
12/00722/COU**UNIT 7 WESTFIELD CLOSE RAWRETH INDUSTRIAL
ESTATE RAWRETH LANE RAYLEIGH****SUB-DIVIDE EXISTING UNIT AND CHANGE USE OF PART
TO USE CLASS A5 (TAKEAWAY) AND RETAIN PART TO
USE CLASS B1 BUSINESS USE****APPLICANT: HONESTY CONTRACTORS****ZONING: EMPLOYMENT LAND****PARISH: RAWRETH PARISH COUNCIL****WARD: DOWNHALL AND RAWRETH**

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

This application was included in Weekly List no. 1168 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on 23 January 2013, with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black.

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 the main estate road to the Rawreth Industrial Estate and relates to an end unit of three single storey industrial buildings 60m west of the junction between the estate road and Westfield Close.
- 1.2 The premises are part of a group of similar units with brown brick work lower walling and grey sheet metal cladding to the upper walls and roofing. The front forecourt parking area is contained by a retaining wall supporting the gentle slope down southwards through the site. The layout of that part of the estate in which the site is situated is served by a small cul-de-sac of six units on the southern side of Westfield Close and six units on the northern side of Westfield Close.

PROPOSAL

- 1.3 Planning permission is sought to sub-divide the existing warehouse and offices and change the use of part of the building to provide a takeaway (Use Class A5) and retain the remaining part in Use Class B1 (Business use).
- 1.4 A previous application to also include a café and takeaway to a greater floor area was refused permission on 28 October 2011 due to inadequate parking being available to serve the mix of uses proposed.
- 1.5 The current application would provide a kitchen and modest serving area for the takeaway. The remaining premises would be divided into offices, meeting room, toilets and warehousing.
- 1.6 The business use/warehouse is described to open between the hours of 0700 – 1700 Monday to Friday each week. No hours are specified for the proposed takeaway.

2 RELEVANT PLANNING HISTORY

- 2.1 The site has been part of the Rawreth Industrial Estate for many years and subject to a number of applications for re-development for industrial purposes. The unit to which this application relates was constructed under the following planning permission:-

Application No. ROC/416/88 12 Industrial Units, Road and Parking.
Permission granted on 23 September 1988.

Application No. 11/00540/FUL Sub-Divide Existing Unit and Change Use of Part to Use Class A3 (Café) and Use Class A5 (Takeaway). Permission refused on 28 October 2011 for the following reason:-

The proposal, by way of the sub-division of the unit and the introduction of a café (Use Class A3 to the Town and Country Planning Use Classes Order 1987 as amended) would intensify the use of the site and give rise to increased traffic from customers to the café for which there is inadequate land within the applicant's control to provide for the off street parking required to serve both units created and the café proposed. If allowed, the proposed café would result in increased congestion and on street parking on the adjoining road network causing obstruction to the free flow of traffic and servicing of nearby commercial premises to the detriment of highway safety and the economic function of those nearby premises.

3 CONSULTATIONS AND REPRESENTATIONS

- 3.1 **Rawreth Parish Council:** No objections.
- 3.2 **Essex County Council Highways:** No objections.

- 3.3 **Rochford District Council Head of Environmental Services:** The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-
- 1) A mechanical extraction system shall be provided to the kitchen area in accordance with details submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
 - 2) The applicant is advised to contact the Head of Environmental Services at the earliest opportunity to discuss the proposed layout of the kitchen and the requirements necessary to meet current food hygiene legislation. This includes the submission of a food premises registration application form.

Neighbours

- 3.4 1 Letter has been received from the following address:-

Westfield Close: 9

And which in the main makes the following comments and objections:-

- I am the owner/occupier of No 9, Westfield Close and bought the property on 30/4/2004, nearly nine years ago.
- I have conducted my business from Rawreth Industrial Estate for approximately 25 years having previously occupied Unit 1, Block 11, Rawreth Industrial Estate (now demolished).
- My observation has been that for the last nine years the communal parking at the rear has been used for the parking of long term repairs or projects or what look like scrap.
- I would suggest the only reason it is temporarily clear at present is to allow for the safe lopping of the trees next to it.
- Being free for visitors to park on has not been the case that I have observed during the last nine years.
- Since I moved Blueprint Engineering Ltd into Unit 9, it has been my experience that Westfield Close has always had severe parking problems.
- It is still a problem today even though three of the largest units in Westfield Close, units 2, 3, and 4, comprising approximately 12,300 sq. ft., are presently unoccupied and therefore not adding to the problem.

- When they were occupied the parking situation was appalling, often reducing the estate's entrance road to a single carriage.
- I have had to spend approximately £2,000 on fencing and signage in an attempt to keep my private property clear and available for my staff and visitors.
- Also, if unit 7 is hoping to attract customers from outside of Westfield Close, it should be realised that Westfield Close has only one vehicle entrance, and other than across the adjacent field, also has only one point of pedestrian access, which just happens to pass within feet of the existing long established catering facility.

4 MATERIAL PLANNING CONSIDERATIONS

- 4.1 The site is allocated for employment purposes in the Council's saved Local Plan (2006). Policy EB1 generally encourages industrial uses (use classes B1 and B2) together with storage uses (use class B8). The introduction of takeaway use (use class A5) needs to be considered on individual merits.
- 4.2 In the previous application the applicant had stated that the new use would be run by the same owners as currently using the site. It was argued that the previously proposed café and takeaway uses would address a need in that the estate has no immediate means for obtaining food. The current application is not accompanied by this previous statement or information justifying the use.
- 4.3 On 23 March 2011 the Minister of State for Decentralisation set out the Government's clear expectation that sustainable development should be favoured in response to business needs and the need nationally to favour economic growth.
- 4.4 The takeaway use proposed is not without precedent on industrial estates and would serve to provide for workers' and visitors' needs, particularly for smaller sized units unable to provide staff facilities. The use would not therefore be inappropriate. There is an existing mobile hot food van near to the site fronting the main estate road.
- 4.5 The takeaway use would be likely to attract traffic to the site, notwithstanding other customers walking from other premises elsewhere on the estate.
- 4.6 A lack of car parking would lead to on street parking causing congestion and preventing access and servicing to nearby units that would offset the benefits of the application by causing inefficiencies to neighbouring industrial and commercial activity. For this reason the previous application including a café and a higher parking requirement failed.

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- 4.7 Six car parking spaces are described in the application as existing for the application site. These are not shown in the application layout but the forecourt can provide four spaces to the current adopted standard and six vehicles could park at present in a casual arrangement that can be administered by the management of the unit, although this arrangement may foul access to the service door to the premises.
- 4.8 If the proposal was allowed, the existing forecourt area would have to provide for two independent business operations for the industrial use retained in the reduced unit and the takeaway introduced through the sub-division proposed.
- 4.9 The premises are authorised for general industrial purposes, but subject to conditions requiring that no part of the building be used for an office, as defined in use class B1 (a) to the Use Classes Order 1987 (condition 15 of the consent) and that at no time shall the units be sub-divided, nor that the floor space for ancillary offices exceed 200 square metres or 20% of the floor space (condition 16). These conditions are imposed in view of the limited parking on the site and in the interests of highway safety and the higher demand for car parking generated by office type use.
- 4.10 The premises are currently described as in use for warehousing and offices and have a gross floor area of 146 square metres.
- 4.11 It is permitted development to use industrial premises as approved for warehousing for units not exceeding 235 square metres. The current office element has a floor space of 22.08 square metres representing 15% of the total floor space. This figure excludes the meeting room; it is reasonable to expect that such a room would be available for a number of purposes as well as to support office or administrative functions.
- 4.12 The proposed layout, as well as sub-dividing the unit, would retain the same office and meeting room spaces, but would instead convert the reception area into an enlarged kitchen and area for takeaway waiting customers. The remaining business premises would be accessed by the roller door and through a pedestrian door controlled by key code.
- 4.13 The existing warehouse use requires the provision of 1 car parking space.
- 4.14 The proposed takeaway would, including the kitchen area, have a gross floor area of 25 square metres and require a maximum of 1.25 car parking spaces. The remaining unit in business use would require the provision of a maximum of 4.03 spaces. A total maximum of 6 parking spaces would therefore be required to serve the use proposed.
- 4.15 The maximum standard is reduced in urban areas such as town centres where there is good access to alternative forms of transport. A bus service exists to Rawreth Lane, but it is clear that most employees and customers journey to the site by car, given the historic parking problems requiring

controls against sub-division and office uses to the original consent, as well as the extent of on street parking during the day on the estate. Whilst account can be taken of the service of the café use to workers and other patrons being present on the estate already, it can also be the case that customers would wish to park vehicles near to the site as part of combining trips into or leaving the estate as well as the attraction of the use to passers by.

- 4.16 There is ample room on the premises for four cars with potential to park all six required in a casual way without independent operation.
- 4.17 The previous application failed because the presence of the café required for itself some 11 spaces clearly not within the applicant's control.
- 4.18 The omission of the sit down dining capacity greatly reduces the overall parking need in the current application. The applicant has drawn attention to the existence of further parking available to the west of the site alongside the former loop service road. These areas are, however, part of the original layout to the group of 12 units and are already committed and do not as such form extra parking now available. It is the case, however, that the unit to which this application relates can reasonably expect an apportionment of those 13 or so spaces to be available to the application site. No commitment can be made to safeguard these spaces, but their availability to accommodate overspill for all the units can be taken into account. It would be reasonable to consider that the shortfall of 2 spaces at issue can be met from this area generally available to users of this part of the estate. The significant reduction in the floor area given over to the takeaway and the removal of the dining facility in the current application overcomes those previous objections to the earlier application.
- 4.19 The site is located within a central part of the Rawreth Industrial Estate with open farm land to the west and adjoining industrial development on all other sides. There are no residential dwellings in close proximity that might be unreasonably affected by smells and disturbance. The proposed extract flue would not detract from the appearance of the building as would be viewed in an industrial setting. Remaining concerns for odours impacting upon amenity generally can be resolved through the submission of details for the fume extract system as a condition to the grant of permission.

5 RECOMMENDATION

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

That the application be approved, subject to the following conditions:-

- (1) SC4B - Time Limits Full Standard
- (2) A mechanical extraction system shall be provided to the kitchen area in accordance with details submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully

implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose as a takeaway.

- (3) The development hereby approved shall be implemented in accordance with the proposed ground floor internal layout, as shown on the plan hereby approved DRG. No. HC/NAK/001 Rev. B. date stamped 27.11.12 by the Local Planning Authority. The takeaway and business uses shall thereafter not be altered in their extent of floor space other than as shown on that plan.



Shaun Scrutton

Head of Planning and Transportation

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, assessed against the adopted Development Plan, and the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

ED3 of the Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011)

Standards B1, B8, A5 of the Parking Standards: Design and Good Practice
Supplementary Planning Document adopted December 2010

For further information please contact Mike Stranks on:-

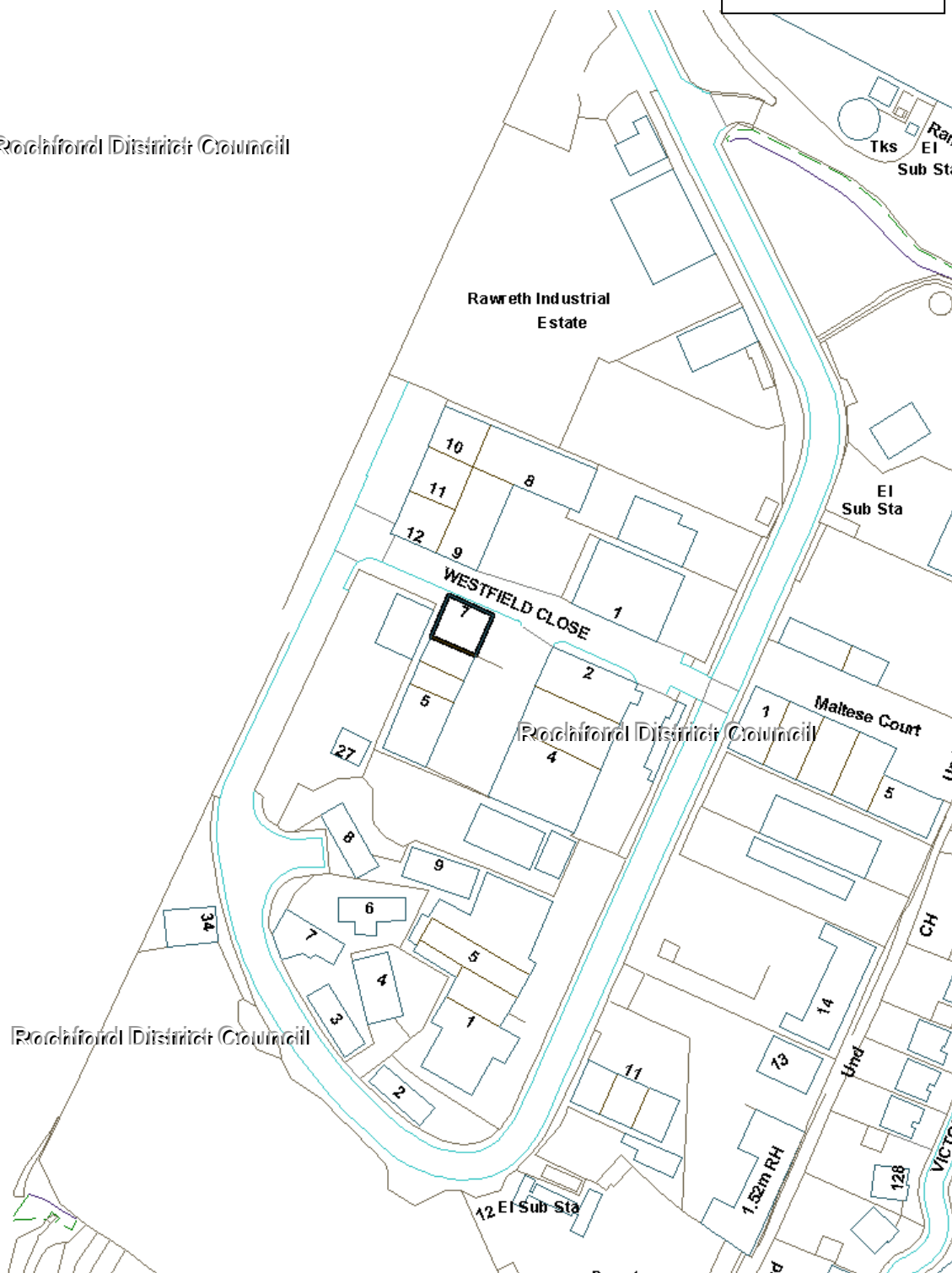
Phone: 01702 318092

Email: mike.stranks@rochford.gov.uk

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

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Rochford District Council



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