SITE AND PROPOSAL**

1. The application is to a site on Rawreth Industrial Estate and neighbours 1 Maltese Court to the west and 3 Maltese Court to the east. The site is accessed via the estate's access road from Rawreth Lane to the north.
2. The application site includes a single storey terraced commercial unit forming 1 of 5 similar units making up Maltese Court. The building is located along the southern extent of the site with associated allocated parking for up to 4 cars and a loading/unloading area.
3. The proposal is to change the use of the vacant existing unit to Class D2 (martial arts and fitness studio). No physical alterations are proposed to the building. Opening hours have not been stated on the application form.
4. The proposal would create employment for up to 6 people.

## Relevant Planning History:

5. Units 4 and 5 Maltese Court

92/00418/COU - Convert units into gymnasium

Approved

99/00532/COU - Change of use of gymnasium (class D2) to warehouse (class B8)

Approved

6. Unit 1 Maltese Court

89/00251/FUL - Five light industrial units

Approved

Considerations:

7. The site falls within the land allocated for Policy BFR4 of the Rochford District Council Allocations Plan which is allocated for brownfield residential development. This supersedes the previous allocation of employment land. It is stated within Policy ED3 of the Council's adopted Core Strategy that the Council will reallocate land at Rawreth Industrial Estate for appropriate alternative uses, which may include a proportion of employment uses. On this basis it is considered that the proposal for the change of use to a D2 (martial arts and fitness studio) would comply with Policy ED3 of the Rochford District Council Core Strategy.

8. Whilst the site falls within a brownfield residential allocation, at present Rawreth Industrial Estate remains functioning as an industrial estate and it is considered that until such proposals for residential development on this site come forward it would be reasonable to assess the site based on its current status. Whilst the assessment below is a useful template to assess the appropriateness of the proposal, it is advised that minimal weight can be attached to the considerations under Policy DM32 below as the site no longer falls within Employment Land allocation.

9. Policy DM32 of the Development Management Plan 2014 provides for alternative uses to be considered within areas allocated as employment land having regard to

- i. The number of jobs likely to be provided;
- ii. The viability of retaining B1 and B2 uses;
- iii. The compatibility with existing uses;
- iv. The impact on the vitality and vibrancy of the District's town centres;
- v. The proportion of alternative uses present; and
- vi. Wider sustainability issues

10. The unit is currently vacant and the applicant has submitted detailed marketing information in support of their proposals to demonstrate the lack of interest/viability in alternative employment uses on the site. A letter from a local and reputable sales and letting agents confirms that the site has been marketed since July 2016, with the asking price reduced in September and with no firm offers received. It is also stated that unit 4 Maltese Court is also being marketed and again, no offers have been received. Given that no suitable business use has been

forthcoming, and the availability of other vacant units in the vicinity, it is considered reasonable to permit a leisure use on the site that would create up to 6 full time jobs.

11. It is not considered the proposed activity would conflict with the vitality and vibrancy of the district's centres as it would be a new leisure use that would not compete with the existing retail/leisure functions of the districts centres, in addition being sited some distance outside of Rayleigh Town Centre. Furthermore the proposed development would not lead to an overconcentration of non-business uses within Maltese Court. As it would provide a leisure/ fitness use it would promote the health and social well being of the community and thus have social sustainability benefits as well as providing an economic benefit through providing employment for 6 persons.

#### **TRANSPORT**

12. In terms of the number of parking spaces the standards for D2 use is a maximum standard. The development would have a public floor area of approximately 170m<sup>2</sup> and the maximum number of spaces required would be 17 spaces at the standard for swimming pools, gyms and sports halls of 1 space per 10m<sup>2</sup> of public area, or 8.5 spaces at the standard for other D2 uses of 1 space per 20m<sup>2</sup>.

13. Concerns were raised from the occupiers of 5 Maltese Court regarding parking provision as it is stated that the on-street parking is at full capacity from 7am onwards and would therefore not provide additional parking provision for the site. On attending the site visit for this application it is confirmed that on street parking here is at capacity and would not provide additional provision as would be required for this proposal to be considered acceptable.

14. A total of four allocated spaces are provided at the site and as such whilst the standard is a maximum standard, it is not considered that the proposal would not comply with the Essex Parking Standards and Policy DM30 of the Rochford District Council Development Management Plan.

15. In addition, there are no existing or proposed cycle spaces, powered two wheeler spaces or disabled parking spaces. The minimum standard for cycling spaces is 10 spaces plus one space per 10 vehicle space equating a total of 11 spaces.

#### **Consultations and Representations:**

##### **16. ESSEX COUNTY COUNCIL:**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

##### **17. NEIGHBOUR REPRESENTATIONS:**

One neighbour letter has been received in response to this application and makes the following points:

Maltese Court: 5

- o Within Maltese Court there are currently 2 mechanics who have cars coming in and out and the other 2 businesses (including ourselves) are metalwork companies that have daily deliveries with large lorries coming onto and off the site regularly from 7am to 6pm, reversing into Maltese Court and off-loading directly outside the units which requires space and access.
- o Dane-Tec work on the reactive side of London Underground, where we travel to and from stations so we need constant access to our site 24 hours per day, 6 days per week. We also currently have a gate that we secure in the evening to prevent unauthorised access, as we have had previous security issues. Each unit is issued with 4 parking spaces but the current on-street parking is at full capacity from 7am onwards so we do not see where the gym users and 6 staff members will be able to park as they will be using the facility at the same time as the current estate employees.

### **REFUSE**

- 1 The proposal, by way of the inadequate parking and cycle provision proposed on site, would be considered contrary to the Parking Standards: Design and Good Practice document (2009) and to Policy DM30 of the Rochford District Council Development Management Plan 2014. The shortfall in parking provision proposed, coupled with the inability to rely on on-street parking on nearby streets, would result in a development which lacks sufficient parking provision to serve its proposed use and would if allowed, lead to increased parking pressure upon nearby streets to the detriment of the free flow of traffic and highway safety and visual amenity more generally.

### **Relevant Development Plan Policies and Proposals:**

Policy BFR4 of the Rochford District Council Allocations Plan 2014

Policy ED3 and T8 of the Rochford District Council Core Strategy 2011

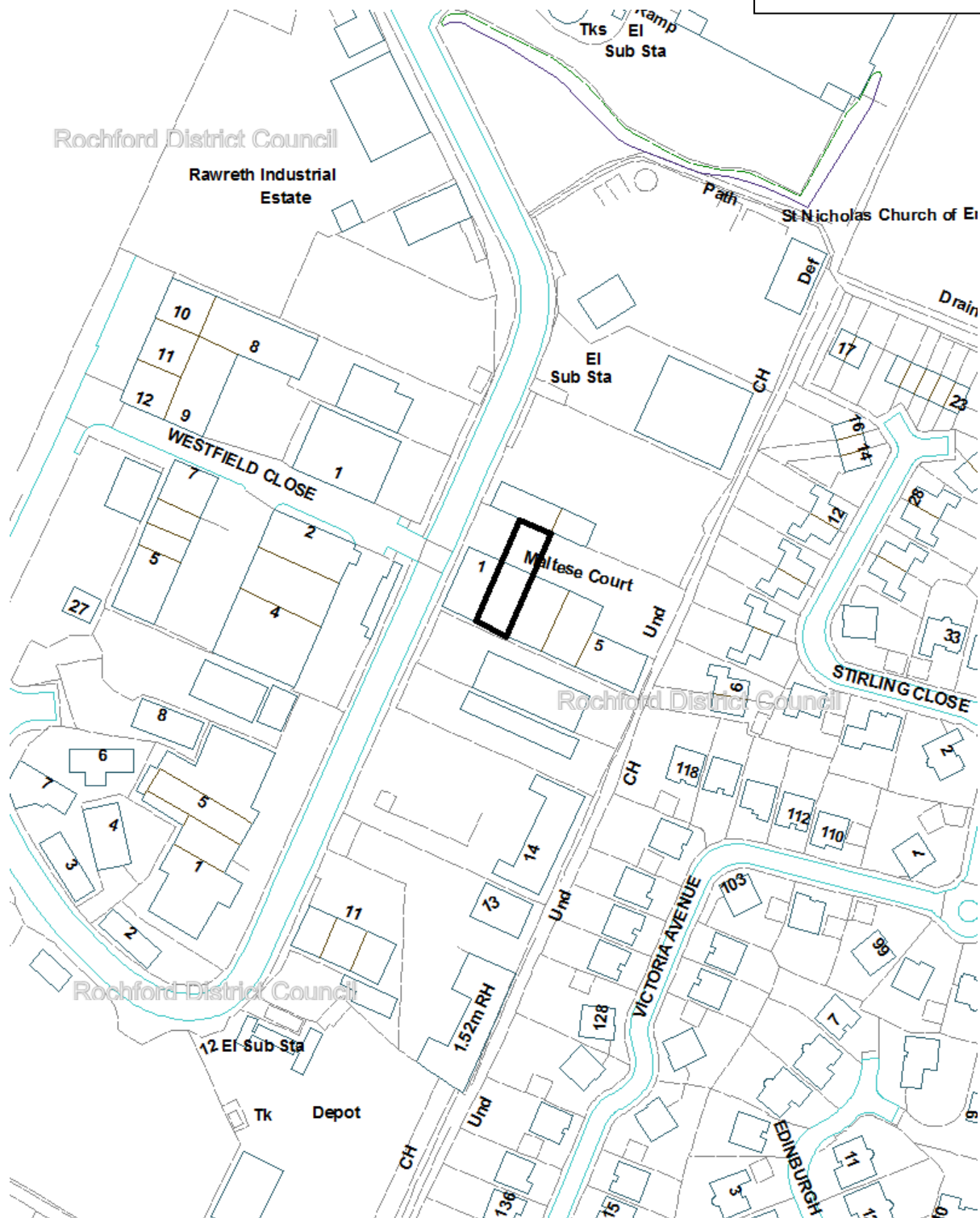
Policy DM30 and DM32 of the Rochford District Council Development Management Plan 2014

Essex Parking Standards: Design and Good Practice

The local Ward Member(s) for the above application is/are Cllr. C.I. Black Cllr.R.A. Oatham Cllr C Stanley

## Appendix 2

16/01149/COU



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

9.1.6



NTS