

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1684 - 13 October 2023****23/00742/FUL****43 BROOK ROAD, RAYLEIGH, ESSEX****PROPOSED REAR EXTENSION****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No.1684 requiring notification to the Corporate Services Officers by 1.00 pm on Wednesday, 18 October 2023 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr I H Ward referred this item on the grounds that the impact on the amenity of the neighbouring properties, in relation to noise and smells by the proposed extension being closer to the residential properties in Woodland Road.
- 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.



**Appendix 1**

|              |                              |                             |
|--------------|------------------------------|-----------------------------|
|              | 23/00742/FUL<br>Land         | Zoning: Existing Employment |
| Case Officer | Ms Elise Davis               |                             |
| Parish :     | Rayleigh Town Council        |                             |
| Ward :       | Lodge                        |                             |
| Location :   | 43 Brook Road Rayleigh Essex |                             |
| Proposal :   | Proposed rear extension      |                             |

**3 SITE AND PROPOSAL**

1. The application site is located within the east part of the Brook Road Industrial Estate of south Rayleigh, which is an allocated area of existing employment land.
2. The site is a narrow but a deep plot of land, some 12.2m wide, measuring some 66.3m deep at the shallowest point. The rear of the site abuts residential land. It is noted that where the rear of the site abuts residential land there is a significant difference of over 1m in ground level between the application site and the rear adjoining occupier which is demarcated by high level closeboarded fencing.
3. The existing 'Tate Joinery' building is reflective of the site's shape and is a narrow but long building which has an existing small building to the rear in use for storage. To the rear of the building are also dust extractors which at present are unsheltered by any structure. The application seeks permission for a single storey rear extension in replacement of the existing storage building. The rear extension would measure some 8.65m in width, 6.55m in depth and 4.95m in height to the ridgeline of the pitched roof. The proposed extension would provide additional storage room for the joinery and would also cover the dust extractors.
4. The proposed extension would have featheredge boarding painted black on the external walls with no openings to the elevations except for a set of timber folding doors to the east flank wall. The pitched roof would be finished with Cladco 32/1000 box profile sheeting in a light white/light grey colour.

**RELEVANT PLANNING HISTORY**

5. Application No. 84/00446/FUL – Use premises for reaction plastic moulding and paint finishing – Permitted 30<sup>th</sup> July 1984
6. Application No. ROC224/88 – Add two storey front extension for officer/reception office/display – Permitted 20<sup>th</sup> June 1998

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**MATERIAL PLANNING CONSIDERATIONS**

7. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
8. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Principal of Development

9. The proposal seeks extension to the building only. The rear extension would be of the same use as the existing built structure to the rear (for storage of timber for the joinery) and to cover and protect the dust extractors. It is considered that no change of use would occur.
10. Policy DM32 'Employment Land' of the Council's Development Management Plan states that employment development will be expected to be predominantly B1 (Business) and/or B2 (General Industrial) employment uses. Alternative uses will be considered 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 (such as available transport methods),

Employment development should be of a high quality, incorporate safe and inclusive design and any associated infrastructure should be appropriately phased. Potential noise and light pollution generated by proposed uses should be adequately mitigated against.

Retail use is not normally permitted on employment land. However where the proposal passes our sequential approach to the location of retail development, then permission may be granted for businesses selling bulky goods.

11. As the proposal seeks no change of use and has a long standing history of B2 general industrial use, Policy DM32 parts (i) to (vi) are irrelevant, however, the

following policy wording explaining that development should be of high quality design with regard to noise and light impacts is of consideration.

12. The proposed development is considered in principle acceptable, subject to material considerations such as design, impact on neighbours and any other matters, and is considered accordingly below.

Impact on Character of the area

13. Policy DM1 'Design of New Developments' of the Council's Development Management Plan sets out that the design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative.
14. Whilst there is guidance for commercial shops in Town Centres, there is a lack of guidance specifically relating to design for industrial buildings. Nevertheless, SPD2 Housing Design, supported by the Essex Design Guide provide design guidance on development.
15. It is considered that the proposed extension, having a pitched roof form, is sympathetic to the existing roof form of the building. The extension proposed would be of lower height than the ridgeline of the host roof, but with enough height to enclose the extractors to the rear wall of the building.
16. The proposed extension would be of suitable external facing materials. Although the elevations of featheredge boarding do not match the mostly brick exterior of the building, the boarding is reflective of the use of the building which is a timber joinery. Furthermore, the location is within an industrial area of allocated existing employment land which comprises buildings of varying design and external finishes.
17. An amended plan was accepted by the Local Planning Authority during the course of the application, which updated the annotation of the colour of the roof of the extension from blue slate to white/light grey. This change was amended in response to neighbouring concerns regarding the visual impact of the colour of the roof. It is not considered necessary to reconsult on the application for this plan as the external facing materials may be altered without express planning permission or through a discharge of condition application (should consent be granted) whereby neighbours would not be consulted.
18. It was also noted by the case officer whilst conducting the site visit that the proposed extension would not appear highly visible in view of the public realm. Notwithstanding the close proximity of the rear of the building to the surrounding residential area to the north, the area is strongly of industrial and commercial appearance, of which the minor rear extension is not considered to significantly impact the character of this area.

19. Furthermore, the east adjoining site has a rear extension which extends up to the rear boundary, leaving a separation distance of some 1.5m to the adjoining rear occupier. The proposed development would be reflective of the pattern and grain of existing development where there is a precedent of development extending close to residential boundaries.
20. The proposed development would not be detrimental upon the character of the area in accordance with Policy DM1 of the Council's Development Management Plan.

Impact on Residential Amenity

21. Policy DM1 seeks to ensure that new developments avoid overlooking, ensure privacy and promote visual amenity, and create a positive relationship with existing and nearby buildings. In more general terms, amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis.
22. Brook Road Industrial estate is a long standing industrial estate, and although borders residential areas, the building has been in existence for many years. This is reflected by its allocation as employment land.
23. There have been several responses received from the residents of Woodlands Avenue which is a residential road to the rear of the Brook Road Industrial Site. The majority the comments relate to existing breach of hours of operation of the development. This has previously been investigated by Planning Enforcement amongst other complaints.
24. Following investigation and confirmed by the case officer after retrieving historical documents, the building received permission for what would be considered B2 industrial use in 1984, in order to use the premises for reaction plastic moulding and paint finishing (application reference ROC/446/84). This consent was subject to conditions, one of which (condition 4) restricted the hours of operation for the building. It is also important to note, that condition 2 of the consent also restricts the planning permission to the 'sole benefit of the applicants and to no other persons or business undertaking without the prior approval of the local planning authority'.
25. Although the Tate Joinery business falls within the general industrial B2 use, as this consent for the building was specific to the applicant under the 1984 application (reference ROC/446/84), the enforcement investigation concluded that Tate Joinery had been operating for a period not less than 10 years, and therefore is lawful through passage of time, subsequently no action could be taken. Notwithstanding this, the consent is to extend the existing business the use of which is lawful. Any issues pertaining to a breach of operation hours should be raised to the Council's Enforcement Team to investigate further.

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26. The proposed extension as shown on the proposed floor plan would be used for storage which would not be considered to generate high levels of noise. The extension would also enclose the extractors to the rear wall of the building, which would decrease levels of noise currently endured by adjoining occupiers.
  27. The enclosure of the extractors by the proposed extension is also considered to likely improve the dust pollution endured by adjoining occupiers.
  28. As the use of the building is lawful, it is not for consideration of the Local Planning Authority to assess the use only the merits of the single storey rear extension. Therefore, it would not be reasonable to impose restrictive conditions limiting the hours of operation of the entire site. Unreasonable levels of noise and other pollution would need to be addressed under Environmental Health legislation outside of planning control, with fire hazard to be addressed by building regulations.
  29. The proposed extension would not encompass the full site width and depth so as to allow for maintenance access surrounding the rear and flanks of the proposed extension. As discussed within paragraph 2 of this report, there is significant difference in ground level of the site whereby the adjoining residential occupiers to the rear of the site which front Woodlands Avenue are some 1m above the ground level of the application building. This is considered to mitigate levels of overbearing upon the adjoining occupiers.
  30. Evaluating this further, the proposed extension would measure some 4.95m in height to the ridge of the roof. The proposed extension having a pitched roof form with rear facing gable end would slope to an eaves height of some 3.5m. Due to the significant difference in ground level between the sites, the proposed extension in comparison to the adjoining rear occupiers would appear to be of a lower height; some 3.95m to the ridge, and 2.5m to the eaves.
  31. The rear neighbouring boundary has 1.8m high level close boarded fencing, which sits atop the existing grounds level. Thereby resulting in approximately 2.2m of the extension to the ridge and 0.7m to the eaves that would be visible above fence height, which given that the rear wall of the proposed extension would measure some 2.5m away from the rear boundary at the closest point (as measured from the submitted block plan), is not considered to be of such significant scale so as to be overbearing. It would also not be considered to materially overshadow the adjoining occupiers along Woodland Avenue, of which the nearest dwelling is sited some 14m north of the shared boundary.
  32. The proposed development is considered to accord with Policy DM1 of the Council's Development Management Plan.

#### Highways and Parking

33. The proposed development would not affect existing parking provision at the site, which is to the front of the building. It is not considered that the proposal would be detrimental to parking or highway safety.

Trees & Ecology

34. The submitted bat declaration survey indicates there would not likely be harm to bats or their habitat as a result of the proposed works.
35. There are no trees of significance located on or close to the proposed development which would be affected by the proposed works.

**CONCLUSION**

36. Approve subject to conditions.

**CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rayleigh Town Council: No representation received.

Neighbour Representations: 7 responses have been received from the following addresses;

Woodlands Avenue: Nos. 32, 34, 36 (3 letters), 37, 38

In the main the comments received can be summarised as follows:

- Noise from the premises, operating outside of normal hours of operation
- Dust, smell and fumes from the premises effecting residents
- Concerns of fire hazard – no fire break
- Loss of view, unsightly blue cladco for roof
- The structure close to the fence of rears of Woodlands Avenue will be overbearing in height
- The structure close to the fence of rears of Woodlands Avenue will overshadow adjoining occupiers

**Relevant Development Plan Policies:**

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) Policy CP1

Development Management Plan (December 2014) Policy DM1, DM27, DM32

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design



The Essex Design Guide (2018)

**RECOMMENDATION: APPROVE**

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

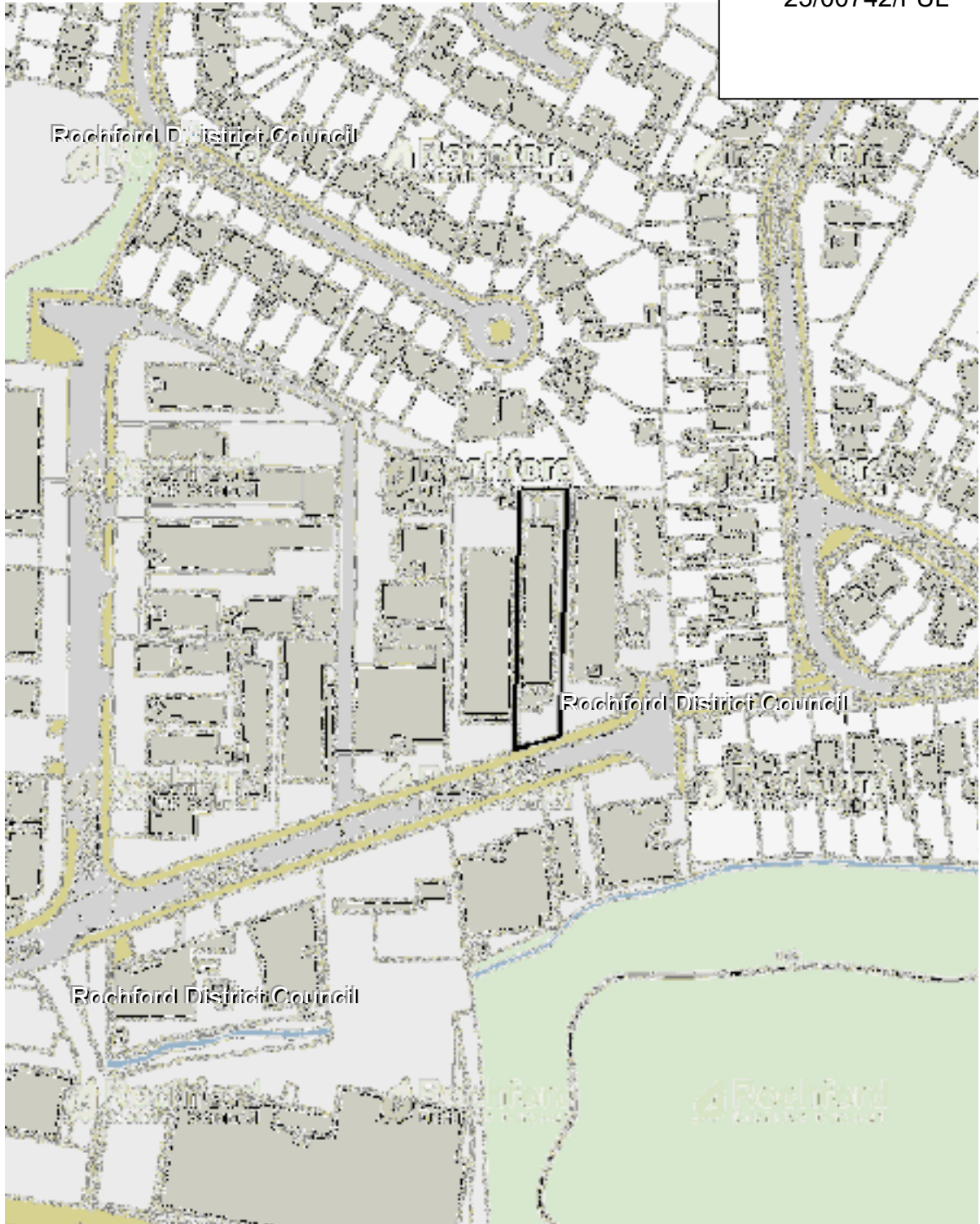
- 2 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, or shall match (ie. be of an identical appearance to) those of the corresponding areas of the existing building unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 of the Development Management Plan, in the interests of visual amenity.

- 3 The development hereby permitted shall be carried out in complete accordance with the following approved plans: 1554-02 Revision B; 1554-01 Revision A; 1554-03; 1554-04.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

The local Ward Members for the above application are Cllr. I. H. Ward, Cllr. R. Milne. and Cllr. R. Lambourne.



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