

**12/00317/COU****CHANGE OF USE FROM SHOP TO USE AS DOG AND CAT GROOMING PARLOUR****UNWINS WINE MERCHANTS 249 FERRY ROAD  
HULLBRIDGE****APPLICANT: MRS DENISE WESTBROOK****ZONING: RESIDENTIAL****PARISH: HULLBRIDGE****WARD: HULLBRIDGE**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1141 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 11 July 2012, with any applications being referred to this meeting of the Committee. The item was referred by Cllr M Hoy.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

**1 NOTES**

- 1.1 This application is to a site on the western side of Ferry Road at the junction made with Wallace Close.
- 1.2 The site is a ground floor unit in one of seven shops in a small parade within the residential area of Hullbridge. Ferry Road remains significantly busy throughout the day and is the main access route in and out of Hullbridge and to the River Crouch. The shop to which the application relates is currently occupied and classified as A1 (shop) and used as a hardware/DIY store. The building is two storey with residential flats above, which remain independent of the commercial unit below. Town houses exist to Wallace Close adjoining the site. Access to the front of the unit can be gained across the pavement and to the rear from the service yard.
- 1.3 This small parade provides a hardware shop (the site), a kebab shop, butchers/grocers, Chinese takeaway, convenience store, hairdressers and a veterinary practice. Four of these units (including the application site) are in use for retail purposes. Ferry Road in its entirety has a number of commercial

premises providing retail and non-retail uses; however, the surrounding area beyond the Ferry Road frontage is predominantly residential.

- 1.4 The small parade has a deep forecourt area separating pedestrians by a good distance from the highway. A lay-by to the front of the units provides approximately eight parking spaces for customers using these services. A free public car park is situated approximately 100m north of the site, which provides plentiful off street parking close to the application site.

## **2 RELEVANT PLANNING HISTORY**

- 2.1 No relevant planning history.

## **3 PROPOSAL**

- 3.1 The application proposes to change the use from Use Class A1 (hardware store) to a dog and cat grooming parlour (Sui Generis). The building would remain the same in built form with no external alterations proposed. No details as to the layout or opening hours have been enclosed.

## **4 MATERIAL CONSIDERATIONS**

- 4.1 Policy RTC3 to the Council's adopted Core Strategy (2011) encourages the protection of existing retail uses within residential areas outside of the defined town centres. The loss of such retail uses within residential areas will only be permitted where it has been clearly demonstrated that a retail use in the location is not viable and the alternative use will still offer a service to a local community that meets day-to-day needs. This approach is consistent with Policy SAT6 to the Council's saved Local Plan (2006) and which specifies that the loss of a retail unit will be justified as long as the premises has been vacant for a period of at least 12 months and it has been shown that reasonable attempts have been made to sell the unit for retail use, but have failed.
- 4.2 Whilst the new use would further diversify the uses in the parade and would serve the day to day needs of the wider community, the loss of this retail unit has not been justified and would otherwise further undermine the retail function of this parade contrary to Policies RTC3 to the Council's Core Strategy (2011) and SAT 6 to the Council's saved Local Plan (2006).
- 4.3 Information stated on the application form indicates that the retail unit is not vacant. The unit was still trading at the time of the officer's site visit. No information has been supplied by the applicant with regard to attempts to let or sell the unit for retail purposes. The premises have not been vacant for a period of 12 months. With no information provided to consider the continued viability of the retail use, to approve the application would be contrary to Policy SAT6 of the saved Local Plan.

- 4.4 The proposal gives rise to the potential for increased noise and disturbance from the care of cats and dogs in relation to the residential amenity and quality of life of the surrounding neighbours. However, due to the nature of this small scale business, it is thought that it would not be able to accommodate lots of animals at any one time as it is not providing a boarding/kennelling service. It should also be mentioned that the veterinary practice was granted consent to No. 257 Ferry Road in the same parade in 2008 and it is thought that similar noise levels would be generated. Conditions were attached to this consent and included opening times of 9am – 7pm, Mondays - Saturdays.
- 4.5 No neighbourhood objections have been received in conjunction with the proposed application and the Head of Environmental Services raises no objections. Therefore the proposed change of use is not thought to cause unreasonable noise and disturbance to surrounding neighbours that would cause a material loss of amenity. Any permission granted would need to consider a condition to be added to the consent, which stipulates that no animals shall be kept on the premises overnight. Such a condition would help to safeguard neighbouring residents from unreasonable noise and disturbance.

## 5 Representations

- 5.1 HULLBRIDGE PARISH COUNCIL: No objections.
- 5.2 ESSEX COUNTY COUNCIL HIGHWAYS: No objection.
- 5.3 ROCHFORD DISTRICT COUNCIL HEAD OF ENVIRONMENTAL SERVICES: No objections.
- 5.4 It is proposed that the Committee **RESOLVES**

To refuse planning permission, for the following reason:-

- 1 The proposal would result in the loss of an existing retail unit. The Local Planning Authority considers such retail units important in providing a range of services for the day to day needs of the nearby residential neighbourhood. The applicant has failed to demonstrate that the loss of the retail unit is justified because the unit is not vacant and no information has been submitted regarding the viability of a retail use, nor that the unit cannot be sold or let for retail purposes. If allowed, the proposal would result in the loss of an existing retail unit within the local shopping parade that would further undermine the retail function and vitality of the parade in conflict with the requirements of Policy RTC3 to the Council's Local Development Framework Core Strategy (adopted December 2011) and part (i) to Policy SAT 6 to the saved Rochford District Replacement Local Plan (2006).



Shaun Scrutton

Head of Planning and Transportation

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

RTC3 of the Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

HP6, SAT6 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

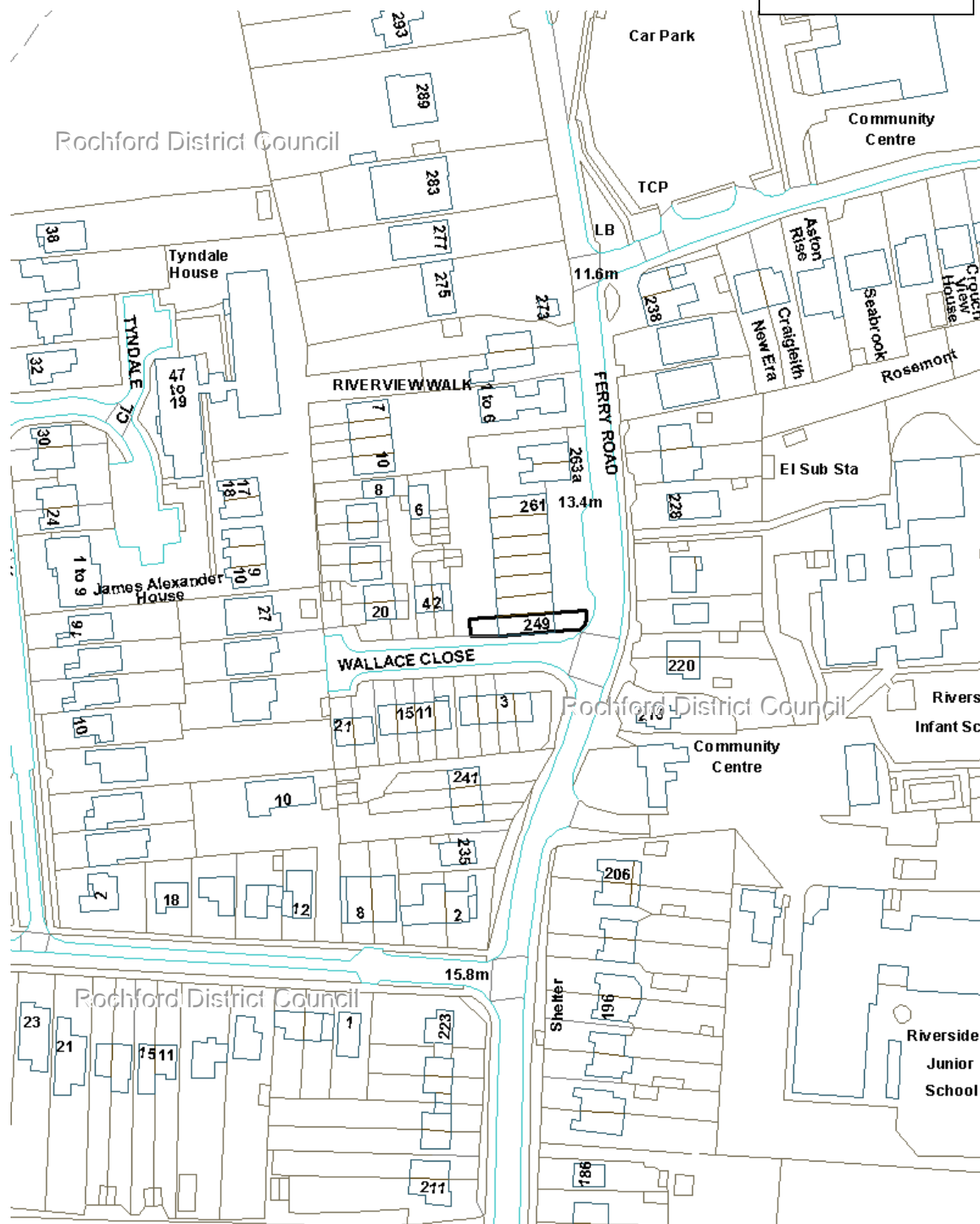
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