

**12/00778/FUL****74 HIGH STREET RAYLEIGH****CHANGE OF USE FROM A1 (SHOPS) TO A3  
(RESTAURANTS AND CAFÉS) AND CONSTRUCTION OF  
SINGLE STOREY REAR EXTENSION**APPLICANT: **MR MEHMET SAHAN**ZONING: **PRIMARY SHOPPING FRONTAGE AREAS**PARISH: **RAYLEIGH TOWN COUNCIL**WARD: **WHEATLEY**

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

This application was included in Weekly List No. 1172 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on 20 February 2013, with any applications being referred to this meeting of the Committee. The item was referred by Cllr I H Ward.

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

**1 NOTES**

- 1.1 Planning permission is sought for a change in use from Class A1 (retail) to Class A3 (restaurants and cafés) and a single storey rear extension.
- 1.2 The site is on the western side of the High Street, Rayleigh and is within both the Primary Shopping Frontage Area and the Conservation Area. The ground floor retail area is used as a Johnsons dry cleaning business with a small area sub-divided as a key cutting service, which are both shortly to vacate the premises. The first floor is occupied by a residential flat, which can be accessed independently via a rear staircase.
- 1.3 Next door at No. 72 is a branch of M & Co clothing stores and on the other side is a branch of Lloyds TSB. Within the parade extending between No. 86 and No. 52 there are 11 units, including 7 Class A1 (retail), 1 A2 (bank), 1 A4 (pub) and 2 A5 (takeaway). This equates to 64% of the number of units being A1 retail or 57% of the frontage length.

- 1.4 The site is located within the primary shopping frontage, where retail uses would be the favoured use for the building. The Local Planning Authority seeks a balance between retail and non-retail uses in town centre locations. The preamble to policy SAT 4 identifies that 75% of the total primary shopping area in a town centre should remain in retail use; and broadly speaking the Council would not permit more than 30% of premises to be occupied by non-retail uses or three or more such uses to be established in adjacent shop type uses in the Primary Shopping Frontages
- 1.5 The site is located within the primary shopping frontage, where retail uses would be the favoured use for the building. The Local Planning Authority seeks a balance between retail and non-retail uses in town centre locations. The preamble to policy SAT 4 identifies that 75% of the total primary shopping area in a town centre should remain in retail use; and broadly speaking the Council would not permit more than 30% of premises to be occupied by non-retail uses or three or more such uses to be established in adjacent shop type uses in the Primary Shopping Frontages

## **2 RELEVANT PLANNING HISTORY**

- 2.1 02/00591/ADV for internally illuminated signage refused.  
07/00096/FUL Installation of CCTV cameras approved.

## **3 CONSULTATIONS AND REPRESENTATIONS**

- 3.1 **RAYLEIGH TOWN COUNCIL** - Objection. Loss of retail space in the High Street, policy SAT4 of the Rochford District Replacement Local Plan. The Town Council has also been informed that there are no disabled access toilets on the premises.
- 3.2 **ECC HIGHWAYS** - No objection.
- 3.3 **HEAD OF ENVIRONMENTAL SERVICES:-**

The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-

- 1) A mechanical extraction system shall be provided to the kitchen area in accordance with details submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 2) Informative: The applicant is advised to contact the Head of Environmental Services at the earliest opportunity to discuss the proposed layout of the kitchen and the requirements necessary to meet

current food hygiene legislation. This includes the submission of a food premises registration application form.

- 3) Informative: The sanitary accommodation for customers is to be provided in accordance with Table 10 of BS 6465 - 1:2006.
- 4) Informative: A wash hand basin is to be provided in the kitchen, suitably located and designed for cleaning hands. Wash hand basins are to be provided with hot and cold running water and to be separate from the facility for washing food. We would recommend the use of non-hand operable taps where possible.

3.4 **ROCHFORD DISTRICT ACCESS COMMITTEE** - No disabled toilet - does not comply with regulations.

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

- 4.1 The rear extension would be single storey with a width of 7.3m. It would involve moving the existing staircase, which serves the first floor flat. A new external staircase would be incorporated into the development and the extension would have a maximum depth of 3.2m or 2.2m by the staircase. The proposed extension would be surrounded by existing built form and would have no adverse impact on neighbouring premises.
- 4.2 Internally it is noted that two toilets have been provided and neither would appear suitable for disabled users. This matter has been raised by the Town Council and the Rochford District Access Committee. The provision of toilet facilities and disabled access to such facilities are, however, controlled by the Building Regulations and not a matter at the planning stage.
- 4.3 The site is within a Conservation Area, however no changes are proposed for the frontage of the premises. The rear extension would not be visible from public vantage points, surrounded as it would be by existing development. As a result the development would not be contrary to heritage policy.

The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that for A3 uses 1 vehicle space is provided per 5 square metres, with cycle parking of 1 space per 100 square metres for staff plus 1 space per 100 square metres for customers. There should be 1 powered two wheeler space plus 1 per 20 car spaces (for 1st 100 car spaces) and for a site with 200 vehicle bays or less 3 disabled parking bays or 6% of total capacity, whichever is greater, should be provided. However, this guidance also states that 'a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities'. Rayleigh town centre has four public parking areas with a train station close by and a bus stop within the High Street. Considering that other restaurants, pubs and similar uses within the High Street operate with very

limited, if any, on site parking and based on the existence of public parking areas located close to the site it is not considered that it would be reasonable to refuse an application on the basis of lack of adequate parking provision. ECC Highways department do not object to the application.

- 4.4 The RDC Environmental Services department has not raised an objection to the application. However, it has advised that if permission were to be granted, certain planning conditions should be attached to an approval. One of the conditions relates to an extraction system and the plans provide for an extraction flue to the roof of the extension. Aside from the first floor flat, which has an entrance 7m from the site of the flue there are no other neighbouring residential dwellings nor is it visually an issue. Accordingly, the provision of a ventilation flue is not considered to raise any concerns.
- 4.5 Policy SAT4 permits non-retail uses within primary shopping frontage areas, provided that all the criteria are met. The proposed development would not result in the removal of independent access to the first floor flat, would not involve a change to the existing shop front and thus would be in accordance with parts (iv) and (v) of the policy. The other criteria require the proposed use to be appropriate within a primary frontage area supporting its vitality and viability, require that the proposal would not result in an over concentration of non retail uses within that part of the primary frontage area and require that the proposal would not result in the undue dominance of non-retail uses in the primary frontage area as a whole.
- 4.6 It is noted that the last survey identified that 69% of the primary frontages in the town centre are in retail use and the preamble to policy SAT 4 identifies that 75% of the total primary frontage area in a town centre should remain in retail, implying any further loss would be unacceptable. It is noted that the Council has, and notwithstanding the 75% guidance, permitted the change in use of 27-29 Eastwood Road (12/00113/COU), which is also in the primary frontage area. This was the only application in the past twelve months for a change from A1 to A3/A4 use in the Rayleigh Primary Shopping Frontage Area. In the current economic climate a single further loss of an A1 unit to A3 is considered reasonable as it would attract people into the town centre supporting its vitality and viability. Together with the Eastwood permission, the change in use of this site, if allowed, would reduce the retail element to 67.7%. As the premises neighbours a medium sized retail unit as well as a bank there would not be three or more non retail uses in adjacent shop type units. It would also be the only A3 use in that section of the frontage area and it is not considered there is an undue dominance of non retail uses in that part of the area. Overall the proposal is considered to be in accordance with the criteria within Policy SAT4 and the principle of the development is also not considered to be contrary to any policies within the National Planning Policy Framework.

- 4.7 It is considered that the proposed change of use would be in accordance with the aim of Policy RTC4, which seeks to provide a range of evening leisure uses. It is noted that the Retail and Leisure Study 2008 identified a lack of bars and restaurants in Rayleigh town centre and the proposal would, to some degree, address this issue.

## **5 RECOMMENDATION**

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

That planning permission be granted, subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The external facing materials to be used in the construction of the development hereby permitted, shall match (i.e. be of an identical appearance to) those of the corresponding areas of the existing building.
- (3) A mechanical extraction system shall be provided to the kitchen area in accordance with details (previously) 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.

## **REASON FOR DECISION AND STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.



Shaun Scrutton

Head of Planning and Transportation

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**Relevant Development Plan Policies and Proposals**

Rochford District Replacement Local Plan, Policy SAT4.

Rochford Core Strategy Policies RTC4, T8.

National Planning Policy Framework

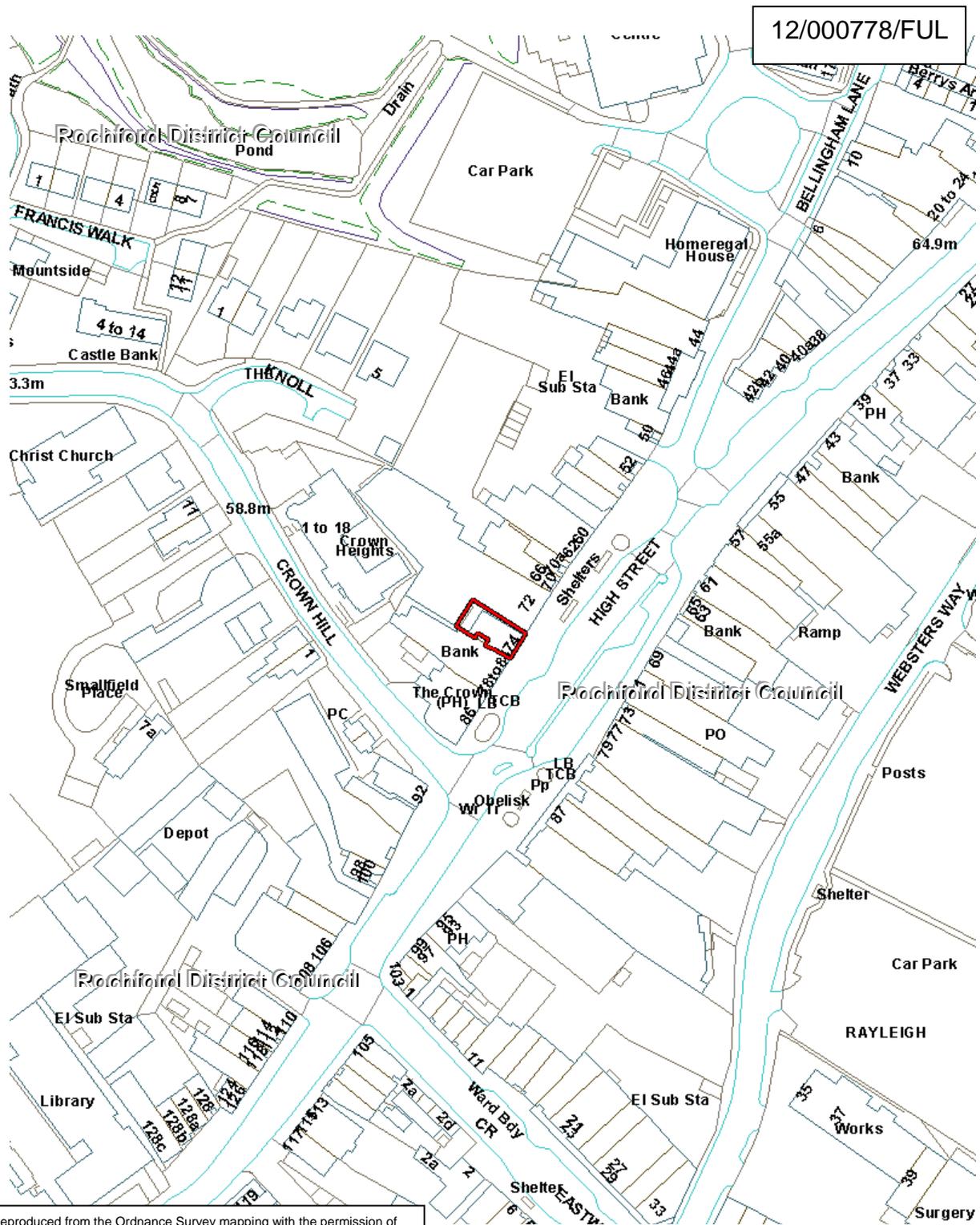
Parking Standards Design and Good Practice Supplementary Planning Document  
(Adopted December 2010)

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