

**TITLE :** 06/00171/FUL  
**VARIATION OF CONDITION 2 OF F/00029/98/ROC TO ALLOW OPENING TIMES TO BE EXTENDED TO SUNDAY - THURSDAY 2.00 PM - 12.00 AM (MIDNIGHT) AND FRIDAY - SATURDAY 12.00 PM -12.30 AM**  
**26 HIGH STREET RAYLEIGH**

**APPLICANT :** MR GOZLUGOL

**ZONING :** PRIME SHOPPING FRONTAGE

**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 825 requiring notification of referrals to the Head of Planning & Transportation Services by 1.00 pm on Tuesday, 25 April 2006, with any applications being referred to this meeting of the Committee. The item was referred by Cllr M J Webster.

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

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- 5.1 **Rayleigh Town Council** – Objects as conditions have not been complied with in the past. The Town Council is concerned there may be an increase in opening hours.

NOTES

- 5.2 This application seeks to vary of Condition 2 of F/00029/98/ROC to allow opening times to be extended to Sunday - Thursday 2.00 pm - 12.00 am (midnight) and Friday - Saturday 12.00 pm -12.30 am, to accord with the hours of use issued by way of the Premises Licence application ROC/05/00776/LAPRE December 2005.
- 5.3 This application follows a refused application for extension to the opening hours, submitted under reference 05/00639/FUL. The hours previously applied for were Monday - Thursday 12.00 pm - 11.30 pm, Friday - Saturday 12.00 pm - 1.30 am, Sunday 12.00 pm - 11.30 pm. The reason for refusal of the previous application was due to consolidation, extension and increase in significant detrimental impact upon amenity by surrounding occupiers by virtue of noise, activity and public disorder.



**Referred Item**

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5.4 This application seeks different opening hours than the previous application, namely opening Monday to Thursday until 12.00 am (midnight) rather than 11.30 pm and on Friday and Saturday night until 12.30 am rather than 1.30 am. This planning application also follows a recently approved Premises Licence for the hours applied for in this application.

5.5 The change of use of this unit from a retail unit to a takeaway was permitted by virtue of permission ROC/700/84. The original consent restricted the opening hours to Monday to Saturday 9.00 am to 11.30 pm and closed on Sundays.

5.6 A number of applications have been submitted in the intervening period to change the opening hours. This has also led to planning appeals and enforcement investigations. Such that the current opening times are Monday to Saturday 9.00 am to 11.30 pm and Sunday 5.00 pm to 10.30 pm. This application seeks to extend the hours for an additional 30 minutes on Monday to Thursday and one hour on Friday and Saturday night and Sunday until midnight.

5.7 The reduction of hours applied for is a material change in circumstances and the late night refreshment Licence is a material consideration. Therefore, it is considered that this application is a reasonable extension to the opening hours and consistent with the Premises Licence approved by this Authority in December 2005 and unlikely to result in any loss of amenity to the site and surrounding area. Members should be aware that the Licence details can be reviewed if the matters/circumstances change in relation to this site and its surrounding area.

5.8 **County Surveyor (Highways):** No objection.

5.9 **Historic Buildings Adviser:** No observations.

5.10 **Rayleigh Civic Society:** Recommends refusal.

5.11 **English Nature** No objection.

5.12 **Head of Housing, Health and Community Care** No comments.

**Rayleigh Police** No comments.

APPROVE

1 SC4 Time Limits Full - Standard



**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:**

H24, of the Rochford District Council Local Plan First Review

HP18, of the Rochford District Replacement Local Plan



Shaun Scrutton  
Head of Planning & Transportation Services

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For further information please contact Catherine Blow on (01702) 546366.

The local Ward Member(s) for the above application are Cllr J M Pullen and Cllr Mrs M J Webster.

