

12/00554/FUL**CONSTRUCT COVERED SMOKING SHELTER TO TUDOR SUITE AND STABLE BAR/RESTAURANT****THE CHICHESTER, OLD LONDON ROAD, RAWRETH**

APPLICANT: **RANOM LTD**

ZONING: **METROPOLITAN GREEN BELT**

PARISH: **RAWRETH**

WARD: **DOWNHALL AND RAWRETH**

1 PLANNING APPLICATION DETAILS

- 1.1 The application site is The Chichester, located to the eastern side of Old London Road. The premises are a complex of buildings varying between single and two storeys. On the site exists a hotel and restaurant/public house/function rooms. The site plan for this application shows the whole site and identifies the hotel, function room/restaurant buildings and associated car parking area.
- 1.2 The Chichester is located in the relatively remote western side of the District within Metropolitan Green Belt. The original farm buildings were converted in 1975 and have since been renovated and significantly extended. The buildings present a traditional appearance.

2 THE PROPOSAL

- 2.1 This application follows a refused application 11/00497/FUL for the provision of a smoking shelter alongside the entrance to the Tudor Suite and Stable Bar. This application was refused on 3 October 2011 as the proposed development would be inappropriate development and would be detrimental to the character and appearance of this part of the Green Belt. It should be noted that the shelter proposed was smaller than that currently proposed under this application.
- 2.2 Under this current application permission is sought for the provision of a single storey, flat roofed timber framed smoking shelter alongside the entrance to the Tudor Suite and Stable Bar. The structure would be 8m in width and 2.93m in depth. The structure would be open sided and would be to an overall height of 2.6m; the structure would be sited on a lower ground level of some 0.45m below the surrounding roadway surface. A wall can be seen to the entrance of the Tudor Suite, a garden wall would be built to the height of

the wall already existing, therefore the visible height of the structure would be 1.23m above surrounding levels.

- 2.3 It is important to note that a smoking shelter was approved for the Essex Barn function suite, which is nearby, under application 11/00219/FUL and has been implemented. The proposal would serve the separate Tudor restaurant and bar facilities.

3 RELEVANT PLANNING HISTORY

- 3.1 The site has been subject to a number of planning applications. Those that are relevant are detailed below:-

99/00373/FUL – Extension to existing hotel to provide office accommodation – Refused on Green Belt grounds and dismissed on appeal.

00/00021/FUL – Two storey extension to provide offices and additional bedrooms – Refused on Green Belt grounds 8 March 2000.

00/00674/FUL - Provision of Covered Disabled Access Ramp – Approved 28 November 2000.

01/00219/FUL – Underground store and office and ground floor entrance lobby – Approved 26 July 2001.

01/00254/FUL – provision of two dormers – Approved 26 July 2001.

02/00335/FUL – Erection Of Single Storey extension for Office Use – Withdrawn 12 June 2002.

03/00586/FUL – Single Storey extension to form administrative offices and reception – Withdrawn 28 August 2003.

04/00238/FUL - Single storey extension to form administrative office and reception – Withdrawn 3 August 2004.

05/00386/FUL - Single Storey Pitched Roofed Front Extension to Provide Offices and Reception - Withdrawn 12 July 2005.

06/00743/FUL - Single Storey Pitched Roofed Front Extension to Provide Offices and Reception – Withdrawn 24 October 2006.

10/00522/FUL – Construct covered smoking shelter – Refused 4 October 2010.

11/00219/FUL – Construct Covered Smoking Shelter to Essex Barn – Granted 1 June 2011.

11/00497/FUL – Construct Covered Smoking Shelter to Tudor Suite And Stable Bar/Restaurant – Refused 3 October 2011.

4 CONSULTATIONS AND REPRESENTATIONS

4.1 Essex County Council Highways: Comments received.

De minimis.

5 MATERIAL PLANNING CONSIDERATIONS

5.1 The site is located within the Metropolitan Green Belt, as identified in the Council's saved Local Plan (2006).

5.2 The application is made on the basis that the applicant wishes to respond to clientele comments to provide a smoking shelter facility to the Tudor Suite as the smoking shelter approved to serve the Essex Barn would not accommodate the additional numbers of customers. At present smokers use the area in front of the entrance doors in conflict with customers entering or leaving the premises.

5.3 The Tudor Suite can accommodate some 160 people for formal dining and 225 people for buffets. In addition to this the Stable Bar and restaurant can accommodate 80 people. It has been quoted using statistics from 2009 that 21% of the population in the south-east are smokers therefore approximately some 60 patrons at any one concurrent event may be smokers; therefore there is demand for the smoking shelter.

5.4 The site is located within the Green Belt and as such must be assessed in relation to Government advice contained within the National Planning Policy Framework (NPPF).

5.5 With regard to the impact of the development upon the Green Belt within the NPPF, the Government attaches great importance to Green Belt with the aim of keeping land permanently open. As with previous Green Belt policy, there is a general presumption against inappropriate development, which should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.

5.6 Paragraph 89 of the NPPF states that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, with exceptions such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This approach is a change to the previous position in Planning Policy Guidance 2: Green Belts (1995), as an extension to an existing building, other than a dwelling house, was previously inappropriate.

5.7 The proposed shelter design would be open and is not disproportionate in size compared to the existing building and the original building. In that context, the design would have a minimal impact upon the Tudor Suite elevations. It should also be noted that the structure would be built over an existing hard surfaced patio area where it is likely that people already congregate.

- 5.8 As with previous applications, the applicant has put forward that very special circumstances do apply in this case and it is argued that the smoking ban in July 2007 has impacted upon The Chichester's business as patrons have no covered area outside of the function rooms in which to smoke. The ban is a legal obligation upon the business.
- 5.9 The design and access statement states that the proposal is in response to the clientele, who have made requests for such a facility to support the function rooms.
- 5.10 The existing scale and visual impact of the complex of buildings at the site is substantial. The shelter would be a noticeable addition to the front elevation of the Tudor Suite. It would be behind a forward projection of the building on the western side. There would be limited views of the addition from the wider area to the west and the immediate view towards The Chichester from Old London Road. The structure would be shielded from views to the north and east by the envelope of existing buildings. The shelter would be open to views from the south and south-west. It would be seen from the footpath to the south of the site between the landscaping and against the backdrop of the existing building and the slightly lower land level in comparison to the car parking area.
- 5.11 The structure would increase the built development on site. Thus, the shelter would have an impact on the openness of the Green Belt notwithstanding its design and that it is positioned against the back drop of the existing barn buildings at a slightly lower level on the site.
- 5.12 The erection of this proposed open sided shelter in this location would appear modest in comparison to the overall size of the existing building and the former buildings on site replaced/converted and extended many years ago. The scale of the smoking shelter proposed in the context of the existing building would not be so disproportionate as to conflict with the NPPF policy. This policy change in the NPPF effective from March this year allows for a favourable consideration not previously possible against the former PPG 2, since revoked, except where very special circumstances may have prevailed. It is deemed to be of a proportionate size and although its presence would somewhat harm the openness of the Green Belt, the NPPF now allows for the extension of existing buildings that would not be disproportionate in size to the original building.

6 CONCLUSION

- 6.1 The National Planning Policy Framework (2012) now allows for existing buildings in the Green Belt to be extended, provided that it does not result in disproportionate additions over and above the size of the original building. The Local Planning Authority also has to ensure substantial weight is given to any harm to the Green Belt. The proposed shelter would not result in a disproportionate addition. It is not considered that the shelter would harm the

character or openness of the Green Belt to an extent that would now justify refusing planning permission.

7 RECOMMENDATION

7.1 It is proposed that the Committee **RESOLVES**

To **APPROVE** planning permission, subject to the following conditions:-

- (1) SC4B Time Limits Full - Standard
- (2) The development hereby permitted shall be constructed of the materials, details of which are shown on plan 3350/7 as date stamped 6th September 2012 and as specified on page 16 of the Design and Access Statement also date stamped 6th September 2012, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where materials of other than those materials specified on the plans and within the Design and Access Statement date stamped 6th September 2012 are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.

REASON FOR DECISION

The proposed shelter is largely open in nature and its positioning against the backdrop of existing buildings would not be a disproportionate addition over and above the size of the these and original building existing on the site. Furthermore the open design would reduce the prominence and intrusiveness of this shelter such that it is not considered that the shelter would unduly harm the character or openness of the Green Belt to a significant degree.

Relevant Development Plan Policies and Proposals

National Planning Policy Framework



Shaun Scrutton

Head of Planning and Transportation

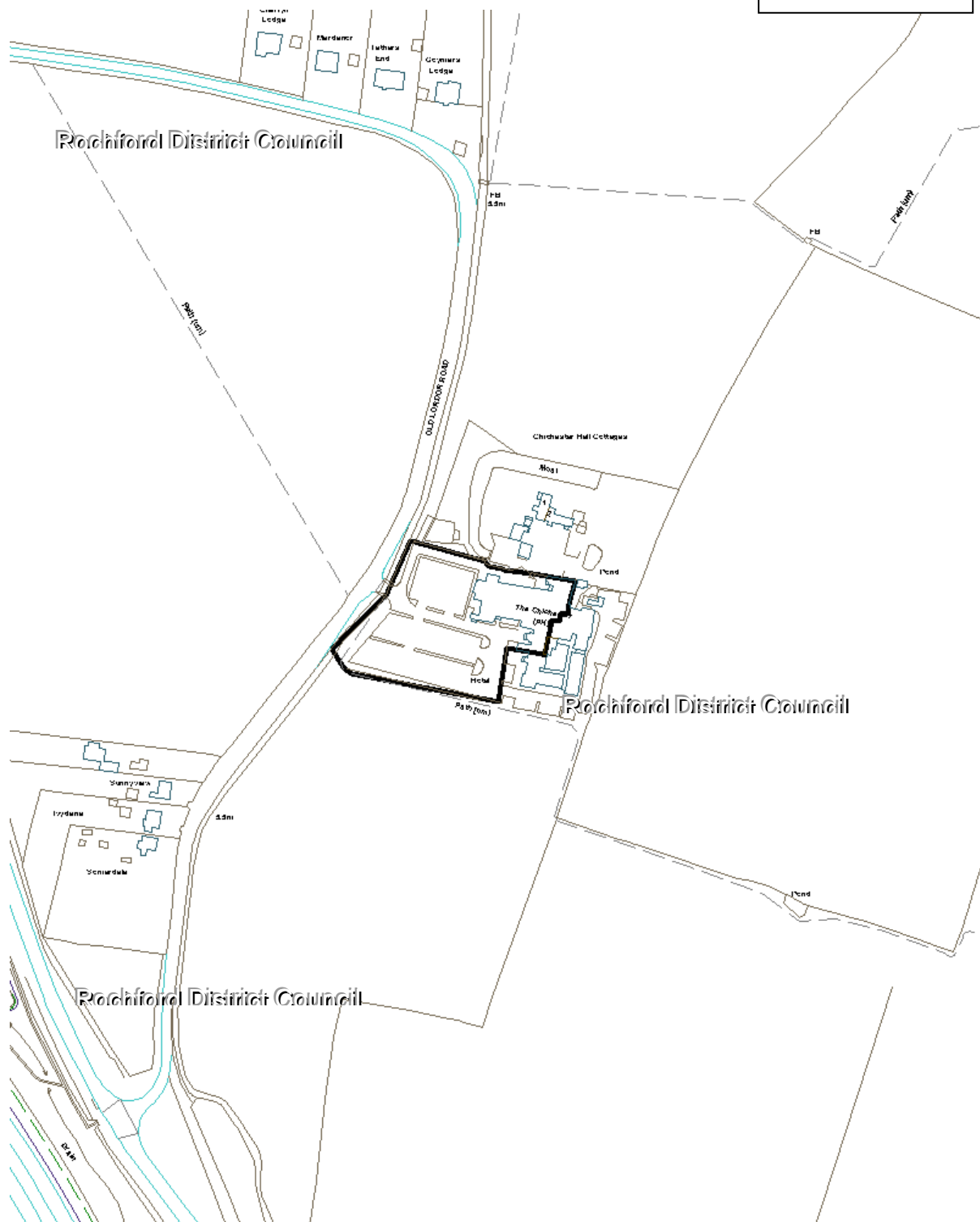
For further information please contact Rachael Collard on:-

Phone: 01702 318 093

Email: [rachael.collard@rochford .gov.uk](mailto:rachael.collard@rochford.gov.uk)

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

12/00554/FUL



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

NTS

