



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
THE DEVELOPMENT COMMITTEE – 26 May 2011**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and local 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 and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

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

Ward Members for Committee Items

ASHINGDON AND CANEWDON

Cllr Mrs T J Capon

Cllr T C Cutmore

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

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SCHEDULE ITEM 1

TITLE: 11/00219/FUL
COVERED SMOKING SHELTER TO ESSEX BARN
THE CHICHESTER OLD LONDON ROAD RAWRETH

APPLICANT: RANOM LIMITED

ZONING: METROPOLITAIN GREEN BELT

PARISH: RAWRETH

WARD: DOWNHALL AND RAWRETH

PLANNING APPLICATION DETAILS

- 1.1 Planning permission is sought to construct a covered smoking shelter.
- 1.2 The application site is The Chichester, located to the eastern side of Old London Road. The premises comprise of a complex of buildings varied between single and two storey. On site exists a hotel and restaurant/public house/function rooms. The site plan for this application only identifies the function room/restaurant buildings and associated car parking area as the site area and not the hotel. The proposed canopy will be attached to the Essex Barn.
- 1.3 The Chichester is remotely positioned to the eastern side of the District, sited within an area classified as Metropolitan Green Belt. The original farm buildings were converted in 1975 and have since been renovated and significantly extended. The Essex Barn presents a traditional appearance.
- 1.4 This revision is a re-submission following a previously refused application (10/00522/FUL) for a covered smoking shelter. This 2010 application was refused for the following reason:-
- 1.5 *'The Replacement Rochford Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined on Policies R2 and R5 of the Local Plan). Any development, which is permitted, shall be of a scale, design and siting such that the appearance of the countryside is not impaired.'*

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- 1.6 *The proposed development is inappropriate by definition and no very special circumstances have been demonstrated that would outweigh the harm that would be caused to the Green Belt. In addition the proposed canopy structure would be a prominent addition to the Essex Barn and would add to the built development at the site, reducing the degree of openness to the front of the existing building to which it attaches. Should the Council allow the proposed canopy this would set a precedent for piecemeal additions to buildings that would cumulatively erode the openness of the Green Belt and would be detrimental to the character and appearance of the part of the Green belt of which the site forms part'.*
- 1.7 This revised application is for a canopy that is smaller in width than that previously proposed and has hipped roof ends opposed to full gables.

RELEVANT PLANNING HISTORY

- 1.8 The site has been subject to a number of planning applications. That which is relevant is detailed as follows:-

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

00/00021/FUL – Two storey extension to provide offices and additional bedrooms – Application refused on Green Belt grounds.

01/00219/FUL – Underground store and office and ground floor entrance lobby – Application approved.

01/00254/FUL – provision of 2 no. dormers – application approved.

10/00522/FUL – Construct covered smoking shelter – application refused.

- 1.9 Applications 02/00335/FUL, 03/00586/FUL, 04/00238/FUL, 05/00386/FUL and 06/00743/FUL all proposed a single storey extension to the building to provide office accommodation and a reception area. All of the applications were withdrawn before a decision was issued.

CONSULTATIONS AND REPRESENTATIONS

- 1.10 **Rawreth Parish Council** – Comments yet to be received.
- 1.11 **Essex County Highways** – De Minimis.

SCHEDULE ITEM 1**MATERIAL PLANNING CONSIDERATIONS**

- 1.12 The application is made on the basis that the applicant wishes to respond to clientele comments to provide a smoking shelter facility at the site. The design and access statement specifies that the applicant considers it logical and functional that the shelter smoking facility be located in close proximity to one of the entrance doors, but sufficiently distanced such that smoke does not carry into the interior of the building.
- 1.13 The proposed canopy will be positioned in front of the entrance to the Essex Barn approximately at its closest 2.4m from the existing pitched roofed canopy structure, which is positioned over the entrance door. The configuration of the Barn is such that the entrance is recessed between two projecting single storey pitched roofed wings. Brick court yard walls extend out from each wing and create a small enclosed area. These brick walls are to remain.
- 1.14 The proposed canopy will be constructed above the existing brick walls. Timber posts will support a hipped roofed tiled canopy structure that will reach a maximum height of 3.6m over a width span of 6.65m. The canopy is relatively narrow at only 2.25m in depth. In contrast to the previously refused application the canopy is reduced in width by 2.6m and now presents hipped roof ends opposed to the gable ends previously proposed. The applicant puts forward in the design and access statement that the canopy is to an appropriate form with one extended simple roof profile taking the form of a Lychgate, which would serve as a covered way to approach the entrance to the Essex Barn.
- 1.15 The materials for the proposed canopy, namely oak timber posts and red clay roof tiles, would be sympathetic to the Essex Barn and would not appear out of keeping.
- 1.16 Although not directly applicable in this case, the Ministerial Statement issued by the Government in March 2011, which sets out the steps the Government expects Local Planning Authorities to take with immediate effect with regard to economic growth must be taken into consideration, along with all other material considerations. The Local Authority should support economic recovery and not place unnecessary burdens on development, in order to promote sustainable economic growth.
- 1.17 The site is located within the Green Belt and as such must be assessed in relation to Government advice contained within PPG 2: Green Belts. There are no Local Plan policies relevant to the determination of the application.

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- 1.18 With regard to the impact of the development upon the Green Belt, PPG2 provides Government advice with regard to the provision and safeguarding of Green Belts. There is a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances (shown in paragraphs 3.4, 3.8 and 3.11 and 3.12 of PPG2). Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.19 The proposed structure amounts to inappropriate development in the Green Belt by definition. The applicant puts forward that very special circumstances do apply in this case. 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 on smoking in public places is a legal obligation upon the business. With its location within the Green Belt, the business has been unable to meet the needs and expectations of patrons by way of providing a sheltered smoking area. The applicant concludes that it is essential to the existing functions of the premises to provide a supplementary facility to support the existing business.
- 1.20 In response to the above it is not considered that the smoking ban demonstrates a very special circumstance for a particular smoking shelter, but weight should be given to the principle of such provision. Many businesses in the Green Belt could put forward pressing operational needs for the addition of buildings/structures and the enlargement of existing buildings. Furthermore, it would seem reasonable to suggest that the business has still continued to operate within the last 4 years without such a facility, as proposed. This has not been discussed within the design and access statement.
- 1.21 The design and access statement suggests that the proposal is in response to the clientele who have made requests for such a facility to support the function rooms. Green Belt policy does not proscribe such development in all cases, but imposes a strict requirement that it should only be permitted where the balance in the arguments is clearly sufficient to outweigh the substantial harm to the Green Belt which inappropriate development represents. Should this policy not strictly be adhered to, there would be numerous new buildings and extensions that would cumulatively undermine both Green Belt policy and the openness of the Green Belt.
- 1.22 Although the development is inappropriate, it must also be assessed whether the development results in any other harm to the Green Belt.

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- 1.23 The existing scale and visual impact of the complex of buildings at the site is particularly substantial. The canopy will be a noticeable addition to the front elevation of the Essex Barn; however, its reduced size is a favourable amendment. The canopy structure would increase the built development on site, however it is not necessarily thought that the canopy itself would materially decrease the openness of the Green Belt, as the canopy is largely open and is positioned against the back drop of the existing barn buildings. In addition the brick walls to which the canopy will be built above already exist; such that the only new development will be the timber posts and the canopy roof. The Council was previously concerned that the canopy spanning the width of the building could give rise to infilling of the area behind it to create floor space in the enclosed court yard in front of the Essex Barn. With the reduced size of the canopy this scenario is considered less likely.
- 1.24 The erection of this canopy is still inappropriate development within the Green Belt and inevitably by its very presence would somewhat harm the openness of the Green Belt. However, given the open nature of the canopy, its now hipped roof design and reduced width, making the canopy roof less intrusive and that it is positioned against a backdrop of existing buildings, it is not felt that the canopy would be overly prominent or intrusive such that it would unduly harm the character or openness of the Green Belt. It is not thought therefore that any other significant harm is caused to the Green Belt as a result of the proposed canopy and that the very special circumstances of the need for a smoking shelter outweigh the harm caused by inappropriateness and other harm.

CONCLUSION

- 1.25 The proposed canopy constitutes inappropriate development by definition. However, notwithstanding this, it is felt that the reduced width and hipped roof ends of the canopy, its largely open nature and its positioning against the backdrop of existing buildings, reduces the prominence and intrusiveness of the canopy such that it is not considered that the canopy would unduly harm the character or openness of the Green Belt, to an extent that would justify refusing planning permission. Furthermore, the very special circumstances of the need for a smoking shelter outweigh the harm caused by inappropriateness and other harm.

RECOMMENDATION

- 1.26 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B Time Limits Full – Standard

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- 2 The development hereby permitted shall be constructed entirely of the materials, the details of which are shown on plan No 3350/3 Revision D as date stamped 7th April 2011 and as specified within page 14 of the Design and Access Statement also date stamped 7th April 2011, 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 other than those materials specified on the plans and within the Design and Access Statement date stamped 7th April 2011 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 amendment to the canopy, by way of the reduced width and hipped roof ends of the canopy, its largely open nature and its positioning against the backdrop of existing buildings, reduces the prominence and intrusiveness of the canopy such that it is not considered that the canopy would unduly harm the character or openness of the Green Belt. Furthermore the very special circumstances of the need for a smoking shelter outweigh the harm caused by inappropriateness and other harm.

Policies

Planning Policy Guidance 2: Green Belts

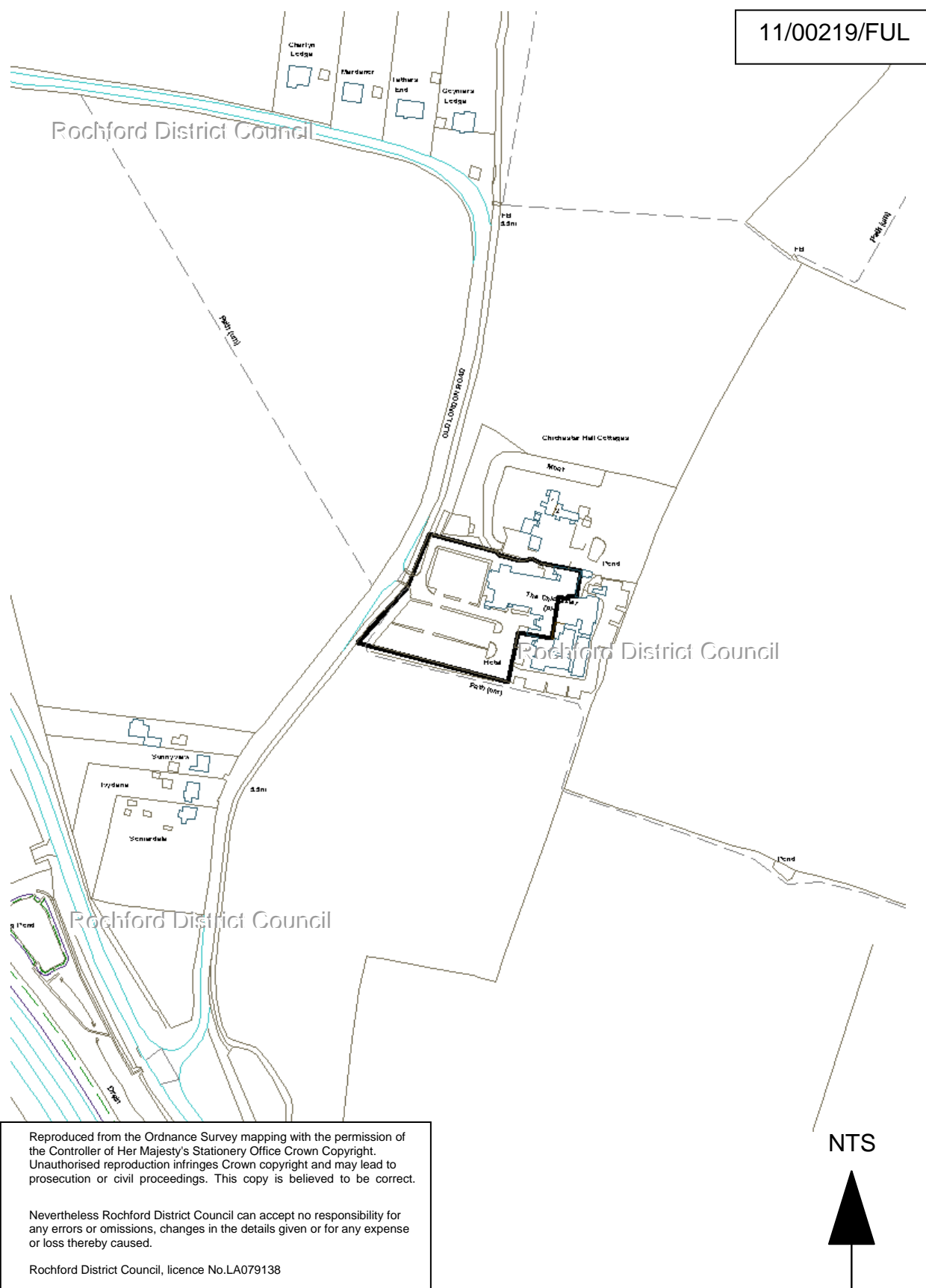


Shaun Scrutton

Head of Planning and Transportation

For further information please contact Katie Simpson on (01702) 546366.

SCHEDULE ITEM 1



SCHEDULE ITEM 2

**TITLE: 11/00174/FUL
CHANGE USE OF VACANT BUILDING TO USE AS INDOOR
ROLLER SKATING RINK
12 PURDEYS WAY ROCHFORD**

APPLICANT: MR CLIVE MEECH

ZONING: EMPLOYMENT LAND

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 2.1 This application relates to the use of a vacant unit at 12 Purdeys Way with Class A1 use. The proposed use is as a roller skating rink (Class D2). The site is designated as employment land.
- 2.2 The original planning approval for the building was to construct a Class A1 furniture retail store. Permission to divide the unit, then nearing completion, into two separate units contained within the area and volume of the existing approval was subsequently granted. One of the units (12a) was granted Class B2/B8 (general industrial, warehousing) use. This unit is now occupied by Thermo Fisher Scientific, employing 48 people. The other unit with A1 use, subject of this application, has remained vacant since completion.
- 2.3 The external elevations would be essentially unchanged from the existing building, save the addition of two fire escape doorways and infilling behind the line of the industrial roller shutter to the rear service yard.
- 2.4 The unit has a floor space of 991m² and is on one level. The proposal would add a further mezzanine level at the rear of the unit with an additional floor space of 97m². This level will provide a DJ booth, male and female toilet facilities and a gallery seating area. The ground floor would have a skating rink with a rink size of 478m². At the rear of the rink would be a disabled toilet and a kitchen/servery with seating area. Close to the entrance on the east elevation would be a reception area with a skate hire counter, customer lockers and a seating area.
- 2.5 Members may recall a site visit undertaken during the previous application process where there were concerns about the internal layout and whether this could be improved to mitigate against the transfer of noise to the adjoining property. This revised proposal has taken account of these concerns and an acoustic report prepared by Peter Mapp and Associates has been submitted.

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The layout has subsequently been revised by the architect providing additional sound protection along the party wall by using acoustic screening and creating noise transmission barriers by utilising part of the area for offices, skate hire and other store areas. The mezzanine has also been reduced in size and the toilets re-positioned. There will be a disabled toilet on the ground floor. A Transport Statement report accompanies the application prepared by consultants, LvW Highways Ltd.

- 2.6 Although the area is designated as employment land and the unit itself as a retail use, the applicant considers that there would be a demand for the proposed leisure use within the district and that the site is suitable for the intended purpose.

RELEVANT PLANNING HISTORY

02/00865/OUT Outline Application to Erect Furniture Retail Store, Together with Car Parking Servicing Area and Access. Approved 16 September 2003.

04/00851/REM Retail Store with Car Parking and Service Area (Reserved Matters Following Outline Approval 02/00865/OUT). Approved 9 November 2004.

08/00014/FUL Revised Building to Provide Building Comprising Retail Unit and Warehousing Unit with Revised Car Parking Layout. Approved 18 March 2008.

08/00303/FUL Insert 5no. Windows to Front Elevation (2no. at Ground Floor and 3no. at First Floor). Approved 5 June 2008.

10/00238/COU Change Use of Vacant Building to Use as Indoor Roller Skating Rink. Refused 31 August 2010.

1. The information submitted with the application with respect to the mitigation of noise and vibration that would arise from the proposed development is not considered sufficient to enable the Local Planning Authority to be satisfied that the proposed use would not give rise to an unacceptable degree of noise and disturbance to the occupiers of the adjoining premises. It has not been demonstrated that the noise and vibration that would be generated by the proposed use, including from the roller skating, amplified sound/music system and general activity, could be satisfactorily mitigated against to ensure that the use would not have a harmful and unacceptable impact on the occupiers of the adjoining premises.

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2. The level of on-site car parking proposed is considered insufficient to serve the proposed use such that it would result in on-street parking to the detriment of other users of the industrial estate and contrary to highway safety. The level of on-site parking proposed would be contrary to the Parking Standard, 'Parking Standards - Design and Good Practice' dated September 2009 (Essex County Council), as endorsed by Rochford District Council.

CONSULTATIONS AND REPRESENTATIONS

- 2.7 **Rochford Parish Council** - Concerns whether there is adequate parking and pedestrian access and safety on this road, which is heavily used by HGV's. In addition, the current situation regarding Sutton Ford Bridge and the narrow footway in Sutton Road will also create safety issues.
- 2.8 **Environment Agency** - Development within 250 metres of a licensed or historic landfill site.
- 2.9 **Essex County Fire And Rescue** - Access for fire safety purposes is considered satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.
- 2.10 **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) Before the use commences, the roller rink shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the L.P.A. 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) Before the use commences, a noise management plan regarding the operation of the roller rink shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed noise management plan shall be followed at all times while the premises are in use for the permitted purpose.
 - 3) Prior to opening, a post-implementation acoustic report, incorporating sound and vibration transmission tests, shall be submitted to the Local Planning Authority demonstrating the sufficiency of the noise mitigation measures employed to comply with conditions 1 and 2 above.

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Informative:

The following comments relate to the unreferenced acoustic report dated February 2011 and written by Peter Mapp & Associates that was submitted with the application:-

2.11 The Local Planning Authority is expecting that:-

- Such measures shall be implemented that internally-generated sound arising from the operation of the business (music and people noise) shall not be able to exceed the blue 'background noise level' line for the adjoining premises, as indicated in Figure 2, Page 4.
- The applicant is also advised to employ specialist acoustic expertise during the refurbishment/installation works, who shall have specific regard to electronic noise management.
- The applicant will install a signal leveller and sound-limiting device that would be used at all times.
- The applicant is strongly advised to employ measures 1-10 as listed on page 16 of the acoustic report, as well as the suggested second partition as specified on page 18.
- No sub-woofer shall be used within the loudspeaker system at any time. A psycho-acoustic bass enhancer would be permissible.

2.12 Neighbour – One objection on behalf of Thermo Fisher. Main points:-

- Parking. No change has been made to proposed parking provision. Improbable that 5 staff parking spaces will be adequate. Would lead to on street parking. Public transport poor. Query effectiveness of any parking management plan.
- Security. Concern about potential for anti-social behaviour in rear yard (currently locked at 1800 hours and weekends)
- Noise and disturbance. Would wish to be absolutely reassured that measures described in acoustic study are fully implemented and independently tested. Noise and disturbance caused by people hanging around outside venue.
- PPS4. Not considered that the unit meets the sequential approach to site selection.

MATERIAL PLANNING CONSIDERATIONS

2.13 The site is within an area allocated as employment land on the Council's saved Local Plan (2006). The site was originally intended to support a furniture retail store but this unit has been vacant since completion. Policy EB1 of the Local Plan (2006) sets out the uses and criteria applicable to employment land.

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- 2.14 The acceptability of the principle of the proposed use must be assessed in relation to relevant planning policy and any other material considerations. Policy LT8 of the Local Plan (2006) is relevant, as is policy in Planning Policy Statement 4: Planning for Sustainable Economic Growth. In addition, consideration must be given to the Ministerial Statement issued by the Government in March 2011, which sets out the steps the Government expects Local Planning Authorities to take with immediate effect.
- 2.15 When deciding whether to grant planning permission Local Planning Authorities should support enterprise, economic and other forms of sustainable development whilst having regard to all material planning considerations considering fully:-
- the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession ensuring that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that clear reasons are given for their decisions.
 - the range of likely economic, environmental and social benefits of proposals, including long term or indirect benefits, such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity).
- 2.16 In determining planning applications Local Planning Authorities are obliged to have regard to all relevant considerations.
- 2.17 Policy LT8 supports indoor leisure facilities provided that certain criteria are met. Part (i) requires the benefit to outweigh the loss of the existing land use. The unit has remained vacant since completion and it is not considered that a loss of an A1 use is significant. Parts (ii) and (iii) relate to highways and public transport issues respectively. Part (iv) requires that proposals would not have an adverse impact regarding noise disturbance on the locality. It is considered that parts (v), (vi) and (vii) of Policy LT8 are of lesser relevance to this application as it is not considered there would be adverse impacts on visual amenity, there are no similar facilities in the area and the proposal does not conflict with other Local Plan policies.
- 2.18 The principle of this proposal was considered by Members in August 2010. That application was recommended for approval, with no objection from the Highway Authority and no objections in terms of noise and vibration issues from the Council's Head of Environmental Services. The application was refused on grounds of inadequacy of information on noise and vibration effect on occupiers of adjoining premises and insufficient level of car parking.

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Other than the Ministerial Statement referred to above, the key material planning considerations remain unchanged. Therefore it is these two earlier reasons for refusal that necessarily form the basis of the consideration of this application.

TRANSPORT

- 2.19 There are no parking restrictions in the locality.
- 2.20 The applicant has submitted a Transport Statement commissioned from LvW Highways Ltd in support of the application. The statement concludes that the proposals are in an accessible location where sustainable means of travel can be encouraged and that the proposed parking spaces would be sufficient for demand.
- 2.21 The main access to the site will be the existing car park entrance on Purdeys Way, which is shared with Thermo Fisher. Staff would use the rear entrance. At present there are 34 parking spaces in the car park at the front of the two units with 17 spaces formally allocated to each of the two units. There are an additional 3 spaces each in the rear service yard. A parking layout has been submitted to provide an additional two spaces at the rear and a further six spaces at the front. The rear spaces would be used for staff parking. The additional bay sizes conform to the previous standard size of 4.8m x 2.8m. The latest standard is for a preferred bay size of 5.5m x 2.9m with a minimum bay size (only used in exceptional circumstances) of 5.0m x 2.5m (Essex County Council – Parking Standards, September 2009). Accordingly, the size of the additional parking spaces does not meet the latest standard although they would be equal to the size of the existing bays on the site.
- 2.22 In terms of the number of spaces the standards for D2 use is a maximum standard. The development would have a public floor area of approximately 950m² and the maximum number of spaces required would be 95 spaces at the standard for swimming pools, gyms and sports halls of 1 space per 10m² of public area or 48 spaces at the standard for other D2 uses of 1 space per 20m². 28 car parking spaces are proposed for the site. There is no minimum level of provision required.
- 2.23 An appropriate level of vehicle spaces for the proposed use would likely be lower than the maximum number, although a suitable number would be a matter of judgment. The applicant estimates that peak demand for the rink would be in the evenings and at weekends, citing that the majority of the customers would be under 17 and not able to drive.

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- 2.24 The applicant considers that a far lower number of spaces would be required for a roller skating rink than for other leisure uses due to the age profile of the client base and has personally observed a maximum of 22 vehicles parked on a Saturday at the larger Roller World skating rink in Colchester when the estimated occupancy was 500 people. As such, an observation cannot be relied upon to assess parking requirements. An additional assessment has been supplied using the TRICS 2010(b) trip generation database to provide calculations for three different leisure uses (ice rinks, leisure centres and swimming pools). Using trip generation for a rink area of 478m² (weekdays and Saturday use) and a leisure centre/swimming pool with a gross area of 1088m² (weekdays) the calculations would indicate a maximum standard of 23 customer vehicles (for a leisure centre) and peak parking demands of 19 and 22 cars for ice rinks and swimming pools respectively.
- 2.25 It is proposed to provide 32 cycle parking spaces. This is in excess of the minimum requirements of the Council's parking standards 2010 and is considered to be an appropriate figure for the proposed use. The cycle parking is accommodated adjacent to the building with all cycles visible through the large windows.
- 2.26 The Transport Statement indicates a desire to promote walking, cycling and the use of public transport for access to the venue by both staff and visitors. The development is within 300m of the bus routes 60 and 61 and 900m from routes 7 and 8, however only route 7 has a moderately frequent service. The operators also intend to work with Thermo Fisher to ensure an operational plan, acceptable to all parties, is put into place to ensure parking is regulated accordingly.
- 2.27 Essex County Council, as the Highway Authority, has yet to respond to the consultation.

2.28 **IMPACT ON ADJOINING PREMISES**

The previous application prompted concerns about possible noise and vibration transfer to the neighboring premises, which employs 48 people. The applicant has subsequently appointed acoustic consultants to carry out sound level testing to establish the attenuation provided by the existing building fabric, advise on practical measures to mitigate possible noise intrusion, and design a suitable music system with limit controls. The sound transmission tests were undertaken with the co-operation of Thermo Fisher. The report indicates a reduction of 5 to 10db in noise levels would be required to mitigate the existing sound attenuation between the two premises to an acceptable level based on the test levels taken within the Thermo Fisher premises and the empty unit in its present state. The report provides measures proposed for the sound system design, for additional sound insulation/isolation that would achieve the necessary target reduction of 5 to 10db as well as recommendations for measures to control and limit the maximum sound pressure levels.

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- 2.29 The proposed measures to be undertaken in accordance with the report include the following:-
- Overhead suspended directional speakers with infill acoustic panels to reduce noise transfer with acoustic absorption to ceiling.
 - Resilient mounted rink floor to reduce impact and structural borne sound.
 - High performance acoustics wall alongside Thermo Fisher office area. 200mm acoustic wall elsewhere.
 - Carpeted walkways, carpeted walls to 1 meter height and carpeted rink barriers.
 - 'Sound lobby' entrance door system to stop noise escaping.
 - Bass control system to isolate loudspeaker from floor/walls to reduce vibration.
- 2.30 The layout of the building has also been altered following the previous refusal. Access points to the rink have been moved so that they do not face the party wall. The reception, office and skate hire area also serve as sound transmission barriers to the party wall. Additional acoustic walls and a void have been introduced on the advice of the acoustic consultant.
- 2.31 The rink would be mounted above the existing concrete floor in order to reduce noise and vibration transfer through the structural parts of the building. It is considered that the precise details of the rink design and materials be controlled by a planning condition.
- 2.32 The Head of Environmental Services has recommended conditions requiring that the proposed rink be insulated against the egress of internally generated noise prior to the use commencing, that a noise management plan regarding the operation of the rink be approved and that, prior to opening, a post-implementation acoustic report, incorporating sound and vibration transmission tests, demonstrating the sufficiency of the noise mitigation measures employed be submitted and approved.
- 2.33 A planning consultant, acting on behalf of Thermo Fisher, has stated that the company remains fundamentally opposed to this application but in the event that Members should decide to grant permission measures described in the acoustic report are fully implemented and independently tested prior to the commencement of the operation. Further concerns have been raised about the car parking arrangements and anti-social behaviour.
- 2.34 It is considered that a combination of the measures in the acoustic report and the conditions recommended by the Head of Environmental Services would overcome the previous reason for refusal and the noise nuisance concerns of the adjoining business.

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CONCLUSION

- 2.35 The unit has remained vacant since the building was completed. The use would provide employment opportunities and provide an additional leisure facility for the Rochford District, which is considered sufficient to outweigh the loss of a site otherwise suitable for employment or retail use.
- 2.36 Access and parking facilities, including the provision of cycle spaces, are considered sufficient to meet demand, as supported by the Transport Consultant report, subject to the awaited response from the Highway Authority. Measures to limit noise generation and transfer have been introduced, as set out in the acoustic report, and the Head of Environmental Services is satisfied with this acoustic treatment, subject to the recommended planning conditions.

RECOMMENDATION

- 2.37 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B – Time Limits
 - 2 The development shall only be used as a roller skating rink and for no other purpose, including any use otherwise permitted within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.
 - 3 Prior to occupation of the facility the vehicle and cycle parking area shall be laid out as per the approved site plan.
 - 4 Prior to the use commencing, the unit shall be insulated against the egress of internally generated noise, in accordance with a scheme to be 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.
 - 5 Prior to the use commencing, a noise management plan regarding the operation of the roller rink shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed noise management plan shall be followed at all times while the premises are in use for the permitted purpose.
 - 6 Prior to opening, a post-implementation acoustic report, incorporating sound and vibration transmission tests, shall be submitted to and agreed in writing by the Local Planning Authority, demonstrating the sufficiency of the noise mitigation measures employed to comply with conditions 4 and 5 above.

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- 7 Precise details of the design, fixing and materials of the rink shall be submitted to and agreed in writing by the Local Planning Authority prior to the development; and thereafter maintained in the approved form.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

Relevant Development Plan Policies and Proposals

LT8, of the Rochford District Council Adopted Replacement Local Plan As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 (5 June 2009).

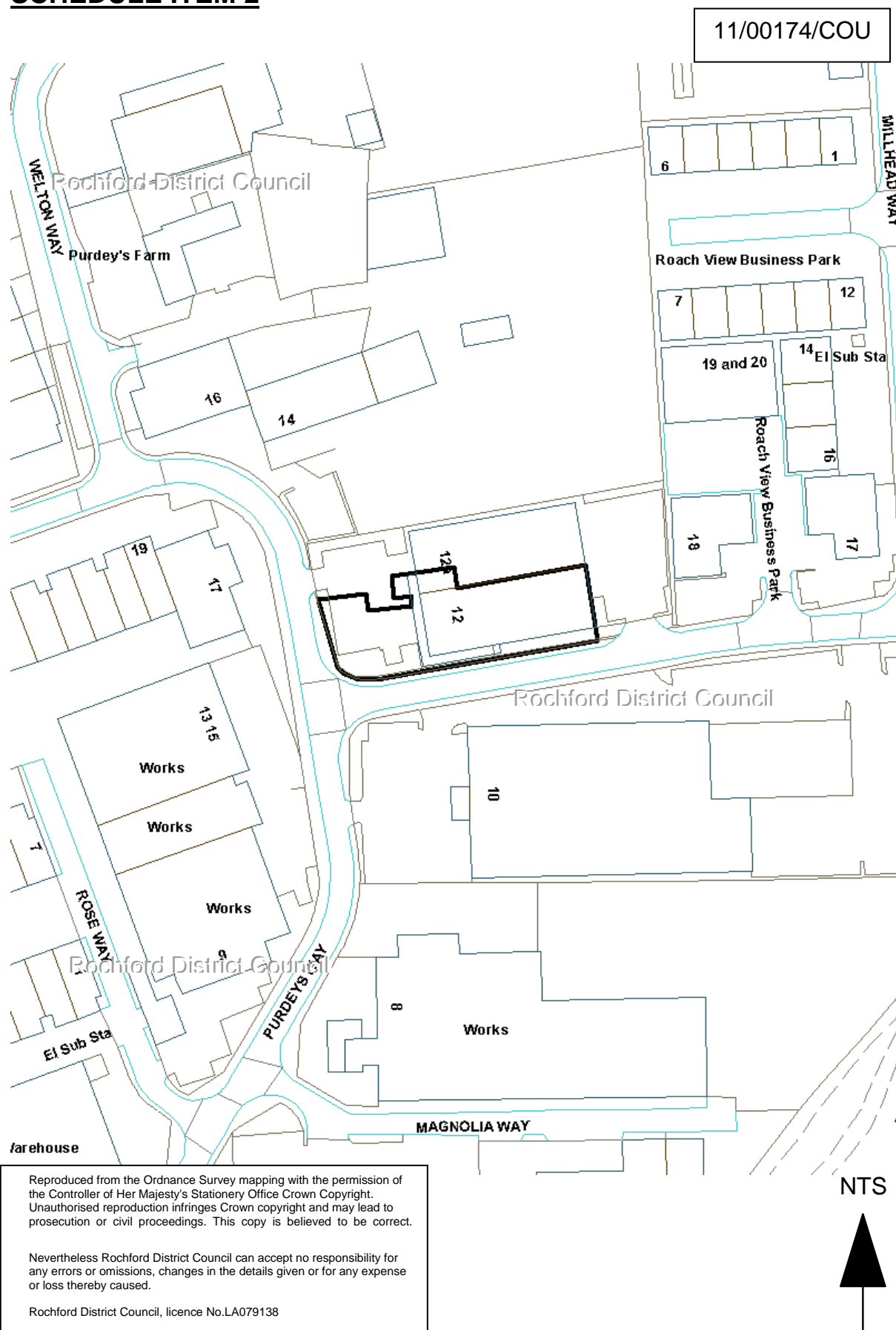
Parking Standards Design and Good Practice Supplementary Planning Document 2010.



Shaun Scrutton

Head of Planning and Transportation

For further information please contact Robert Davis on (01702) 318095.

SCHEDULE ITEM 2

SCHEDULE ITEM 3

**TITLE: 11/00181/FUL
CONVERT FORMER PUBLIC HOUSE INTO SINGLE DWELLING
HOUSE AND FORM NEW DETACHED DWELLING HOUSE TO REAR
OF SITE WITH ACCESS, PARKING AND GARDEN AREAS.
THE CHEQUERS INN HIGH STREET CANEWDON**

APPLICANT: COOKSON CONTRACTS – MR BRADLEY GUIVER

**ZONING: EXISTING RESIDENTIAL DEVELOPMENT
CANEWDON HIGH STREET CONSERVATION AREA**

PARISH: CANEWDON

WARD: ASHINGDON AND CANEWDON

PLANNING APPLICATION DETAILS**THE SITE**

- 3.1 The application site is to the southern side of the High Street opposite the junction to Canute Close.
- 3.2 The immediate area comprises dense residential development, with an eclectic mixture of both old and new properties. Within close proximity to the site are several Listed Buildings, these being Russell House directly next to the application site, Whinfell and The Anchor Pub on the corner of the High Street and Anchor Lane. The Old Post Office and Canute House are also Listed, to the northern side of the High Street approximately 25m and 100m respectively from the application site. Newer housing developments, as seen in Canute Close, Birch Close and Chequers Court, surround the site.
- 3.3 The Canewdon High Street Conservation Area runs in a strip along part of the High Street, incorporating The Chequers Inn Pub. The Conservation Area, however, cuts through the middle of the site and hence part of the existing car park for the Chequers Inn is not located within the designated Conservation Area.
- 3.4 The Chequers has been included in the draft Local List of Heritage Assets Supplementary Planning Document recently the subject of consultation and discussion.
- 3.5 The application site has a frontage to the High Street of 19m and an average depth of 48m.

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- 3.6 On the site there is a public house that is currently closed. To the rear of the site exists an out building and car park. The public house fronts the High Street and the car park would provide for some 14 spaces.
- 3.7 The pub appears to be lived in at present and the car park given over to storage and parking contained within security and close boarded fencing.

PROPOSAL

- 3.8 The application is in two parts comprising alterations to the Chequers pub building converting to a dwelling and the second part comprising the division of the site and the construction of a detached house on the rear part behind the retained Chequers building.
- 3.9 The conversion of the public house would demolish part of the projecting ground floor rear flat roofed extension to the side and rear of the original building, together with a smaller sloped roofed ground floor rear projection off the kitchen. The rear ground floor would be extended by a sloped roofed extension forming part of the kitchen.
- 3.10 The internal layout would be revised at ground floor to provide kitchen diner, games room office and lounge, together with the conversion of the existing beer cellar to form an integral garage facing accessed from the rear of the building. The detached out building would also be demolished.
- 3.11 At first floor the layout would be changed to four bedrooms, two with en-suite bathrooms, bathroom and dressing room.
- 3.12 Externally the ground floor alterations at the rear of the building would revise the window pattern at ground floor but affecting the side elevation only by re-siting the side door currently to the beer cellar and to provide a new side entrance to the resulting house.
- 3.13 The house proposed at the rear of the site would be formed on the existing car park and accessed from a private drive shared with the house resulting from the conversion of the pub. The house proposed has a hipped roofed design to a height of 8.6m with walling to an eaves height 4.95m. The house would contain four bedrooms at first floor with integral garage at ground floor.
- 3.14 Both the house proposed and the house arising from the conversion would feature two parking spaces in addition to the integral garages shown.

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RELEVANT PLANNING HISTORY

Application No. 08/00613/FUL

Construct first floor rear/side extension and make alterations to convert into 4 No. two-bedroomed flats and construct 2 No. one-bedroomed bungalows at rear with revised parking layout and amenity areas.

Permission refused 28 August 2008 for the following reasons (summarised):-

1. Over-development failing to provide sufficient private amenity space for the flats and bungalows proposed.
2. The design of the bungalows considered inappropriate and unsympathetic to the Conservation Area.
3. The loss of the public house is contrary to R9 of the Local Plan and would amount to a serious loss to the social life of the village of Canewdon. No reasonable attempts have been made to secure a continuation of the business use prior to the submission of the application.

Application No. 09/00155/FUL

Construct first floor rear/side extension and make alterations to convert pub into four x two-bedroomed flats and construct two x one-bedroomed bungalows at rear with parking and amenity areas.

Permission refused 28 May 2009 for the following reason:-

1. The proposed development of the public house would result in the serious loss of a valued social facility within a rural area, contrary to the advice contained within Planning Policy Statement 7. Furthermore, inadequate evidence had been provided by the applicants to prove that the public house was not a viable business.

CONSULTATIONS AND REPRESENTATIONS

- 3.15 **Canewdon Parish Council:** Comments received.
- 3.16 Object for reasons relating to the new dwelling at the rear and agree with comments submitted by Essex County Council's Specialist Adviser on Historic Buildings and Conservation that the design is out of keeping with the standard expected in such close proximity to a Conservation Area.
- 3.17 Concern raised at the close proximity of the boundary of the proposed dwelling to the existing dwellings, which could result in increased noise, disturbance and overlooking.

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- 3.18 The Parish Council vision statement states that any planning applications meet the needs of parishioners. Members are concerned that the proposal for a further four-bedroomed house is not a reflection of the needs of the residents. Members propose a single storey dwelling be built with limited roof space accommodation. This will be more in keeping with the local area and meet local need.
- 3.19 Members have no objection to the conversion of the existing building so long as works are carried out in keeping with the character of the Conservation Area.
- 3.20 Draw attention to the Parish Council's request that the Chequers be included in the Local List, which is still at the consultation stage and any decision should be delayed until the final publication of the Local List.
- 3.21 Do not object to the conversion of the Chequers Inn, nor the building of a dwelling at the back of it. However, Members consider that a smaller, better designed dwelling would be more appropriate.
- 3.22 **Highways (Ecc):** Comments received:-
No objection to raise, subject to the following heads of conditions to the grant of permission:-
1. Vehicular hardstandings shall have a minimum dimension of 2.9m x 5.5m.
 2. No unbound material used in the surface treatment of the access within 6m of the highway.
 3. Provision within the site of an area for the reception and storage of materials and parking of operatives' vehicles.
 4. Submission of details to prevent the discharge of surface water onto the highway.
 5. Developer to be responsible for travel information and marketing scheme for sustainable transport.
- 3.23 **Historic Buildings And Conservation Advice (ECC):** Comments received.
Advise that the pub and northern half of the site is within the Conservation Area. The proposed house is fifteen feet south of the Conservation Area boundary. In such circumstances the normal standards of design appropriate to the Conservation Area location apply and new development should preserve or enhance the character and appearance of the Conservation Area.

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- 3.24 No objections to the building of a new house here. However, the proposed design falls far short of the standard expected. It would be an under statement to describe it as being eclectic. The front elevation in particular includes far too many disparate architectural elements. Tudor style windows, a shallow projecting bay with applied studwork and braces as well as lean to roofs over a semi circular bay window, stone quoins, and a classical porch that is cut into the lean to roofs on either side. A simpler consistent style would have been more appropriate.
- 3.25 The proportions of the house are equally unsatisfactory. The depth of the plan is excessive for its length and the roof pitch is consequently too slack. The building might have looked more successful as a narrower rectangular form.
- 3.26 Recommend the application is refused for the above reasons.
- 3.27 **Specialist Archaeological Advice (ECC):** Comments received.
Identify the application as having archaeological implications. The site lies within the historic core of the village of Canewdon. It is thought the medieval settlement developed close to the church and Canewdon Hall and as can be determined from the 1777 map of Chapman and Andre, which shows dwellings along the southern side of the High Street.
- 3.28 Due to the intrusive nature of the proposed new house and potential for surviving deposits associated with the development of Canewdon from the early medieval period, recommend full archaeological condition.
- 3.29 **Rochford District Council Engineers:** Comments received.
No objections or observations to make.
- 3.30 Neighbours:
Five letters have been received in response to the public notification from the following addresses:-
- South East Essex CAMRA, 27 Sudeley Gardens, Hockley
 - "The Bonnington" "The Robins" and "Canute House" High Street, Canewdon
 - 18 Canute Close, Canewdon.
- 3.31 and which in the main raise the following comments and objections:-
- Loss of a community pub.
 - Opposed to the proposed dwelling that is to be erected in the PH car park. This is due to the lack of sufficient drainage and water pressure; we are also in a subsidence area and to what degree the building work would affect our property.

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- Concerned about the access road, which runs next to my property as to whether this is in any way to be dug up to enable drainage to be laid for the proposed dwelling in the car park as this access road is part of the Conservation Area and also only separated from my boundary by an approximate 60cm piece of pavement.
- Parking is a great concern as it is quite a premium to be able to get a parking spot on the High Street and this has caused people parking partly on the small piece of pavement next to my boundary in the access road at times hindering my entrance/exit to the rear of my property.
- I have noted in the planning proposal submitted by Mr Kevin Chitty, BSc(Hons) MRTPI Planning Consultant, that he does not consider that parking would cause a problem due to, I quote, "A bus route within 150 metres of the application site with stops close to the junction of High Street with Anchor Lane providing frequent Friday to Saturday public transport". If he classes a bus service that starts at 8.11 am and finishes at 5.50 pm and runs between every 1.30 hours – 2.00 hours frequent, I would hate to see an infrequent bus service.
- This does not take into account that when we have snow Canewdon gets rather cut off from other places, as it is not a priority to grit the roads, thus bus services are suspended due to health and safety to both passengers and drivers alike. This results in having to rely on a car to get you to the station if you are working in London and have to be there before 9.00 am and if you return after 5.30 pm.
- No matter what the planning consultant may suggest, most properties in Canewdon, which have families with children of drivable ages, have at least 3 cars.
- Suggest that the applicant turns the car park into a large garden with parking spaces for up to 4 cars for the PH dwelling, thus giving it much needed adequate space for the proposed new buyers and enable them to have extra space so people can park when visiting.
- I know that this would probably have no bearing whatsoever with regard to the above objection but I do have a very young child that needs to be able to sleep throughout the day and am also currently pregnant. Thus it is a major concern - the disruption and stress that this proposed building work would cause to my child and expected child. You may consider that this would be a short term inconvenience but when you have young children this short term inconvenience would be a very traumatic experience to both them and us.
- This is not a former public house; it is still a public house that has had its doors closed, much to the dismay of the Canewdon villagers. An offer has been made to the owners by an interested party to keep this heart of the village open as a pub, which will also mean jobs for locals.
- If planning is granted then the village will lose an important part of its heritage and its future.
- The High Street is a narrow street for the comings and goings of building lorries.

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- The proposed houses will be over looked and will over look others therefore causing privacy issues.
- When local residents bought their properties they bought them 'as is', not with 2 new houses over looking them.
- There still is the opportunity to keep this wonderful pub alive and the residents of Canewdon believe we should do so.
- Once lost to change of use the village would lose this valuable amenity.
- Previous submission lists why having a choice of two pubs was desirable.
- Previous submission was refused largely that the loss of such an amenity would be prejudicial to the community.
- The fact that the current owner seems to have stopped trading hardly seems to be sufficient reason for reversing the Council's previous wise determination.
- Do not have an objection to the Chequers being converted into a single dwelling although note the side door is to be moved nearer the right hand end of the building.
- The outline plan has incorrectly positioned the door and in its current position there is insufficient space for a garage (i.e. from the existing door the end of the building is less than a car's length)
- There is a room as large as the other bedrooms but classed as a dressing room and surely should be classed as a five-bedroomed dwelling amending the car parking requirements.
- Integral garage to the proposed house is not big enough to qualify as a space, therefore there are only two parking spaces for a four-bedroomed house.
- Bus timetable at Gardiners Lane states 6 buses run on Wednesdays with three a day during the remainder of the week with none on Saturday and Sunday, which cannot be considered frequent and therefore two spaces for each dwelling insufficient.
- Land around the Chequers and in the Conservation Area should not have high density buildings around it.
- Since December The Chequers is currently being used as a dwelling by a number of people and also appears to be used as a business premises to detract from authorised use as a pub.
- Current practice for residents to Chequers Court is to park their refuse bins close to the wall of the Chequers. If allowed, the proposal will increase this number by four, further restricting access to Chequers Court.
- Whilst recognise that any business should not run at a loss, it should be noted that prior to the original landlord retiring the business was running at a profit. It was not until an inexperienced young landlord was employed that the pub started to make a loss.

SCHEDULE ITEM 3**MATERIAL PLANNING CONSIDERATIONS****Principle of the Development**

- 3.32 The site is within an area allocated as existing residential development in the Council's saved Local Plan (2006). The proposal to convert the existing building to residential use and the better and more intense use of residential land is generally acceptable, subject to the consideration of other material considerations.

Conservation Issues

- 3.33 The boundary of the Canewdon High Street Conservation Area cuts through the middle of the site and the land south of the access to Chequers Court is not designated as within the Conservation Area. The proposed house at the rear of the site would, however, impact upon the Conservation Area and there is a duty therefore that the alterations to the pub and the provision of the new house must preserve or enhance the character of the Conservation Area.
- 3.34 The alterations to the public house are generally shown on the application form to follow those to the existing building, but there is reference to the use of uPVC doors, which are not considered appropriate. These matters can, however, be the subject of alternative design submissions as a condition to the grant of permission.
- 3.35 No objection is raised by the County Council's Specialist Adviser on the demolition of the out building, and rear extensions. The retention of the pub in a new residential use would achieve the desired retention of the building in accordance with the emerging list of heritage assets.
- 3.36 The Specialist Adviser on Historic Buildings and Conservation Areas is, however, critical of the design, form and appearance of the house proposed and which, contrary to the applicants' claims set out in the design and access statement, negatively impact upon the Conservation Area. Whilst there would be no objection in principle to a house on this part of the site in Conservation terms and taking note of the development at Chequers Court neighbouring the site to the west, the design of the house proposed has a number of major and minor failings that could not be addressed by a condition to the grant of permission.
- 3.37 The design features mock Tudor beam rendering and quoin stones to part of the walling, which do not belong in the character of the Canewdon Conservation Area because there are no historic references to these features.
- 3.38 Of significance the design should not feature an integral garage, which again has no historic basis and is a modern feature.

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Garaging should be provided in a detached form with suitable high pitched roof, such as evident to Chequers Court.

- 3.39 The proposed house is considered too bulky for its setting with a significant width of 8.525m in relation to its depth of 11.9m for the most part. The resultant roof pitch of 38 degrees is considered too slack and should be much steeper at 50 degrees. The front two storey projection should have articulation and break with the main dwelling in an additive form rather than extend the main plan of the building. The roof to this projection would then cut back fully into the main roof.
- 3.40 The design of the proposed house features a classical flat roofed porch supported on columns, but located uncomfortably between sloped roof canopy detail to the front bay window and integral garage.
- 3.41 The design features of the building would have no historical reference and, although perhaps acceptable in a modern suburban street, would in this case detract from the character of the Conservation Area. The acceptable solution would be for a simpler house design faithful to traditional styles and materials. This would require a complete review of the design approach to the proposed house.

Loss of Pub Issue

- 3.42 The previous application (09/00155/FUL) was refused on the basis of guidance contained within Planning Policy Statement 7 whereby the proposal was judged to amount to a serious loss to the social life of the village and that no evidence had been provided to show that the public house was not a viable business.
- 3.43 The applicant argues that, whilst supportive of the retention of community uses, the guidance is not, however, a charter for denying the realities social and economic change bring about and does not forbid the loss of public houses and does not require a viability test. There is no policy in the Council's Local Plan on which to demand operational non-viability be demonstrated. However, the previous application included submissions to show the premises were trading at a loss, resulting in low prices for the business being offered during the offer for sale.
- 3.44 Policy R9 to the Council's saved Local Plan (2006) considers policies for Green Belt locations. This site is not within the Green Belt. The village is, however, a residential inset within a great expanse of Green Belt and rural uses of which are predominantly farmland. In consideration of the issues within this application there is a resulting clear concern around the loss of the public house, which serves the village community, a limited tourist demand as well as providing a small contribution to economic diversification of this part of the district, which is predominantly agricultural.

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- 3.45 Policy R9 provides criteria for the assessment of proposed rural diversification schemes and particularly the more common re-use of redundant agricultural buildings. Supplementary tests to policy R9 argue in favour of economic benefits. In this case R9 helps to show the principles of encouraging diversification as more normally applied.
- 3.46 In Green Belt areas the extension of the building would strongly conflict with Green Belt policy and would thus conflict with the more typical application of part (iv) of R9. However, as this application site is not within the Green Belt the extension of the building is not contrary to this policy.
- 3.47 The site is not within the Green Belt. However, the Canewdon settlement is relatively remote and distant from services. In more typical circumstances the application for the re-use of existing buildings in the Green Belt must satisfy the test at part (vii) of policy R9 that every reasonable attempt has been made to secure a suitable business re-use and for a period of 2 years prior to the application. In the previous application, the site had been for sale since May 2007 and as such on the market for almost two years.
- 3.48 Details for the marketing of the site provided in the previous applications show 131 requests for information were received, which led to three viewings. An offer was made for the pub at £595,000, which was not pursued. No further information with regard to the viability of the business is presented. The previous applicant put forward that the pub is no longer viable and a bank loan of £20,000 was sought to enable trade to continue.
- 3.49 Within the first application (08/00613/FUL) Members took a view that regarding the merits of the proposal as failing under wider considerations under Policy R9, whilst some help in the consideration inherent in the issues raised in this application, Policy R9 is clearly of direct relevance only in the case of redundant agricultural buildings or other rural buildings that are located within the Green Belt. This is not the case for this application and its site, which is at the heart of the residential settlement of Canewdon.
- 3.50 Officers consider that reliance upon R9 is not an appropriate application of that particular policy. Officers do not therefore give weight to the assessment of the application against this policy and the interpretation of the merits of the application against its criteria.
- 3.51 Nonetheless, the underlining concern raised by Members of the loss of the public house on the social life of the village is a relevant consideration. The difficulty arises that there is no Local Plan policy or supplementary guidance addressing this matter. It should also be noted that the pub is currently closed for business.

SCHEDULE ITEM 3**3.52 National and Local Planning Policy**

PPS1 promotes sustainable development; objectives of PPS1 strive to protect and enhance the natural and historic environment, the quality and character of the countryside and existing communities. PPS1 states that Local Authorities should ensure development supports existing communities and contributes to the creation of safe, sustainable, liveable communities with good access to jobs and key services for all members of the community. In preparing development plans Local Authorities should recognise the needs and broader interests of communities to secure a better quality of life. The broader aims of PPS1 can be acknowledged and should be evident within policies at a local level.

3.53 Of more direct relevance to the determination of this application is advice contained within PPS7 and which states that Local Authorities should support the retention of local facilities and should set out within Local Development Documents the criteria they will apply in considering planning applications that will result in the loss of an important village service, for example the result of a conversion to residential use. PPS7 also states that people who work in rural areas should have reasonable access to a range of services and facilities. As has been explained, there are no policies within the current Local Plan that support PPS 7 with regard to the retention public houses.

3.54 PPS1 and PPS7 broadly aim to support existing community facilities, however they are not supported at a local level. Released in 2005 and 2004 respectively, the contents/aims of these national policies with regard to the retention of existing facilities, such as post offices and public houses, were not incorporated into the current Local Plan, which was adopted in 2006. As such, there is no development plan policy or supplementary guidance at the local level that directly supports the retention of this existing facility. It is considered that the broad aims of PPS1 and PPS7 without policy development at local level (which post dates the PPS's) would be difficult to develop to support such a reason for refusal.

3.55 Planning Policy Statement 4 (2009) and the ministerial statement issued by the Government in March 2011 set out more recent national policy for sustainable development and economic growth. Local Planning Authorities are to ensure the countryside and heritage are protected and to support the conversion and re-use of suitable buildings. Whilst it is also required to seek to remedy any shortfall in the deficiency of local facilities, the village has one other pub close by and there is no evidence to show a deficiency in provision other than the preference at retaining the existing pub expressed by local residents. The contrary evidence is that the retention of the existing pub would not be sustainable. The more recent advice does not materially change the position that the loss of the pub must be justified.

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- 3.56 Policy SAT6 of the Local Plan, although it cannot be applied directly to this application, seeks to retain retail uses and protect local shops and facilities, except in circumstances where a lack of demand for a retail use can be demonstrated. This policy relates directly to village shops. Were this policy to be applied to the determination of this application, the proposal would be contrary to part (ii) as a residential use would not serve the day to day needs of local residents, however, with regard to part (i) a period of 12 months has passed where it has been demonstrated to an extent that the current business is not financially viable and a buyer has not been found for the business. Policy SAT 6 is the most relevant policy within the Local Plan that shows support for the retention of village facilities, however only directly relevant to village shops. This policy does not extend to incorporate other community facilities, i.e., public houses, and if it were applied the viability test within it of a 12-month vacancy period would be passed.
- 3.57 It is reasonable to suggest that the pub trade is suffering at the current time. There is no policy provision in rural areas or town centres that argue for the retention of public houses, however it is appreciated that, once lost, the probability of this building returning to a public house use is unlikely. The Chequers Inn is one of two public houses within Canewdon. As such, the loss of this pub will not leave the village without public house provision. The village also has two local shops and a primary school.
- 3.58 There is no doubt that the loss of amenities including public houses, post offices, shops and so on, is of great concern for residents in rural communities. The question is whether there is a planning policy framework in place that is capable of successfully resisting the loss of such facilities.
- 3.59 It is in most instances an economic decision to close a pub or village shop, though of course such decisions can be taken for other reasons. The Local Plan recognises the challenges presented by closures in rural areas and seeks to support, in appropriate cases, opportunities for business uses that will support rural communities. In this instance policies R9 and R10 of the Local Plan, as stated above are not directly relevant to this application as the site is not within the Green Belt. As such the determination of this application cannot be reliant upon these policies.
- 3.60 The assessment of the suitability of The Chequers for conversion to residential use has been carefully considered and found to be acceptable in principle – there is no policy in the Local Plan that promotes the retention of village pubs as a local amenity in rural areas.
- 3.61 Research into planning applications and decisions with regard to the loss of rural pubs has drawn limited cases, mainly from CAMRA.

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This indicates support from Government Inspectors for the retention of rural pubs where there are relevant development plan policies, proven viability of the pub and the impact of the conversion on community and social facilities. It must be highlighted, however, there will be examples of appeals that have been allowed. Although appeal decisions can assist in gauging an Inspectorate stance on particular issues, it must be appreciated that the applications will present very different circumstances and as such reasons for decisions will vary considerably.

- 3.62 It is appreciated that public houses are a valuable community and social facility that serve a number of local residents. However, as previously discussed, these facilities are not specially highlighted for retention at a local level and the revision to the Local Plan in 2006 did not develop a specific policy that captured the broader aims of PPS1 and specifically PPS7 with regard to the preservation of public houses as a community facility.

Other Material Considerations

- 3.63 Both dwellings would obtain access from the private drive currently serving the three houses to Chequers Court. This would accord with the highway standards and part (i) to the Council's backland policy HP 14.
- 3.64 The proposed house would be sited at two storey level only 5.5m from the rear boundary of the site with No. 4 Birch Close. This close proximity would give severe overlooking of the neighbouring house and garden area immediately behind the neighbouring dwelling. Consequently the proposal would fail to provide a satisfactory relationship with the neighbouring dwelling contrary to part (ii) to policy HP 14.
- 3.65 The proposal would provide satisfactory side isolation space for the proposed dwelling and no change with regard to the conversion of the pub.
- 3.66 Both dwellings would achieve garden areas of 129 and 130 square metres and in excess of the Council's requirements.
- 3.67 The site already has an existing crossover and access. It is considered that the traffic movements into the application site would reduce significantly in comparison with the use as a public house and car park.
- 3.68 Both dwellings would be provided with two off street parking spaces to the Council's preferred adopted standard. Each dwelling would, however, feature an under-size integral garage, which cannot be considered a satisfactory parking space.
- 3.69 The proposed house would feature four bedrooms.

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The conversion of the pub would feature four bedrooms, but also contain a dressing room that could potentially be used as a fifth bedroom. The car parking standards argue for two spaces as a minimum requirement for dwellings in excess of two bedrooms, together with a minimum of a further quarter of a space for visitors.

- 3.70 Canewdon has a poor off peak bus service and residents are car dependant for most services. In this case given the size of each household it would be necessary to provide one additional car parking space for each dwelling. This cannot easily be achieved without a review of the site layout impacting upon garden sizes and the amenity of adjoining residents. A condition requiring this added provision would not therefore be appropriate. The Highway Authority does not, however, raise an objection to the application.

CONCLUSION

- 3.71 Whilst there is no objection in principle to the conversion of the public house to residential use, the design and siting of the proposed house to the rear of the site would impact adversely upon the Conservation Area and would also have an unacceptable relationship with the neighbouring house, No. 4 Birch Close. The layout would fail to provide satisfactory off street parking for both households contrary to the Council's more recently adopted standards. The merits of this particular application are such that permission should be refused.

RECOMMENDATION

- 3.72 It is proposed that the Committee **RESOLVES to REFUSE** planning permission for the following reasons:-
- 1 The proposed house would contain too many disparate architectural elements such as Tudor style windows, a shallow projecting bay with applied studwork and braces, as well as lean to roofs over a semi circular bay window, stone quoins, and a classical porch, which is cut into the lean to roofs on either side. The projecting front element has no articulation and the overall roof pitch is too low in contrast to traditional and simpler form required. If allowed, the proposed house, by way its design, proportions and overall form, would detract from the traditional characteristics of the Canewdon High Street Conservation Area, which it would adjoin and would fail to preserve or enhance the character of the Canewdon High Street Conservation Area.
 - 2 The proposal, given the size of accommodation to each dwelling proposed, fails to provide satisfactory off-street car parking to serve the development.

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In this case each dwelling would provide in excess of two bedrooms and, given the remote location of the site without access to a regular bus service, the provision of the minimum of two parking spaces for each dwelling is considered inadequate. The additional parking spaces shown to the integral garages are under size and would not contribute to effective off street parking. If allowed, the development would result in increased overspill on street parking in nearby streets to the detriment of the free flow of traffic and the appearance of the street more generally.

- 3 The proposal, by way of the two storey form of the house proposed to the rear of the site and close siting of the dwelling at first floor level to the rear boundary, would result in an unsatisfactory relationship with the neighbouring house at No. 4 Birch Close giving rise to unreasonable and excessive loss of privacy in a poor relationship to the neighbouring dwelling contrary to part (ii) to Policy HP 14 and part (viii) to policy HP 6 to the Council's saved Local Plan (2006).

Relevant Development Plan Policies and Proposals

HP3, HP6, HP14, BC1, R9, R10 Rochford District Replacement Local Plan (Adopted 16 June 2006) as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5 June 2009)

Supplementary Planning Document 2 Housing Design (January 2007)

Parking Standards Design and Good Practice Supplementary Planning Document 2010

Supplementary Planning Document 6 Design Guidelines for Conservation Areas

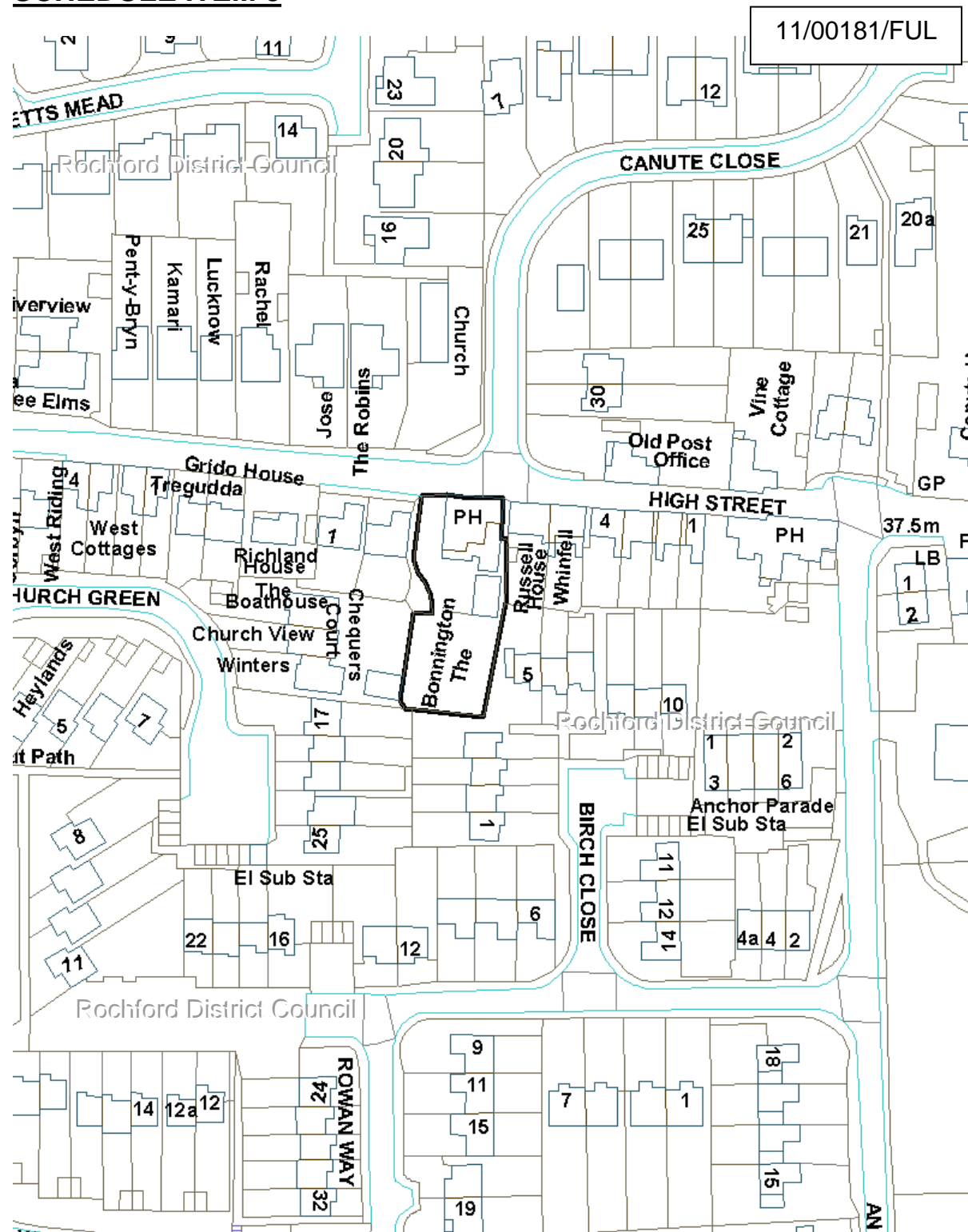


Shaun Scrutton

Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

SCHEDULE ITEM 3



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CODE OF GOOD PRACTICE FOR PLANNING MATTERS

A. Introduction

1. The aim of this code of good practice

To ensure that in the planning process all decisions are unbiased, impartial, and well founded.

2. Your role as a Member of the Planning Authority

To control development and to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.

3. When the Code of Good Practice applies

This code applies to Members at all times when involving themselves in the planning process (this includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public, and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

B. Relationship to the Code of Conduct – Points for Members

- **Do** apply the rules in the Code of Conduct for Members first.
- **Do** then apply the rules in this Code of Good Practice for Planning Matters, which seek to explain and supplement the Code of Conduct for Members for the purposes of planning control.
- **Failure** to abide by this Code of Good Practice for Planning Matters may put:-
 - the Council at risk of proceedings in respect of the legality or maladministration of the related decision; and
 - yourself at risk of a complaint to the Standards Committee or Standards Board for England.

C. Development Proposals and Interests under the Members' Code

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

Do then act accordingly.

Where your interest is personal and prejudicial:-

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- **Don't** get involved in the processing of the application, save as mentioned below.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places limitations on you in representing that proposal. You may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery).
- **Do** notify the Monitoring Officer of the details.

D. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the Committee and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal (this is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided that the proposal does not substantially affect the well being or financial standing of the consultee body, and you make it clear to the consultee body that:-
 - your views are expressed on the limited information before you only;
 - you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:-
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

E. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.

- **Do** contact the Head of Planning and Transportation where you think a formal meeting with applicants, developers or groups of objectors might be helpful. You should never seek to arrange that meeting yourself. If a meeting is organised, officers will ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:-
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning and Transportation any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition, in respect of presentations by applicants/developers:

- **Don't** attend a private planning presentation not open to the general public unless an officer is present and/or it has been organised by officers.
- **Do** attend a public meeting or exhibition to gather information about planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Committee.
- **Do** be aware that a presentation is a form of lobbying – you can express views, but must not give an indication of how you or other Members might vote.

F. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Do** promptly refer to the Head of Planning and Transportation any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to investigate.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - attending a meeting with the developer or applicant organised by the Head of Planning and Transportation that is conducted in accordance with the rules set out in the Code of Conduct and this good practice guide;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

G. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.

- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

H. Site Visits

- **Do** request an early site visit if you think one is required.
- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site not open to the public which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-

- you feel it is essential for you to visit the site other than through attending the official site visit,
- you have first spoken to the Head of Planning and Transportation about your intention to do so and why (which will be recorded on the file) and
- you can ensure you will comply with these good practice rules on site visits.

I. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

J. Officers

- **Don't** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Head of Planning and Transportation, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- **Do** give officers the opportunity to report verbally on all applications reported to the Development Committee for determination.

K. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision, including any information presented through an addendum to a Committee report or reported verbally by officers.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present during the entire debate on any particular item, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.
- **Do** be aware that in the event of an appeal the Council will have to justify the resulting decision and that there could, as a result, be a costs award against the Council if the reasons for refusal cannot be substantiated.

L. Training

- **Don't** participate in a vote at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.