

16/00364/FUL

34 ROCHEWAY, ROCHFORD, SS4 1DQ

**TO CONSIDER AN APPLICATION TO REMOVE OR VARY
CONDITION 15 TO APPLICATION 08/00241/FUL TO ALLOW
USE OF THE FORMER DISABILITY ESSEX BUILDING TO
BE NO LONGER LIMITED FOR USE BY DISABILITY ESSEX**

APPLICANT: MR MATTHEW KING

**ZONING: METROPOLITAN GREEN BELT AND EXISTING
OPEN SPACE**

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHE SOUTH

1 PLANNING APPLICATION DETAILS

- 1.1 This application is to a site forming part of the former Rocheway Adult Community College almost opposite the junction with Mornington Avenue.
- 1.2 Planning permission was granted on 11 June 2008 under application 08/00241/FUL for the construction of a building to provide offices and teaching/training facilities for Disability Essex, who sought to operate alongside an educational establishment because of the inherent sharing between mainstream education and their specialist provision.
- 1.3 The site is within the Metropolitan Green Belt and the Council considered that the applicants had demonstrated very special circumstances that would allow an exceptional permission to be granted, notwithstanding the normal presumption against inappropriate development in the Green Belt.
- 1.4 Condition 15 of 08/00241/FUL, at issue in this current application, was varied in a subsequent application 10/00194/FUL from 'The development hereby permitted shall only be occupied by Disability Essex' to read 'the development hereby permitted shall only be occupied by Disability Essex and Eco Wings.'
- 1.5 Due to severe funding cuts in recent years Disability Essex has, as of 31 March 2016, been forced to go into voluntary administration. This means that the organisation will no longer occupy the building and condition 15, as presently constructed, prevents occupation by any other organisation with the

exception of Eco Wings, which is stated in the supporting statement to have remained in Southend.

- 1.6 Disability Essex intends to transfer its assets and liabilities to the likeminded charity, Trust Links, through the liquidation process. Trust Links is an independent local charity that supports vulnerable and disadvantaged people in Essex, particularly those with a mental health problem or other disability. Trust Links proposes to occupy the former Disability Essex site.
- 1.7 Trust Links would not need to fully occupy the building initially and proposes to rent some of the rooms to appropriate tenants, maintaining the ethos of the building as a Centre for Disabilities.
- 1.8 This current application therefore proposes to remove condition 15 to allow use of the former Disability Essex Building to be no longer restricted, or alternatively should the Council disagree, to vary the condition to allow for Trust Links to occupy the site, along with other specified D1 uses.

2 RELEVANT PLANNING HISTORY

- 2.1 Application no. 07/00483/FUL - Construct a single storey pitched roof building to provide an administration and training centre for Disability Essex. Construct driveway and parking areas, widen pedestrian and vehicular access.

Approved 19 November 2007

Application no. 08/00241/FUL - revised application to construct a single storey pitched roof building to provide an administration and training centre for Disability Essex. Construct driveway and parking areas, widen pedestrian and vehicular access.

Approved 11 June 2008

Application no. 09/00595/FUL - application to remove condition 15 of planning permission 08/00241/FUL dated 11 June 2008. Condition 15: the development hereby permitted shall be occupied by Disability Essex and to allow authorised building to be used by other than Disability Essex, subject to a unilateral undertaking requiring the District Council's prior approval of alternative future occupiers.

Refused 17 December 2009

Dismissed on appeal

Application no. 10/00194/FUL - application to remove condition 15 of planning permission 08/00241/FUL dated 11 June 2008, namely: condition 15: the development hereby permitted shall be occupied by Disability Essex and to allow authorised building to be used by Eco Wings and Disability Essex.

Refused 20 May 2010

Allowed on Appeal

3 CONSULTATIONS AND REPRESENTATIONS

3.1 Rayleigh Town Council

No objections.

3.2 Essex County Council Highways

No comments.

3.3 Neighbours

Three responses were received which can be summarised as follows:-

Rocheway: 15, 30

Anonymous: 1

- In the event the building should be pulled down and the site returned to Green Belt. But in the event of that not happening all provisions in the original application should be kept and just the name altered from Disability Essex to Trust Links.
- Unfortunately the building had permission to be built in another part of the county although we were not told this at the time, which would be more suitable.
- Parking must also be looked at depending on what is done with the school and the parking restrictions in Rocheway.
- Underlying the whole approach to these plans is the fact that in 2007, when the original plans were first advanced, there was such a strong local resistance to the building that RDC insisted upon attaching condition 15 to it.
- Local people understood that charities come and go and many have no permanence, whereas the building would be; it has only taken around 2-3 years for the local people and their feelings to be proved accurate.
- We feel that slowly but surely condition 15 is being chipped away at; it has already happened with the ill-fated Eco Wings project, which after all the fuss and extra building works did not even proceed and the local community is left with an even bigger building scarring the field.
- Plus extraordinary parking is now not guaranteed due to the closure of the college.

- The access to the site has been a problem for years as the only access is through the now closed adult community college. I think that an entrance should lead directly from Rocheway into the site from an independent access road with its own sign.
- Rocheway is a residential road and this site is in very close proximity to many houses and a recently completed block of flats.
- What is to happen in the short and long term to the adult education centre and will there will be access to it in the future.
- Disability Essex used this site mainly in the daytime. I have concerns that if condition 15 is removed then this could pave the way for the building to be used any time, day or night, for any purpose.
- If the Council is going to approve this application, condition 15 should be varied rather than removed and the use should be limited to Trust Links and any other similar organisations in order to prevent other inappropriate users from occupying the site.

4 MATERIAL PLANNING CONSIDERATIONS

- 4.1 The site is located within the Green Belt, as defined in the Rochford District Council Allocations Plan 2014. The National Planning Policy Framework states that the construction of new buildings in the Green Belt constitutes inappropriate development unless, as in the case of the building in question, very special circumstances can be demonstrated to justify an exception. The condition in question was essential to the original consent, given that the development would have otherwise constituted inappropriate development if very special circumstances were not considered to exist.
- 4.2 The very special circumstances in this application related to the requirement of Disability Essex to operate alongside an educational establishment because of the inherent sharing between mainstream education and their specialist provision.
- 4.3 Due to unforeseen circumstances detailed above, the building in question is now redundant and the very special circumstances no longer exist. In addition, the Adult Community College has been closed by the County Council and as such the synergy that led to the site being suitable for Disability Essex no longer exists. The resulting situation is a vacant building in the Green Belt, which no longer serves its original purpose.
- 4.4 No external changes are proposed to the building or its grounds.
- 4.5 The applicant states that the building was funded substantially by public money and as such it would be equitable if a community or charitable organisation could be found to operate from the centre. The proposed

occupier, Trust Links, is an established charity founded in 2000 with a number of projects in the surrounding area.

- 4.6 They propose to use the application building for courses, workshops, training and other activities for the benefit of people with disabilities, including those with mental health problems, particularly as part of the Recovery College. The proposed user is considered to be an appropriate occupier of the building and in line with the use previously allowed. It is therefore considered that it would not result in significant increase or substantial inactivity over and above that previously allowed in planning permission 08/00241/FUL so as to be detrimental to the neighbouring dwellings.
- 4.7 In addition to this use, it is proposed that Trust Links would rent out some of the rooms to appropriate tenants. This in itself would not be considered inappropriate; however, it would be considered necessary to ensure that the potential use is controlled so that it does not lead to uses that are not suited to the particular location. The application states that preference would be given to similar organisations.
- 4.8 Concerns were raised during the neighbour consultation process regarding parking facilities and access, and it is unclear as to whether the agreement with Essex County Council for the use of the Adult Community College car park would remain now that the college is no longer in operation.
- 4.9 It is considered that the proposed occupation of this site by Trust Links would be acceptable, as would the use of the site as a non-residential education and training centre. These activities would not be dissimilar to the activities previously allowed on the site by way of Disability Essex and also the neighbouring Adult Community College. It is, however, acknowledged that Trust Links may not occupy the whole site and therefore acceptable additional uses must be considered. Local and national policy supports the reuse of redundant buildings in the Green Belt, and as such it would be reasonable to extend the use of the building so as not to be restricted to one organisation alone. It is therefore not considered necessary to restrict the use of the site to Trust Links alone.
- 4.10 It is, however, considered that certain activities which fall within other use classes may not be acceptable on this site and would be harmful to residential amenity of the neighbouring dwellings. It is therefore considered that any approval should be limited to D1 Non Residential Institutions use only to allow the use of the building for uses such as clinics, health centres, places of worship, non-residential training and education, crèches, day nurseries, halls, library or museums.

5 CONCLUSION

- 5.1 The proposal is considered acceptable, subject to the following condition:-

The use hereby approved shall be restricted to use within use Class D1 of the Use Classes Order 1987 (or as otherwise amended).

6 RECOMMENDATION

6.1 It is proposed that the Committee RESOLVES

That planning permission be approved, subject to the following condition:-

- 1 The use hereby approved shall be restricted to use within use Class D1 of the Use Classes Order 1987 (or as otherwise amended).

REASON: In order to allow the Local Planning Authority to review the wider use of the building in the interests of the residential amenity of nearby occupiers, given the close proximity of nearby homes.

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with 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.



Shaun Scrutton
Managing Director

Relevant Development Plan Policies and Proposals

Policies GB2 and CLT6 of the Core Strategy 2011

Allocations Plan 2014

National Planning Policy Framework 2012 (NPPF)

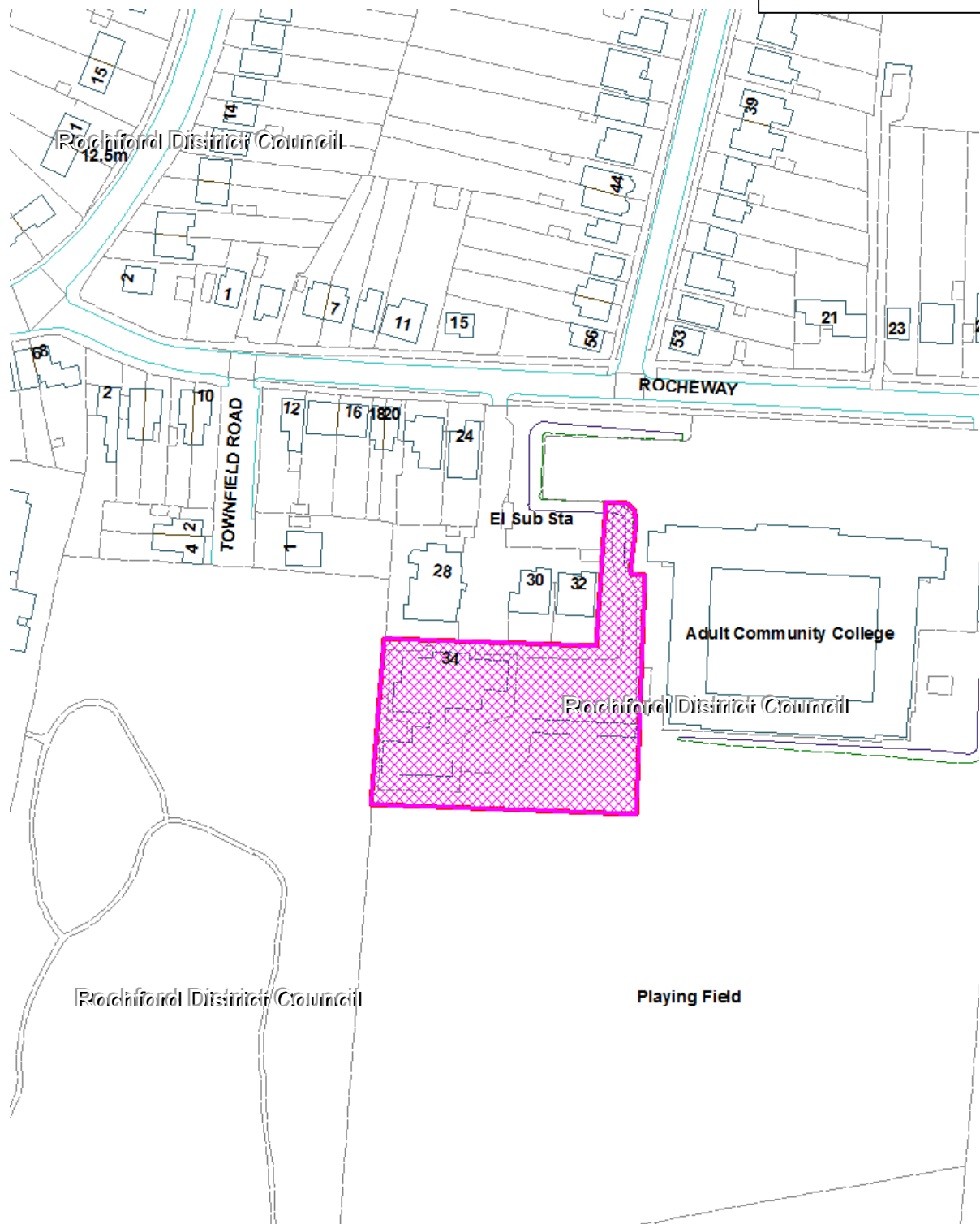
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