

**12/00755/FULL****41-43 WEST STREET, ROCHFORD****CHANGE USE FROM SHOP ( AT NO 43 WEST STREET) TO  
USE AS PART OF EXISTING DWELLING AT NO 41 WEST  
STREET****APPLICANT: MRS YVONNE TIFFIN****ZONING: PRIMARY SHOPPING FRONTAGE AREAS****PARISH: ROCHFORD****WARD: ROCHFORD**

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

This application was included in Weekly List no. 1171 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on 13 February 2013, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs G A Lucas-Gill.

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

## **1 NOTES**

- 1.1 Planning permission is sought for a change of use from A1 (shop) to C3 use to be used as part of the existing dwelling at No. 41 West Street. The change of use application specifically relates to part of the ground floor of No. 43 West Street currently used as a shop. The property is located on the southern side of West Street and is located within the primary shopping frontage area of Rochford town centre. The building to which this application relates is also a Grade II listed building and is within the Rochford Conservation Area.

## **2 RELEVANT PLANNING HISTORY**

- 2.1 99/00750/LBC - Installation of New Window – Permitted 28 January 2000.

## **3 CONSULTATIONS AND REPRESENTATIONS**

- 3.1 Rochford Parish Council: Members regret the loss of yet another retail unit in Rochford town centre, but understand the reasons for this application.
- 3.2 EEC Highways: De minimis.

- 3.3 EEC Archaeological: As the application appertains purely to change of use and does not involve structural changes or ground disturbance to the property we would not ask for an archaeological condition in this instance. However, should changes to the structure of the building and/or additions/alterations involving ground disturbance be planned in the future we would need to be further consulted on any subsequent application.
- 3.4 ECC Historic Buildings and Conservation: This is an application to change this shop to residential use. The building is grade II listed and in the Conservation Area. There are no proposals and seemingly no intentions to physically alter the building in any way. There are therefore no conservation issues and I have no observations to make on this application

Neighbour Contributor:

- 3.5 “I think common sense should prevail here. It is no good this shop ending up a ‘folly’ to bad planning practice. It is bad enough that all this lady’s personal and financial information is being made public (I consider it irrelevant to have exact details of her turnover it is enough to know she has no business to run any more). I feel embarrassed for her. If planning do not pass this application they will condemn this woman to abandoning an unsalable property, Grade II at that. Then how good will it look on the Council, when the property falls into disrepair. We are in a second recession; wake up and get real. Buildings fall into disrepair. There were never problems when Clements Bakers went into residential or Rumbelows or the properties next door to this application. In case you are unaware, we are in a second dip recession.”

#### **4 MATERIAL PLANNING CONSIDERATIONS**

- 4.1 Nos 41-43 are within a terrace of properties running the length of West Street; little planning history can be found for the properties. However, the properties are Grade II listed, the properties are described as a pair of shops in the Rochford listed building list. No. 41 is currently a residential property whilst two ground floor rooms of No. 43 are currently known as Rio’s, a shop (A1 use) selling a variety of products. These two ground floor rooms of No. 43 are subject to the change of use application. The property also benefits from a courtyard with a bin store, and brick built work shop/storage shed. A gate to the rear can also be seen providing pedestrian access
- 4.2 The documents submitted as part of this application show that the external appearance of the building would not be altered.

#### **CHANGE OF USE**

- 4.3 The application proposes to change the use of part of the ground floor of the building (No. 43) from A1 to residential (C3). The site is located within the primary shopping frontage, where retail uses would be the favoured use for the building. The local Planning Authority seeks a balance between retail and non-retail uses in town centre locations. The preamble to policy SAT 4

identifies that 75% of the total primary shopping area in a town centre should remain in retail use; and broadly speaking the Council would not permit more than 30% of premises to be occupied by non-retail uses or three or more such uses to be established in adjacent shop type uses in the Primary Shopping Frontages.

- 4.4 The shopping frontage survey undertaken in 2010 indicates that this part of West Street, categorised as 'West Street South' for the purposes of the survey, has only 38.71% of units in retail use, compared to the 61.29% in non retail use. The total percentages within Rochford are 53.70% retail use and 46.30% non-retail use. The building currently enjoys A1 use to the frontage. As such, the conversion from a retail use to a non-retail use would further increase the level of non retail uses within the primary shopping frontage and exceed the 30% figure and would conflict with Policy SAT4.
- 4.5 The southern side of West Street is entirely designated as primary shopping frontage. Although there are some vacant retail units the northern side of West Street is partly primary frontage and partly secondary. The primary frontage extends from the market square down West Street to No. 46. The remainder of the street is within the secondary frontage. The Shopping Frontage Survey undertaken in 2010 suggests that the secondary frontage in West Street was 100% in non retail use. The buildings directly opposite the host site are in residential use. Although not within the Primary Frontage the abundance of residential uses within West Street shows a precedent for this use in this particular street. A residential use in this part of the street would not therefore be unusual.
- 4.6 Policy SAT 4 of the Local Plan sets out criteria to be met in order to justify a non retail use within the primary shopping frontage. Although not directly applicable to this application, given that the unit already contains a retail use, the pre amble to this policy identifies that non retail uses such as banks, restaurants and such like, complement a shopping centre and create a public interaction with the area. Uses such as A2, A3, A4 and A5 still attract people to town centre areas and thus maintain active frontages. SAT 4 also suggests that a concentration of non retail uses, which do not attract a custom, can give rise to 'dead frontages,' which destroy the vitality and viability of the town centre. In terms of the longevity of the town centre and its ability to attract custom it is considered that the existing A1 use would likely be more beneficial than a residential use. However, the conversion to residential could also be argued to support the town centre by way of increasing the number of people living in the town and thus requiring and depending on its facilities.
- 4.7 The Local Plan does identify that it may be the case that there is no demand for the unit and thus alternative use may be applicable, given that it may be better for the health of the town as a whole for the unit to be occupied rather than left empty for the indeterminate future.
- 4.8 Documents submitted state that the existing turnover generated has decreased within the last 3 years and the existing business is no longer

commercially viable. It has been stated within documents that the property has been on the market with the current estate agents since 19 May 2011 and has been on the market with other estate agencies for 2 years prior to this. It is also stated, that if change of use is not granted and the property is not bought, the current owner will be moving abroad regardless, leaving the shop and property vacant.

- 4.9 Given the economic climate it is possible that the unit could stay vacant for the foreseeable future. Although this is not thought beneficial for the viability of the town centre or the appearance of the Conservation Area, given that the unit is currently still trading and is not vacant, there is not enough evidence to suggest that an alternative business could not thrive in this location. The RDC economic development officer objects to this change of use application, as this would reduce the number of commercial premises in the town centre, undermining the retail function and vitality of the town centre. Should the Council allow this change of use to residential use it could set a precedent for the further loss of commercial floor space in this area.

#### PARKING AND AMENITY SPACE

- 4.10 The site has a rear courtyard garden; there is, however, no parking available for the site. Given that the site is within a town centre location, immediately opposite a public car park and is within close proximity to the local train station and local bus routes, and the property has existed without a parking space, it would be unreasonable to condition that the property needs a parking space. The existing courtyard area is considered to be acceptable providing a useable outdoor space for the occupier.

### 5 RECOMMENDATION

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

That the application be refused, for the following reason:-

The proposal would result in the loss of an existing retail unit and where the Local Planning Authority considers such retail units important for a thriving town centre. The applicant has failed to demonstrate that the loss of the retail unit is justified because the information submitted does not provide a substantial case to justify the loss of a retail unit. If allowed, the proposal would result in the loss of an existing retail unit within the Primary Shopping frontage that would further undermine the retail function and vitality of the town centre in conflict with the requirements of Policy RTC1 to the Council's Local Development Framework Core Strategy (adopted December 2011) and Policy SAT 4 to the saved Rochford District Replacement Local Plan (2006).

## STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently identifying matters of concern with the proposal. The issues identified are so fundamental to the proposal that it has not been possible/is not considered possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible



Shaun Scrutton

Head of Planning and Transportation

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**Relevant Development Plan Policies and Proposals**

National Planning Policy Document

Local Development Framework Core Strategy

RTC1

RTC5

Rochford District Replacement Local Plan (2006)

SAT4

For further information please contact Miss Rachael Collard on :-

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

