



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 27th July 2004**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and locals plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

PLANNING SERVICES COMMITTEE - 27 July 2004

Ward Members for Committee Items

ASHINGDON AND CANEWDON

Cllr Mrs T J Capon

Cllr T G Cutmore

ROCHFORD

Cllr K J Gordon

Cllr Mrs S A Harper

Cllr Mrs M S Vince

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

PLANNING SERVICES COMMITTEE 27th July 2004

DEFERRED ITEM

D1	04/00326/FUL	Mr Mike Stranks	PAGE 4
	Alterations And Extension To The Building In Order To Facilitate Disabled Use/ Access To And Through The Building Cottis House Locks Hill Rochford		

SCHEDULE ITEMS

2	04/00457/DP4	Mrs Deborah Board	PAGE 7
	Construction of Lift Shaft and Lobby Structure Extension and Accessible WC (to meet the requirements of the Disability Discrimination Act - to provide access to the 2 upper levels) Civic Suite 2 Hockley Road Rayleigh		
3	04/00458/LBC	Mrs Deborah Board	PAGE 11
	Construction of Lift Shaft and Lobby Structure Extension and Accessible WC (to meet the requirements of the Disability Discrimination Act - to provide access to the 2 upper levels) Civic Suite 2 Hockley Road Rayleigh		
4	04/00545/COU	Mr Mike Stranks	PAGE 15
	Change Of Use from Residential Care Home for the Elderly to a Rehabilitation Centre providing Residential Accommodation and Care for People in Need of Care Ashingdon Hall Nursing Home Ashingdon Road Rochford		

ANY OTHER ITEMS REFERRED FROM WEEKLY LIST

PLANNING SERVICES COMMITTEE - 27 July 2004 Item D1 Deferred Item

TITLE : 04/00326/FUL
ALTERATIONS AND EXTENSION TO THE BUILDING
IN ORDER TO FACILITATE DISABLED USE/ ACCESS
TO AND THROUGH THE BUILDING
COTTIS HOUSE LOCKS HILL ROCHFORD

APPLICANT: COTTIS HOUSE LTD

ZONING: CONSERVATION AREA, CLASS B1 BUSINESS USE

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

This item was deferred at the last Committee for a Members' site visit.

The item is appended, together with a plan.

1.1 Rochford Parish Council – No objections.

NOTES

- 1.2** The proposal seeks an extension to the rear of the site, with a part three-storey and part two-storey extension. The latter found in the middle of the rear elevation. As part of the application disabled facilities are being inserted with a lift shaft whose tower breaks the rooftop. The full three-storey office extension is found in the north east corner and forms an extension to floor space on this side of the building at all three levels.
- 1.3** Impact on conservation area is limited, with the continuation of the existing design and a condition is attached to ensure that materials match the original structure.
- 1.4** The increase in floor space is considered. B1 uses require 1 car parking space for every 30 square metres of floor area. Office floor area requires up to 9 spaces, and 14 spaces will remain following development.

- 1.5 Two householder letters have been received: loss of sunlight and privacy, detract from character of conservation area, overbearing.
- 1.6 **County Planner (Historic Conservation)** – The proposed alterations and extensions would have a significant impact on the character or appearance of the conservation area. The new build is exactly the same design as the existing.
County Surveyor (Highways) – De Minimis.

APPROVE

- 1 SC4 Time Limits Full – Standard
- 2 SC15 Materials to Match (Externally)
- 3 SC23 PD Restricted - OBS Glazing
- 4 No development shall commence, before full written details, showing the finish of the proposed lift tower have been submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be implemented and thereafter retained in the approved form.
- 5 All Plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not exceed a noise rating level of 5dB(A) below the existing background level when measured according to British Standard BS4142 1997, at a point 1 metre external to the nearest noise sensitive property, at any time.

Relevant Development Plan Policies and Proposals:

UC3, of the Rochford District Council Local Plan First Review

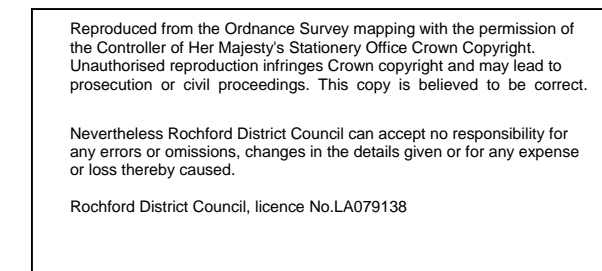
CS2, CS7, BC1 of the Rochford District Local Plan Second Deposit Draft

CS2, HC2, BE1, of the Essex Structure Plan Adopted 2nd Alteration



Shaun Scrutton
Head of Planning Services

For further information please contact Mike Stranks on (01702) 546366.



TITLE : **04/00457/DP4**
CONSTRUCTION OF LIFT SHAFT AND LOBBY STRUCTURE
EXTENSION AND ACCESSIBLE WC (TO MEET THE
REQUIREMENTS OF THE DISABILITY
DISCRIMINATION ACT - TO PROVIDE ACCESS TO THE
2 UPPER LEVELS)
CIVIC SUITE 2 HOCKLEY ROAD RAYLEIGH

APPLICANT : **ROCHFORD DISTRICT COUNCIL**

ZONING : **OFFICES**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHEATLEY**

PLANNING APPLICATION DETAILS

- 2.1 The application seeks permission for the construction of a new lift shaft to the Rayleigh Civic Suite building.
- 2.2 The proposal would be located on the West elevation of the existing building. The structure proposed would be over two levels and would also involve extensions to the corridors at both levels. At the ground floor level a small extension would link the proposal to the existing glazed corridor, protruding 4.8 metres. The second level would have a footprint of 2.6m by 6.8m and the whole lift shaft would have an overall height of 9 metres.
- 2.3 The reason for the application is to provide an access for the disabled to the Civic Suite in order to comply with the requirements of the Disability Discrimination Act (DDA) 1995, of which the final rights come into effect in October 2004.

RELEVANT PLANNING HISTORY

None

CONSULTATIONS AND REPRESENTATIONS

- 2.4 **Rayleigh Town Council** has no objections to this planning application.
- 2.5 **County Surveyor (Highways)** raises no objection to the proposal.

- 2.6 **Rayleigh Civic Society** comments that it is hoped that a lone wheelchair user would be able to enter and leave the lift on all floors without difficulty. Doors on levels 1 and 2 that would have to be opened before gaining access to the lift are to be linked to the fire alarm and be kept open on magnetic safety release catches. Similarly, the door shown between the main entrance and reception on the ground floor is also kept open and the main entrance doors are intended to be changed to self opening doors.
- 2.7 **Head of Housing Health and Community Care** reports that if members are minded to approve the application that the following head of condition be applied:
- Details of proposed internal lift shaft and associated plant be submitted; and
- 2.8 Standard Informative 16 (Control of Nuisances) is attached to any consent granted.
- 2.9 **Essex County Council (Historic Buildings and Conservation)** considers that the proposed works would not affect the fabric of the original listed building. The character and appearance of the building as a whole would not be significantly affected and there are no objections on conservation grounds.

MATERIAL PLANNING CONSIDERATIONS

The Design of the Proposal

- 2.10 The proposed design would be of a flat roof design, constructed from block work with a render finish to harmonise with the existing building on site. The other buildings in the Civic Suite complex are of a flat roof design, therefore the proposal would harmonise with these and sit well in the locality.

Listed Building and Conservation Issues

- 2.11 The current proposal would not be directly attached to the Barringtons Solicitors building, to which the existing Civic Suite buildings are linked. Therefore, as noted by the Listed Building and Conservation Officer, the proposed lift shaft would not impact on the fabric of the original listed building.
- 2.12 Further, given the context within which it will be located, the proposed extension would not adversely impact on the Conservation Area.

Disability Discrimination Act

- 2.13 The provision of a disabled friendly access to the Civic Suite is part of the Council's plans to make its buildings compliant with the requirements of the Disability Discrimination Act by October 2004.

CONCLUSION

- 2.14 The proposal is acceptable in terms of its design and would not adversely impact on either the fabric of the adjoining Listed Building or the Conservation Area. Further, the proposal would provide full access for the disabled to a building that at present has limited access that meets such requirements.

RECOMMENDATION

- 2.15 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
- 1 SC4 Time Limits Full – Standard
 - 2 SC15 Materials to Match
 - 3 No development shall commence before any details of the proposed internal lift system and associated plant requisite for the purposes of the lift shaft and lobby hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, any such plant/equipment shall be retained and shall only operated as approved in writing by the Local Planning Authority.

Relevant Development Plan Policies and proposals:

UC1, UC2, UC3, UC7 Rochford District Local Plan First Review

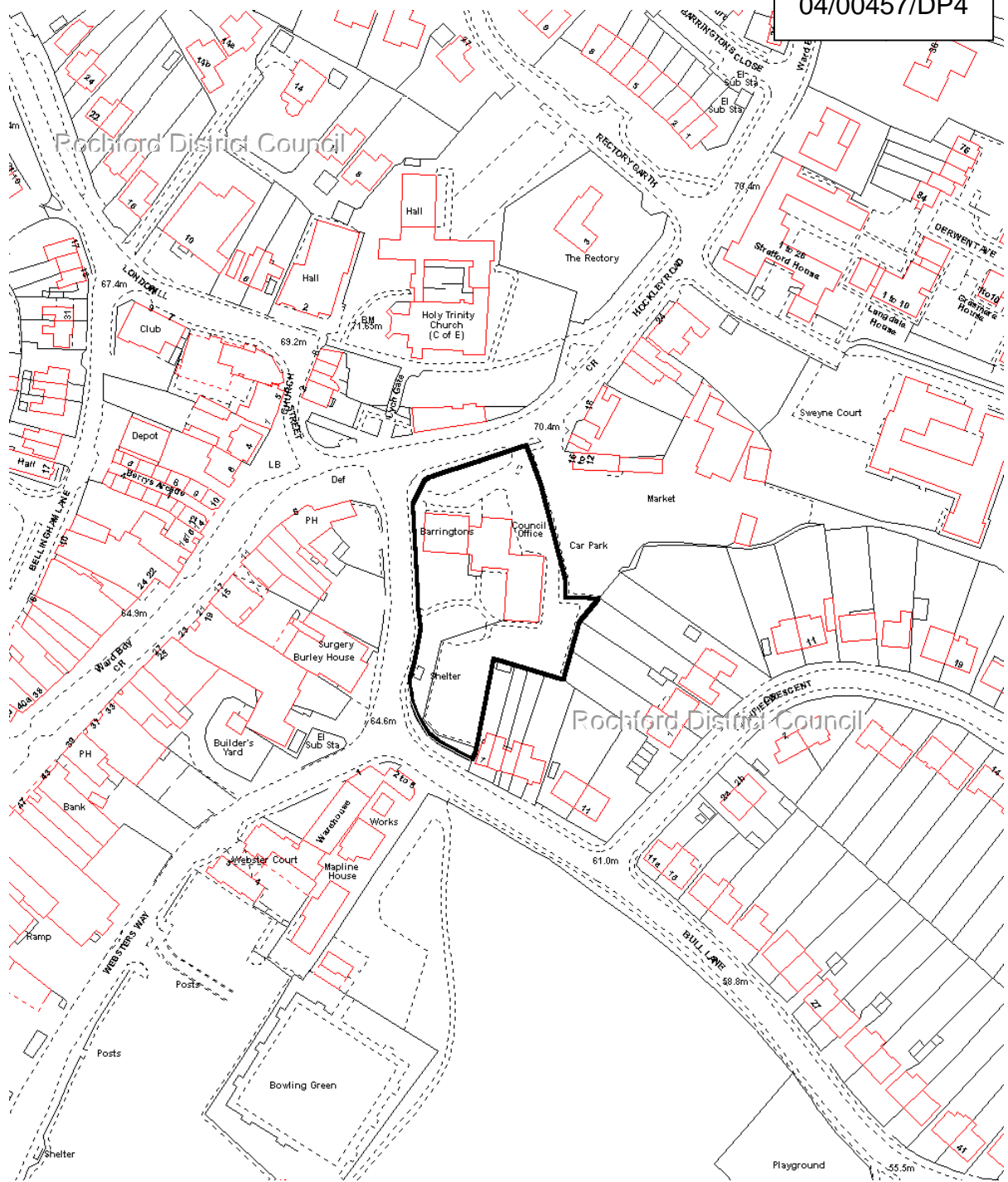
BC1, BC3, CS7 Rochford District Local Plan Second Deposit Draft



Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Board on (01702) 546366.

04/00457/DP4



Rochford District Council

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

NTS



**TITLE : 04/00458/LBC
CONSTRUCTION OF LIFT SHAFT AND LOBBY STRUCTURE
EXTENSION AND ACCESSIBLE WC (TO MEET
THE REQUIREMENTS OF THE DISABILITY
DISCRIMINATION ACT - TO PROVIDE ACCESS TO THE
2 UPPER LEVELS)
CIVIC SUITE 2 HOCKLEY ROAD RAYLEIGH**

APPLICANT : ROCHFORD DISTRICT COUNCIL

ZONING : OFFICES

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 3.1 The application seeks permission for the construction of a new lift shaft to the Rayleigh Civic Suite building.
- 3.2 The proposal would be located on the west elevation of the existing building. The structure proposed would be over two levels and would also involve extensions to the corridors at both levels. At the ground floor a small extension would link the proposal to the existing glazed corridor, protruding 4.8 metres. The second level would have a footprint of 2.6m by 6.8m and the whole lift shaft would have an overall height of 9 metres.
- 3.3 The reason for the application is to provide an access for the disabled to the Civic Suite in order to comply with the requirements of the Disability Discrimination Act (DDA) 1995, of which the final rights come into effect in October 2004.

RELEVANT PLANNING HISTORY

None

CONSULTATIONS AND REPRESENTATIONS

- 3.4 **Rayleigh Town Council** has no objections to this planning application.
- 3.5 **County Surveyor (Highways)** raises no objection to the proposal.

- 3.6 **Rayleigh Civic Society** comments that it is hoped that a lone wheelchair user would be able to enter and leave the lift on all floors without difficulty. Doors on levels 1 and 2 that would have to be opened before gaining access to the lift are to be linked to the fire alarm and be kept open on magnetic safety release catches. Similarly, the door shown between the main entrance and reception on the ground floor is also kept open and the main entrance doors are intended to be changed to self opening doors.
- 3.7 **Head of Housing Health and Community Care** reports that its members are minded to approve the application that the following head of condition be applied:
- Details of proposed internal lift shaft and associated plant be submitted; and
- 3.8 Standard Informative 16 (Control of Nuisances) is attached to any consent granted.
- 3.9 **Essex County Council (Historic Buildings and Conservation)** considers that the proposed works would not affect the fabric of the original listed building. The character and appearance of the building as a whole would not be significantly affected and there are no objections on conservation grounds.

MATERIAL PLANNING CONSIDERATIONS

The Design of the Proposal

- 3.10 The proposed design would be of a flat roof design, constructed from block work with a render finish to harmonise with the existing building on site. The other buildings in the Civic Suite complex are of a flat roof design, therefore the proposal would harmonise with these and sit well in the locality.

Listed Building and Conservation Issues

- 3.11 The current proposal would not be directly attached to the Barringtons Solicitors building, to which the existing Civic Suite buildings are linked. Therefore, as noted by the Listed Building and Conservation Officer, the proposed lift shaft would not impact on the fabric of the original listed building.

CONCLUSION

- 3.12 The proposal would not adversely impact on the fabric of the adjoining Listed Building.

RECOMMENDATION

- 3.13 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-

- 1 SC4A Time Limits Listed Buildings

Relevant Development Plan Policies and Proposals:

UC1, UC2, UC3, UC7 Rochford District Local Plan First Review

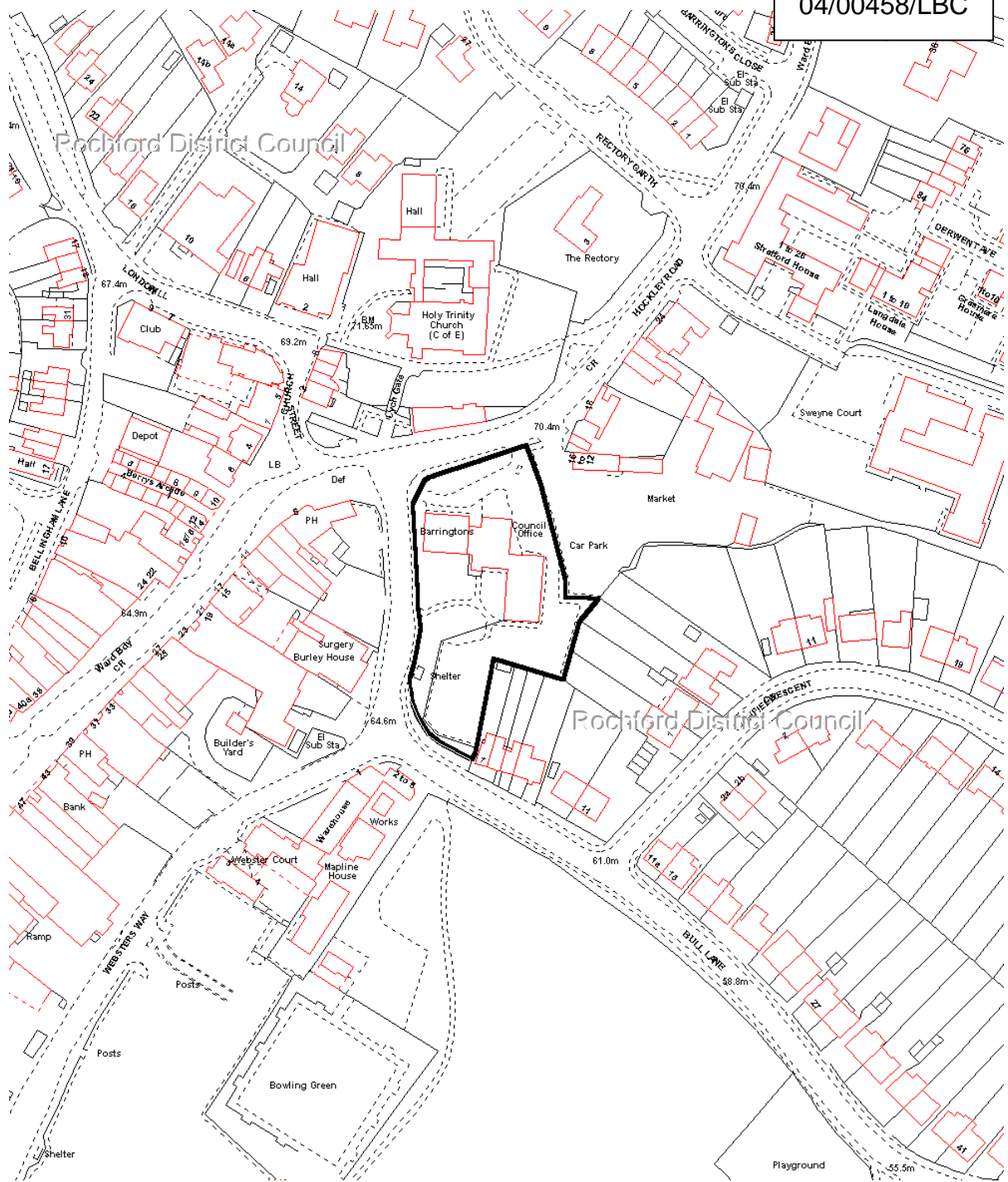
BC1, BC3, CS7 Rochford District Local Plan Second Deposit Draft



Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Board on (01702) 546366.

04/00458/LBC



Rochford District Council

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

NTS



TITLE : **04/00545/COU**
CHANGE OF USE FROM RESIDENTIAL CARE HOME
FOR THE ELDERLY TO A REHABILITATION
CENTRE PROVIDING RESIDENTIAL
ACCOMMODATION AND CARE FOR PEOPLE IN NEED
OF CARE
ASHINGDON HALL NURSING HOME
ASHINGDON ROAD ROCHFORD

APPLICANT : **MAVISWOOD LIMITED**

ZONING : **RESIDENTIAL**

PARISH: **ASHINGDON PARISH COUNCIL**

WARD: **ASHINGDON AND CANEWDON**

PLANNING APPLICATION DETAILS

- 4.1 The application site is at the junction made between Ashingdon Road and Church Road. On the site is a Grade II Listed Building with a frontage to both streets and set within an immediate landscaped garden area but with the site extending at the rear to include an irregular shaped meadow. The building was extended in the 1980's having earlier been granted consent for a change of use from dwelling to residential care home. Both the consent for the change of use to a care home and the consent to extend the care home are subject to conditions restricting use to that purpose only within Use Class C2.
- 4.2 Members should be clear that this application is for a residential rehabilitation centre.
- 4.3 Residents will mainly be recovering from alcohol or drug abuse; those in rehab will be residents in the building and be professionally managed and cared for. This proposal can therefore be distinguished from a drop-in clinic or counselling service for non-residents and as such will not generate large volumes of clients to or from the site or in the locality generally.

THE APPLICATION

- 4.4 The proposal is to change the use of the building from care home for elderly persons to a rehabilitation centre providing residential accommodation and care to people in need of care.

- 4.5 The applicant advises that the existing building has been maintained in good order since its closure and that the use proposed would readily be accommodated within the existing building and would use facilities without requiring external or internal alteration. The building has existing provision for disabled persons comprising a lift, disabled toilet facility and ramped accesses in place.
- 4.6 The existing and proposed uses both fall within Use Class C2 Residential institutions To the Town and Country Planning (Use Classes) Order 1987.
- 4.7 This class is defined as:-
- 4.8 Use for the provision of residential accommodation and care to people in need of care (other than use class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.
- 4.9 The need for the facility is stated to have been identified by the South Essex Partnership NHS Trust. Other sites that have been examined and found to be unacceptable are a former Child Care Home in Castle Point and Albert Jones Court in Rochford. Despite the stated support of the South Essex Partnership NHS Trust, it should be noted that the Basildon and Billericay PCT, the lead commissioning body, has not yet given any support, either to the principle of the use, as outlined in this report, or to funding the proposal.
- 4.10 The centre would be staffed by a manager and three qualified care staff between 9.00 am – 5.00 pm Monday to Friday and a minimum of two qualified staff on the site at weekends. In addition two qualified night staff would be on site seven days a week. Three part time employees would undertake administrative, cooking and gardening duties with one full time cleaner/caretaker. The centre would be occupied, supervised and monitored and controlled by qualified staff twenty four hours a day, seven days a week. Entry and exit doors would be fitted with purpose designed coded entry and exit systems that lock automatically.
- 4.11 The use is described in greater detail as including structured, supervised remedial care for persons in need of care employing purpose designed treatment programmes, one to one and group counselling, training and education courses, lifestyle guidance and training all designed to encourage a patient's early return to normal everyday life.
- 4.12 Patients will be drawn from South Essex generally. However, patients from Rochford, Castle Point and Southend will benefit from preferential admission. The centre would have a total provision of 14 bed spaces. The applicant states that the typical level of occupancy would be 10 – 12 persons.
- 4.13 An admission will always be planned and preceded by medical screening and risk assessment and will require close co-operation with local agencies. Admission on demand will not be considered under any circumstances. A typical treatment would average between 10 days to 3 months.

- 4.14 Following concern about the nature of the use further clarification from the applicants was sought.
- 4.15 In a subsequent letter the Agent confirms that "Mental Health" and "Serious Learning Difficulties" are not the client groups as these are not suitable for treatment at the rehabilitation centre proposed.
- 4.16 The agent has provided a general account describing circumstances where an individual finds the stresses and demands of everyday life simply too much and they "go off the rails". The centre would provide the time and skilled care to get the individual's life back on track. The use proposed would provide professional care and specialist facilities for a recovery period following a stay in hospital or period of illness. A quiet calm environment with minimal noise and disturbance is an essential part of the treatment.
- 4.17 A request was subsequently made of the South Essex Partnership NHS Trust who will be administering the care, if permission is forthcoming, for more specific details preferably comprising specific cases, to understand the nature of the use in simple terms outside of Planning terminology.
- 4.18 In response, the Trust has more recently advised that the majority of patients at the rehabilitation centre would have an alcohol or drug abuse background. The rehabilitation process is that part of the helping process that enables the individual to find his or her way towards a chemical free and stable lifestyle. The proposed therapeutic programme at Ashingdon Hall would be based upon an abstinence based model of recovery which would correspond to the first five steps of the Alcoholics Anonymous/Narcotics Anonymous twelve steps programme and would offer an intensive programme based upon the 12 step Minnesota model. Services would include:
- Medical support
 - 24 hour nursing care
 - Relapse Prevention
 - Group and Individual Counselling
 - After care Groups
 - Family Programmes
 - Programmes to support "Back to Work/College"
 - Complementary Therapies
 - Spiritual Counselling
 - Life Skills groups
 - Stress Management Groups
 - Art, Craft and Sports
- 4.19 The rehabilitation programme proposed would operate a Zero Tolerance Policy with no drugs or alcohol allowed on or around the premises. No other persons would be allowed on the premises. Family or friends would be seen only on an appointment and supervised basis.

- 4.20 Five cases are described to illustrate the work of the centre proposed:

Case 1

- 4.21 Male, aged 35, poly drug user, problems for 5 years. It was affecting his physical and mental health, suffered with depression, under weight, neglecting self. Could not hold down a job. Previous treatments had little or no impact on his drug or alcohol abuse and he would relapse within a couple of weeks. His family was affected, could not understand his problems, caused much anxiety and feelings of hopelessness.
- 4.22 He requested rehabilitation, was motivated to make changes. Referred to rehab. Completed a 12 week programme, returned home, continued abstinence (which is still ongoing) set up own support group for those in recovery, ran this for about two years, felt he wanted to give something back to the community. Now in full time employment.

Case 2

- 4.23 Male aged 40, cocaine problem for 10 years, living rough in London, turned to crime and drug dealing to finance his habit. Stole from his family, verbally abused his mother, terrorised her and threatened her if she did not give him money to fund habit. He became very paranoid, was placed under section of the 1983 Mental Health Act and relocated to this area where his family live. Due to not using cocaine, mental state greatly improved, found to have "a drug induced psychosis". He did not want to return to the community as he felt he did not possess the skills and knowledge to function without cocaine as this was all he had known for 10 years.
- 4.24 Referred to rehab, went direct from in-patient ward, completed 5 month programme. He now has confidence in himself and his ability to cope, lives in his own flat, continues to abstain from drugs and attends structured Day Care Programme. Represents users on carers' forums and is actively seeking to return to work as a plasterer.

Case 3

- 4.25 Female aged 28, poly drug user, alcohol, amphetamines, cocaine and cannabis. Had problem for over 12 years, numerous admissions into Psychiatric Hospital for suicidal ideation/intent, paranoia and depression. Family felt intimidated by her, her father became depressed needing psychiatric input himself. Life style was very chaotic, desperately wanted help to change behaviour and could not do it on her own. Physical health was a concern, had liver problems.
- 4.26 Completed a 5 month rehab programme. Continues to abstain, pro active in A.A. and N.A. is in full time employment, has a stable relationship, lives independently and has regular contact with her family.

Case 4

- 4.27 Female aged 30, alcohol dependency and bulimia, in chronic liver failure. Had problem since age 14. Parents both alcoholics, mother died 5 years previously from chronic liver failure. She was in care from the age of 11 until she was 17. Due to physical condition realised she needed help and to change her lifestyle or she would die.
- 4.28 Completed a 12 week rehab programme, physical condition greatly improved and is now stable. Continues to abstain from alcohol, lives in supported housing in the area where she attended rehab and is supported by them on an out patient basis.

Case 5

- 4.29 Male aged 54, alcohol problem for 30 years, a recluse, depressed, physical problems such as diabetes and gout due to excessive alcohol use. Attempts to engage him with local services proved futile due to his agoraphobia. Neglected himself and home environment, came from a large family but his only contact was with his mother by phone. He had a few friends. Thought family were ashamed of him. Previous in patient detoxification programmes had failed, he would not or could not attend clinic appointments.
- 4.30 Following release from prison he was referred for rehab at his request. He completed a 12 week programme, returned home, commenced structured day care. Now living independently, able to care for himself, continues to abstain with support from self help groups.

RELEVANT PLANNING HISTORY

- 4.31 ROC/649/77 and LB/7/77
Add ground floor extension to form utility and breakfast room and internal alterations to first floor comprising box room to bathroom and fourth bedroom to include shower.
Permission Granted 19th October 1977
- 4.32 ROC/1175/79
Demolish existing buildings and erect store and domestic garage
Permission Granted 25th July 1980
- 4.33 EU/1/80
For existing stables let to private individuals
No Decision
- 4.34 ROC/634/83
Change of use from residential dwelling to home for elderly persons.
Permission Granted 11th November 1983, subject to the following conditions:

2.The property shall only be used as a home for elderly persons and for no other purposes within Classes XIV of the Town and Country Planning (Use Classes) Order 1972, without the prior approval in writing of the Local Planning Authority.

3.There shall be no more than 10 Persons resident at in the property at any one time and no member or members of staff shall reside in the property without the prior approval in writing of the Local Planning Authority.

4.35 Reasons: 2 and 3

In order to retain control by the Local Planning Authority over the character and scale of the use hereby permitted in the interests of future residents of the property, the amenities of neighbouring residents, and in the interests of highway safety.

4.36 LB/ROC/22/83

Alterations to existing residential dwelling to form Home for Elderly Persons.
Permission Granted 11th November 1983

4.37 ROC/375/84/LB

Change first floor store to bedroom and ancillary works.
Permission Granted 21st July 1984

4.38 ROC/100/86 and ROC/101/86/LB

Add two storey rear extension.
Permissions refused 11th April 1986

4.39 ROC/433/86 and ROC/432/86/LB

Add two storey rear extension.
Permissions Granted 25th July 1986
The Planning Permission is subject to the following condition:

4.40 4. The enlarged premises shall only be used as a home for elderly persons and for no other purposes within Use Class XIV of the Town and Country Planning (Use Classes) Order, 1972 without the prior approval in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the nature of the use to which the premises is put in the interests of the amenities of neighbouring residents and in the interests of highway safety.

4.41 01/105/COU and 01/104/LBC

Change of use of a residential care home for the elderly to two private dwellings.
Permissions Granted 10th April 2001
These permissions remain valid until 9th April 2006

CONSULTATIONS AND REPRESENTATIONS**4.42 Ashingdon Parish Council – make the following objections:-**

- Significant change of use. Vast difference between an elderly persons home to a rehabilitation unit.
- Security of the grounds not as secure as stated.
- Not acceptable to put this facility within an area of five schools and playing fields.
- The building is not secluded. It immediately adjoins flats and houses.
- The facility is not secure.
- The site is not at the edge of a residential settlement. It is at the heart of Ashingdon Village.
- It does give rise to concern to the surrounding residents, should the application be considered.
- Do not believe that it is suitable for a Grade II Listed Building dating from the 17th Century to be used for this purpose.
- A building of this age could not be made secure without contravening historic features.
- There are buildings with proper secure facilities at Bullwood Hall for this purpose.
- The Parish Council were not given a full copy of the report. There are five pages missing relating to the residential care and rehabilitation unit at Ashingdon Hall.
- There will be increased noise from the unit.

4.43 Essex County Council Historic Building and Conservation Advice

Note no physical alterations to the listed building and have no observations to make.

4.44 Environment Agency – No comment.**4.45 Essex County Council Highways – Comments awaited.****4.46 Essex Police Architectural Liaison Officer Community Safety – Crime Division****4.47 The risk of Burglary entry into the premises will be low due to the number of residents on premises 24 hours a day. Recommends that access around the site is reduced by way of additional planting, fencing and gates summarised as follows ;**

- Plant hedgerow outside or either side of rear boundary fence
- Increase height of fencing on parts of site to 1.8 metres to hide sight of car park and further define the perimeter between the riding stable and the rehabilitation centre
- Replace 3 bar fence to stable block with 1.8 metre high fence.
- Close off openings in rear garden trellis work and hedging with additional hedge planting
- A lockable gate 1.8 metres high to be added to the archway

- Fencing off the rose garden with trellis work to help prevent residents being able to look into adjoining gardens
- Signage needed to direct pedestrians and vehicles to car park and reception area
- Ground floor glazing could have laminated film added to prevent injury and unlawful access
- Trim bush currently obscuring lamp
- Repair/replace lighting to stable block
- CCTV system installed
- Security of records should be in a dedicated room with good security with window locks dead lock to British Standard BS3621
- Access to external and flat doors could be by swipe card

4.48 **Neighbour Representations – In summary 1 letter of support and 470 letters of objection have been received from 395 addresses and which are summarised as follows:**

4.49 52 copies of a standard letter have been received from residents in the location and which make the following objections ;

- Ashingdon Hall is a listed building and any alterations necessary would have a detrimental effect upon the building
- Would any work carried out be in contravention with Listed Building guidelines
- Site is located on a dangerous busy hill
- There are inadequate parking facilities for staff, visitors and delivery vehicles.
- Several pre schools and playgroups within 200 yards of this building and Ashingdon Primary School with over 300 children. The pavement has been widened by the Council and a private company to allow families to walk to school. Will the children be safe ?
- Would like to know why very few residents were informed of the application

4.50 18 copies of a standard letter have been received from residents in the location and which make the following objections;

- Planning -This being a Listed Building, proposed alterations would not be in keeping with this period property
- Highway obstruction -There is not sufficient space for the coming and going of staff, delivery or visitor vehicles on either the main road or side road, especially with plans for flats opposite
- Human Rights - Such a place would have a detrimental effect on the living environment, enjoyment of village life, our property and surrounding area
- Health and safety –The safety aspect is a huge issue. Not only are there childrens' nurseries, school, park and church holding after school activities in the immediate vicinity, but also elderly people living nearby, some of whom live alone.

- 4.51 14 copies of a standard letter have been received from residents in the location and which make the following objections in addition to those outlined above regarding listed building, highways and human rights:-
- Perception of Crime – Whilst the owners have tried to calm our fears, unfortunately their inconsistent arguments have only reinforced our concerns. If this facility is allowed to go ahead, many local residents, especially the elderly, will be afraid to leave their homes.
 - Very disappointing that such a vital decision was only escalated to the community at this very late stage. Would appreciate an explanation of why County Councillor Tracy Chapman has been misled as to the true nature of this proposal.
- 4.52 43 Copies of a standard letter have been received from residents in the location and which make the following objections:-
- Safety of our children walking to/from school and playing in the local Council recreational facilities
 - Whilst I accept the need for the unit, this is not an appropriate location situated between two schools, a play group and the Council's owned recreational grounds
 - The unit will attract associates, drug addicts and dealers to our community making our streets and recreational facilities unsafe for the elderly and children
 - Consideration should also be given to the Local Police Services with regards to response times, and the fact that they are located in Rayleigh after hours. This would mean that they would be unable to respond quickly in the event of any trouble that may arise, from the potential rise in crime, thus pushing stretched services further.
 - It would appear that common sense does not prevail. Therefore I consider that Rochford District Council should undertake a full hazard assessment taking into consideration the locations of schools, recreational play ground facilities, not to mention the threat from syringes/needles in our streets and play ground facilities, together with associated risk from HIV. From this I believe it would identify a high risk to such a small community.
 - Hope that after taking my concerns into account the application is rejected and any such proposals refused in the future.
- 4.53 87 Copies of a standard letter have been received from residents in the location and which make objections under the following heading on similar grounds to above:-
- Highway Obstruction
 - Listed Building
 - Human Rights
 - Health and Safety

4.54 256 Individual letters have been received from residents in the location and which make the following comments and objections in addition to the above:-

4.55 **Listed Building Concerns**

- The historic building cannot be made secure without damage to it
- Council's Environmental Health Department may require alterations to the Listed Building if the use is approved
- Concern that all health and safety regulations cannot be met on this site
- Use of the building will have a detrimental effect on the amenity of its neighbours and any alterations are likely to affect the character of the listed building
- The danger of fire is a serious concern and occurs at police stations and prisons. If the inmates are locked in they must be in serious danger and the building at risk.
- Building's use should be appropriate to its location, not alien to it
- Understand that the Elderly Persons home was closed because it was unsuitable, so how can it be suitable for rehabilitation use

4.56 **Effect on Property Values**

- Will harm the value of homes, land and property for quite some distance
- Recent valuation of house nearby predicts market price fall from £215,000 - £220,000 down to £150,000 if proposal is allowed. This will trap people in their properties, unable to move and contrary to their human rights
- Pay almost £1500 per year Council Tax. Am sure areas likened to Beirut have more favourable tax
- Will seek compensation from Council for loss of property value

4.57 **Procedural**

- No faith in the Council listening to residents
- In Politics apathy starts at the top, how much further down can it get than a District Council?
- Minutes of previous meetings about this proposal should be items that are in the public domain. The level of secrecy is disturbing. Conduct of Council officers has been to keep this change of use very low key advertising on one lamp post and adjoining neighbours. Question the ethical behaviour of officers and the Council
- The proposal should be stopped until all residents in the area have been notified and an open meeting held to put across all points of view
- Surely something as controversial as this should be publicised, debated and arguments for and against listened to before a decision can be reached whether the centre is welcome in the community

- Failure of the Council to inform householders in the immediate vicinity of the application
- Why were letters not sent to residents in the area months ago?
- Outraged that this proposal appears to have been agreed already
- De-tox materials have already been delivered to Ashingdon Hall and we hope that this plan has not already been agreed
- Why don't the Council use tax payers' money to buy the Hall
- Inadequate consultation
- Understand that the use has already commenced
- Need a list of every type of inmate that is likely to be admitted. Not some whitewashed learning difficulties submission
- Only the Home Office can give authority for a new prison
- Request delay to the application, pending further investigation

4.58 Fear of Crime and Security issues

- Will you be policing 24 hours the open area between our home and Ashingdon Hall to apprehend the odd desperate character hell bent on obtaining money for drink or drugs?
- When we are eventually burgled and our lives put at risk, is there a name, address, phone No. of a solicitor or representative of Ashingdon Hall who will be able to compensate us and repair damage instantly?
- Will the site be fenced like Bullwood Hall?
- Will there be a bail bond or insurance lodged with the Council to protect those living on the perimeter?
- Vital to Pre-School to project the right image and for parents to feel assured in knowing that their children are safe and well with us. The material in support of the application presents more questions than answers. The uncertainty over this proposal affects the appeal of this pre-school group. The knock on effect could force this group to close.
- Concern that future plans for the rehab centre could extend to providing facilities for other client groups
- The nature of the good work offered by the pre-school needs to receive preference in all cases over plans for a rehabilitation centre in the area.
- Feel unsafe at the prospect of being so near this type of establishment
- Should be attached to a hospital site or within the grounds of a prison.
- 1st Ashingdon Scout Group concerned that the proposal poses a threat to the safety of these children
- Worried about the impact of the proposal upon the Community
- Would cause an increase in crime in the area
- People visiting the grave yard are often on their own and would feel vulnerable
- Children at risk, e.g. from hypodermic needles left lying about, and physical and verbal abuse
- No resources to deal with problems should they occur

- Concerned that residents of the rehabilitation unit will freely be able to come and go, which is a risk to children and the community
- Would add to existing problem of anti-social youngsters
- Addicts will quite happily take rehab as an alternative to prison
- Addicts know how to work the system to get clear drug tests whilst still obtaining illicit drugs
- Local park and post office would provide vulnerable children and pensioners for robbery
- Already a problem with drugs being exchanged in the park. It will not be difficult for anyone residing in the centre to obtain drugs or alcohol
- Concern that not everybody sent for rehabilitation will be a successful case. What will happen if any of the residents lapses? Such units should not be in areas that are close to schools where the occupants can come into contact with children. It only needs one of the ex addicts to commit a crime and we do not see why we should be subjected to such a risk
- Understand that the NHS is funding the project and there is a track record of under funding which may have disastrous results should there be a lack of staffing or supervision
- Husband and myself have worked in the health service for over 25 years and fully understand the implications, so please do not say there is no risk
- The King Edmund School object on the huge potential risk to young children in the area
- Am a GP working in the Westcliff area. We have a number of patients who are also drug addicts or alcoholics. I have witnessed poor selection of suitability of clients for such residences, poor supervision, clients bringing alcohol and drugs to the centre. The centres are seen to attract unsavoury people to the area. The Council have a responsibility to protect the children and a more suitable location away from a nursery school must be found.
- Ratio of staff to residents inadequate to provide safety to the community
- The transfer of persons from outside the community into a rural community creating risks and problems to people within the community
- Would not feel secure walking past this unit to school with two young children and would be forced to drive, affecting my Human Rights
- Public meeting was advised that the building would be made secure. This suggests that the need for security implies the residents would prove a danger
- Lifting the restrictions might mean a battered wives refuge, a drug unit or something of a similar nature
- Have a relative who works in a similar unit in Derbyshire and we believe these units can attract friends of the residents who live outside the area into the area, so putting children at risk
- Already have a unit of this kind in Rochford, which causes problems for local residents. It seems inappropriate to have another one.
- Am a nurse and have experience of working with people with addictions, dependencies and mental problems. They can be emotionally volatile and unpredictable, sometimes even delusional. Many with dependencies lapse and resort to crime to finance their habit

- Am a retired police officer and am well aware of the effects of drug and alcohol abuse on the local community and the abusers themselves. The proposed use will make a lot of people feel unsafe and may add to the existing drug problem in the village. The owner does not seem to have any expertise in the field proposed.
- Once approved, the Council will have little power to change it. Clients will voluntarily attend, others will be coerced by the courts and family. This type of unit is a lovely idea, but this has not been thought out beyond the suitability of the building. The area is totally inappropriate. Health services have no responsibility because people are responsible for their own actions
- NHS should prove the need for this facility. If the need is proven it should be in a purpose built facility away from residential development and temptation
- Local crime rate will soar
- Majority of crime in UK is drink or drug related
- Nearest manned police station is Rayleigh and would take at least 10 – 15 minutes to get a patrol car to the site if there was trouble
- As a society we owe a duty of care to young and vulnerable children and this application, if successful, would be detrimental to their well being
- Social Services favour the Ashingdon area for foster care because they feel the existing risks are negligible. This could change if the proposal is allowed
- Church and premises could suffer increased vandalism
- The building is close to open fields and would make it easy for inmates to escape
- In my job as a fraud investigator I have first hand experience of what these people are like and the high failure rate

4.59 Highways

- Access unsuitable
- Church car park is private and not public so there would be difficulty for visitors to park
- Visiting vehicles will be discouraged to use the narrow difficult access and will park in side streets and on the crown of Ashingdon Hill
- The Government wants to encourage more children to walk to school. If allowed, this proposal will encourage parents to transport their children by car, causing congestion problems

4.60 Other issues raised

- Unsuitable for the village
- It is in the heart of Ashingdon village and Hawkwell opposite
- Will cause noise and nuisance to neighbours
- Surrounded by housing
- Too close to housing and gardens nearby
- Too close to schools, pre schools and children passing by

- Will harm the peace, tranquillity, quality of life, peace of mind, prosperity, the present and future of every resident
- Lack of suitable facilities to integrate the patients into the community i.e. single dwelling units, public housing, jobs, entertainment.
- The proposal is on the edge of the village and cannot claim to be part of or complement the essential character of its surroundings.
- No facilities to serve the use. Apart from its domestic garden the site has no private grounds whatsoever
- How much will this idea cost the already overstretched ratepayers of our District? Council Tax should not be used to fund a project like this
- The Council encourages family homes in the area and is then considering a rehabilitation centre, which seems a strange combination
- Rayleigh and Southchurch Wards at Rochford Hospital, which have been merged with Chalkwell and Laburnum Wards at Runwell Hospital, together with the Roach unit at the Taylor Centre, Queensway, Southend. All three of these were for the treatment of Drug and Alcohol abuse. Runwell Hospital is the ideal place for this treatment. This would be ideal until facilities at Rochford Hospital could be re opened in four years time.
- The proposal displaces elderly deserving people who all their lives have paid taxes in order to give “ne’er do wells” with self inflicted maladies a fine residence which they do not deserve and who need to be placed in some remote locality far away from responsible people where they can do no harm and sort out their own salvation with minimum amenities.
- The inmates will be more active than elderly persons so there will be an increased loss of privacy for neighbours to the site
- Ashingdon Hall could be far better used as a large family house, freeing land for small homes for first time buyers
- These people should be helped in purpose built facility
- Previous extension to the building should never have been passed as we are now overlooked.
- Concern for noise and disturbance into the evening caused by residents in the centre
- The property borders two public Roads 25 ft from the building
- Proposal conflicts with Article 8 of the Human Rights Act which defines “ the right to respect for private and family life”
- Rehabilitation will require regular deliveries of methadone increasing traffic to the site
- Short of elderly persons homes in this country. The elderly need this facility

4.61 The Member of Parliament for Rayleigh has also written with copies of letters from residents about the proposal and asks that all the representations received are duly taken into account.

4.62 One letter of support has been received from one resident in the locality and which makes the following comments:

- Asks the Council to consider the Government's National Service Framework Care Standards, which support Care in the Community.
- Draw attention to the numerous other mental health units (support/rehabilitation centre's) within the Rochford area and equally close to neighbouring schools. These have been in existence for many years without any evidenced risk to children that I am aware of
- Have been a service user for 17 years
- Disappointed and saddened that scare mongering from an influential body would be so indiscriminately distributed amongst the community
- Ask that permission be considered so that others may benefit as author has done

MATERIAL PLANNING CONSIDERATIONS

- 4.63 The use proposed is within the same use class as the last use as an elderly persons home. The reasons for the restrictive conditions limiting the use specifically to that of elderly persons care are given that the Local Planning Authority needed to retain control over the character and use of the building in the interests of the amenities of future residents of the building and the amenities of neighbouring residents. A number of issues also previously existed concerning the adequacy of the access to the site and conditions of highway visibility.
- 4.64 The proposal would not result in any alterations to the Listed Building with the exception of coded entry pads and CCTV to circulation areas and the car park.
- 4.65 Both the Council's Rochford District Local Plan First Review (1995) Policy UC9 and The Council's Second Deposit Draft Replacement Local Plan (2004) Policy BC3 acknowledge that the best use for listed buildings is often the use for which they were intended. Whilst Planning Permission is valid for the subdivision of the Building to form two independent dwellings this has yet to be implemented.
- 4.66 The use in Planning terms is within the same use class as the care for elderly persons. In Planning terms the new use proposed would not prove contrary to either Policy.
- 4.67 The site of the proposal is located fronting a main road where there is access to a regular bus service and public transport.
- 4.68 The submitted plans show the existing parking area to provide for in excess of nine car parking spaces, which would exceed the provision necessary for staff employed on the site. The building provides 15 bedrooms. The parking standard for C2 uses would require one space for every 3-bed spaces/dwelling units. The proposal would therefore require a maximum of 5 car parking spaces to meet the required parking standard.
- 4.69 Subject to no adverse comments being received from Essex County Council Highways department, there would appear no material objection to the proposal in highway terms.

- 4.70 The issue therefore turns upon the effect of the proposal upon the amenity of future occupiers of the building and the amenities of adjoining residents. The Council's Second Deposit Draft Local Plan defines Amenity as:

"the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors"

- 4.71 The location is residential, with a frontage onto Ashingdon Road and backing onto open meadows and with views across the Crouch Valley. The built form in the locality is established with landscaping and domestic planting. The church hall provides community uses including a children's playgroup. Beyond the site exists a larger community hall, open space and shops and a Public House. New buildings generally fit in with accepted Planning policy of their day. The main road adjoining the site provides noise disturbance and fumes from vehicles and is particularly busy at peak travelling periods.
- 4.72 The views of residents objecting and in support of the application are material considerations.
- 4.73 Of particular concern is the view held by an overwhelming number of residents in the vicinity of the site in that the proposal would harm the enjoyment of the site location and features of safety and security for property and people that in their view would be greatly harmed by perceived fears for an increase in crime related activities in the locality. These residents consider that their lives will be harmed by the prospect of harm to children and the elderly as well as damage to property and a significant change to the appreciation of the area as a family orientated housing area in which the proposal would be inappropriate.
- 4.74 Given the proposal is substituting one residential use for another residential use and it will not be a drop-in clinic or counselling centre for non-residents, such fears are not supported by any substantive evidence that there will be a significant adverse effect on the amenities of the area.
- 4.75 The extent of objections must also be considered as to whether they raise matters of community interest that can be given weight in decision making or whether the views expressed are private, narrow or sectional interests which many organisations or individuals with a particular perception are inclined to express on their own behalf.
- 4.76 Advice contained in Planning Policy Guidance Note No.1 (paragraph 60) concludes that... *local opposition to a proposal is not in itself ground for refusing planning permission unless that opposition is founded upon valid Planning reasons which can be substantiated.*

- 4.77 Advice contained in Planning Policy Guidance Note No.1 (paragraph 64) goes on to state that...*the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development but whether the proposal would unacceptably affect amenities and existing land use and buildings which ought to be protected in the public interest*
- 4.78 It is considered that it cannot be demonstrated that the proposal would materially affect amenity and land uses adversely in the public interest.

CONCLUSION

- 4.79 Usually proposals for a change of use within a use class would not normally require express planning permission from the Local Planning Authority.
- 4.80 The condition to the original consent for the elderly persons home and carried forward with the latter extension of the elderly persons home, restricted occupancy within the use class because of concerns about the effect of other uses on (the amenity of future occupiers of the building) residents in the vicinity of the site and highway safety.
- 4.81 The public consultation and overwhelming interest in the proposal has brought forward a significant number of concerns, anxieties and fears associated with the controversial nature of treatment and rehabilitation for persons with Drug and Alcohol addiction. These concerns appear on the whole based upon perception, but in some cases evidence is offered by residents stating to have some experience of the circumstance associated with the use proposed.
- 4.82 The views expressed on the whole do not present a persuasive case based on clear and demonstrable evidence of how the amenity of the area will be harmed to such an extent as to substantiate a refusal of the application, particularly given that a change of use application from elderly persons accommodation would not normally be required for the proposed use.

RECOMMENDATION

- 4.83 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions;
- 1 SC4 Time Limits Full – Standard
 - 2 Notwithstanding the submitted application details of any signage, fencing, means of enclosure, closed circuit television provision and external lighting to be provided shall be submitted to The Local Planning Authority prior to the first commencement of the use hereby permitted. The details as may be agreed by the Local Planning Authority shall be strictly adhered to.
 - 3 The use hereby permitted shall be limited to that as a rehabilitation centre providing services and care only to residents of the building.

A handwritten signature in black ink, reading 'Shaun Scrutton'.

Shaun Scrutton
Head of Planning Services

For further information please contact Mike Stranks on (01702) 546366.

04/00545/COU

Rochford District Council

Rochford District Council

~~Rochford District Council~~

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

NTS



CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and Officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the Officer recommendation on an application which will be recorded in the Minutes.**
- **give Officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on Officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**

