

APPLICATION REFERRED FROM THE WEEKLY LIST**WEEKLY LIST NO. 1476 – 24 May 2019****19/00257/FUL****33 EASTWOOD ROAD, RAYLEIGH****CHANGE OF USE OF BUILDING FROM CLASS A1 (RETAIL) TO A MIXED USE OF PREDOMINANTLY A4 (DRINKING ESTABLISHMENT) AND SOME A1 (RETAIL) TO ALLOW FOR THE USE OF THE BUILDING AS A MICRO PUB WITH RETAIL SALES****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1476 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 29 May 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr M G Wilkinson referred this item on the grounds of change of use, noise and disturbance and location of smoking area within the highway.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

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

To determine the application, having considered all the evidence.

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Application No : 19/00257/FUL Zoning : Town Centres

Case Officer Mrs Claire Buckley

Parish : Rayleigh Town Council

Ward : Wheatley

Location : 33 Eastwood Road Rayleigh SS6 7JD

Proposal : Change of use of building from class A1 (retail) to a mixed use of predominately A4 (drinking establishment) and some A1 (retail) to allow for use of building as a micropub with retail sales.

SITE AND PROPOSAL

1. The site is an existing ground floor commercial premises located within Rayleigh Town Centre. It was formally in use for A1 purpose by a long established hardware store but has been vacant since approximately summer 2018. It is not within the Conservation Area, nor is the building a Listed Building. It is located within the Secondary Shopping Frontage Area. The site has a commercial premises to the north-west (Bentleys café) and residential properties above.
2. The proposal is for a change in use of the premises from A1 to a mixed use of predominately A4 (drinking establishment) and some A1 (retail) to allow for use of the building as a micropub with retail sales. The planning statement submitted advises that a micropub specialises in cask and craft beers with the emphasis on a choice of quality local products that are not readily available elsewhere. The statement advises that other than a few snacks, no food will be served on the premises. No significant changes are proposed to the interior of the property.
3. Minor changes to the shop frontage are proposed. The window and door frames would be changed from bare aluminium and painted a dark colour. The lower half of the existing windows and doors would be coated with a frosted vinyl. Two additional air vents are proposed to the wall fronting Websters Way. Two air conditioning units, a cellar cooling unit and two heat dumps for beer coolers are proposed to the rear of the premises.

PLANNING HISTORY

4. 86/00904/FUL - Replace existing shopfront. APPROVED

MATERIAL CONSIDERATIONS

RAYLEIGH TOWN CENTRE

5. Policy 3 of the Rayleigh Town Centre Area Action Plan and policy DM34 of the Development Management Plan seek to ensure that the proposal would not undermine the predominance of A1 uses within the centre. The proposal would result in the loss of an A1 use however, the site is located within the secondary shopping frontage area. It is not considered that the proposal would undermine the predominance of A1 uses within the centre. A cluster of similar non-A1 uses would not be created, the proposal would be a mostly A4 use with some secondary A1 sales. The units alongside the site include A3, A4 and A1 uses. The use proposed, a micropub specialising in locally brewed produce, would be considered to positively contribute to the overall offer and would help to encourage people into the centre, offering a different form of A4 use to that already present. It should be noted that a small degree of A1 usage would remain. It is not considered that the proposal would have a negative effect on the amenity and character of Rayleigh or the centre.
6. The proposal is supported by the Council's economic regeneration team who consider that it provides an opportunity to diversify the retail and leisure offer of Rayleigh Town Centre and potentially bring new users into the town centre in both the daytime and evening.

IMPACT ON NEIGHBOURING PROPERTIES

7. A use such as that proposed needs to carefully consider the impact on neighbouring properties, particularly the residential flats above. The intended opening hours are 11am - 12pm Monday - Saturday and 12am - 11pm on Sundays and Bank Holidays.
8. Objections have been received with regards to the impact of the proposal upon the occupiers of residential properties above the site. A petition signed by 13 properties has been submitted. The planning statement submitted with the application explains that a micro pub has a 'reputation for being trouble free, attracting customers who are interested in what they drink rather than how much they drink. They are places for people to socialise and engage in conversation. The age group of customers tends to be from the mid-thirties upwards.' However, it must also be considered that the application is for an A4 use which could potentially permit any form of drinking establishment in the future, not just the type which is the subject of this application. The application does not currently propose the use of soundproofing.
9. There would be the intention to have a dedicated smoking area to the front of the site. This is considered to be better located to the frontage, where there is generally more activity present, rather than the rear which is a quieter environment. Seating would be restricted to try and prevent people congregating. However, poseur tables are proposed and the area would be cordoned off.
10. Whilst there is concern with regards to the potential impact of the proposal upon neighbouring residential properties the sites location must also be taken into consideration. The site is located in a town centre where uses such as

that proposed are best located, away from predominately residential estates. In addition, there is a bar located in close proximity to the site granted planning permission in 2012 for an A3/A4 use which sets a precedent for this type of use class within this parade of shops.

11. Any area to the frontage would need to be located within the forecourt of the business, not the highway and would need to ensure that access to the highway is not restricted. The current plans show that the proposed external area to the side of the building would measure 1.2m however, this would narrow the pedestrian walkway close to the pedestrian crossing to a distance that would make it difficult for pedestrians to remain on the path. The existing siting of a bollard and other highway related posts would add to this difficulty. However, a planning condition could be imposed requiring details of the smoking/outside area to be agreed to ensure that any external area does not cause such obstruction.
12. Air conditioning and other cooling devices are proposed to the rear. Specification details would be required by condition to ensure that there would be no detrimental impact in terms of noise, on the occupiers of neighbouring properties.
13. The Council's Environmental services team have been consulted for their comment. They raise no objection subject to conditions being imposed requiring details of soundproofing and external machinery/openings such as air conditioning units to be submitted and agreed.
14. It is considered that on balance, the proposal would not give rise to significant harm to the amenity of neighbouring properties sufficient to justify refusal of this application.

DESIGN & REFUSE

15. The proposal would include painting of the existing frames in a dark colouring with the glass windows to have a frosted coating. This is not considered objectionable.
16. The proposed air conditioning and other cooling/ventilation equipment would be located to the rear of the site, whilst this can be seen from Websters Way it is not considered that this equipment would be detrimental to visual amenity being located within the rear service/parking area.
17. Waste is intended to be stored in the shuttered storage areas under the outside stairs which is considered to be an acceptable arrangement.

PARKING

18. The site has a service yard/parking area to the rear which is shared with other commercial premises and residential properties. The application shows 2

parking spaces available for use although residents have advised that there is only 1 available. Any parking is likely to be used by staff not the public.

19. The Parking Standards document allows for a lower provision in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities. The site is located in a town centre where there is good access to sustainable forms of transport as well as public car parks. On this basis, only 1 or 2 spaces on site for staff is not considered a reason for refusal of this application.
20. Any unlawful or insensitive parking within this private parking area that existing residents may have experienced is a private matter and not a material planning consideration.

Representations:

21. RAYLEIGH TOWN COUNCIL - Members discussed the application and Cllr R Dowell, seconded by Cllr Mrs C Pavelin, proposed to vote on a decision. Members voted 5 in favour and 3 against and 1 abstained to approve the application. Cllr Stanley requested that his objection be minuted.
22. RDC ENVIRONMENTAL SERVICES -
Environmental Health 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 building envelope 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. Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the L.P.A. before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
 3. Informative: The applicant is advised to contact Environmental Health 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 for new food businesses.
23. RDC ECONOMIC REGENERATION -
The 2018 update of the National Planning Policy Framework (NPPF) covers town centres in Chapter 7, requiring local planning authorities to allocate a range of suitable sites in town centres to meet the scale and type of

development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;

24. Rochford District Core Strategy 2011: The Core Strategy's approach to centres and retail development is set out in policies RTC1 and RTC2. Respectively, these seek to strengthen and improve the retail offer of the District's main centres and direct new retail development and other main town centre uses towards these locations through a sequential, town centres first approach. The Core Strategy also commits to the development of an Area Action Plan to deliver, among other things, a predominance of retail uses, including intensification of existing retail uses, which cater for a variety of needs, and a range of evening leisure uses.
25. The site falls within the boundaries of the 2015 Rayleigh Town Centre Area Action Plan (AAP), part of RDC's Local Development Framework. Within this, it falls within the secondary shopping area, within which there is a requirement for a minimum 50% A1 retail uses. Under the AAP, the following policies are relevant to the site:
 26. Policy 1: Rayleigh Area Action Plan Framework: The promotion of appropriate proportions and concentrations of uses other than A1 including A2-5, leisure, cultural and community uses, particularly in locations outside the primary retail core, including Bellingham Lane and Eastwood Road; the Council states that it will promote appropriate proportions of non-A1 development
 27. Policy 3: Rayleigh's Shopping Frontages: Policy 3, criterion 3 requires non-A1 developments proposed for Rayleigh Centre to positively contribute to the overall offer and encourage people into the centre.
 28. Policy 7: Character Area C: High Street South and Eastwood Road: Policy 7, criterion 2 states 'shopping frontages should be in a mix of retail (A1) and other appropriate town centre uses, including leisure and community facilities'.
29. The Council's Economic Growth Strategy 2017, part of the evidence base for the future Local Plan, commits the Economic Regeneration Team to support business growth and retention through being responsive to planning consultations to support business growth and investment, whilst the supporting of new businesses is also a key priority. It is noted that this planning application would lead to the creation of 3 full-time equivalent jobs.
30. The 2018 South Essex Retail Study, which will inform the new Local Plan, identifies future retail and leisure space demand across Rochford District as the population grows. Up to 2034, it identifies there could be a requirement for up to 4,937 sq. m comparison goods and 2,711 sq. m convenience goods space. The analysis also identified a potential requirement for up to 3,000 sq.m gross of Class A3-A5 floorspace for new food and beverage outlets across Rochford District. In terms of distribution, the priority for this was found

to be for new A3 restaurant and café units within Rayleigh and Hockley. This proposal has the potential to fulfil some of this demand.

31. The South Essex Economic Development Needs Assessment, part of the Evidence Base for the new Local Plan, includes data on business survival rates as follows: Year 1, 95%; Year 2, 81.7%; Year 3, 65%; Year 4, 55%. These are the highest rates in South-Essex, suggesting an entrepreneurial culture, and further emphasising the need for grow-on space for existing start-up businesses, to prevent them being forced to either relocate or remain in unsuitable premises or at home. As a result, it is considered a positive that the proposal would seek to reuse a vacant shop unit to support a new business venture with an address in the district.
32. The proposals come at a time when high streets nationwide are under significant pressure, with 2018 representing a 5 year low in new shop openings, according to a May 2019 Local Data Company report. This analysis observed the GB vacancy rate rose by +0.3% in 2018 to 11.5% - the highest level since 2015. Much of this is attributed to £1 in every 5 now being spent online, although many leisure categories have also experienced significant decline. Traditional retail categories were amongst those experiencing the most significant declines (e.g. fashion and electrical retail), whereas the biggest growth categories were barbers, beauty/nail salons, cafes, restaurants and bars. Against a national backdrop, Rayleigh is a healthy high street with a fairly low vacancy rate, However, it is not immune to this and has experienced notable recent losses such as the New Look store. It is important, therefore, to remain open to uses which will attract people into the town centre whilst continuing to support a strong retail core in the primary shopping area.
33. It is appreciated that, as with any licensed establishment, there will be concerns from the local community regarding the potential for noise disturbance and other negative side effects, and a nearby bar has been cited as an example of concern. However, from personal experience such 'micropub' establishments tend to be well-run and attract a more mature crowd focused on enjoying quality local ales in a social environment, with more appropriate local comparisons being the West Road Tap, Westcliff; Mawson's, Southchurch or Hoppily in Leigh-on-Sea. The first of these is a well-run establishment which has won South Essex CAMRA's 'Pub of the Year', and represents a successful conversion of a previously difficult to let property. At a time when public houses are under threat of development in many parts of the District, it is important to celebrate and promote those which are in growth. Moreover, its operating hours are restricted in comparison with other pubs to mitigate impact on nearby residential properties - a practice which could have potential in this instance, depending on the views of the Licensing team and Police.
34. In recent years, South Essex has emerged as a destination for production of real ales and craft beers and has seen the establishment of a number of small breweries, in line with the national trend. Successful nearby examples include Billericay Brewery (Billericay), Leigh-on-Sea Brewery (Eastwood) and Crouch

Vale Brewery (South Woodham Ferrers) whilst within Rochford District itself George's Brewery (Great Wakering) and Keppel's Brewery (Stambridge) have been established for a number of years. Providing an additional outlet focused on small-scale brewers has the potential to add to this local supply chain and provide further business growth and employment opportunities in this sector.

35. The South East Essex Campaign for Real Ale (CAMRA) seeks to promote well-run establishments offering local beers through pamphlets and a trail published online, and it is considered that having more establishments featured in such guides could attract visitors to the District. The provision of a beverage outlet (with a retail element) offering something different to the existing offer in Rayleigh Town Centre has the potential to draw new visitors to the town, enhancing the town's overall standing as both a retail/leisure destination and in terms of its evening economy.
36. With these considerations in mind, the Economic Regeneration Team supports the proposal, considering that it provides an opportunity to diversify the retail and leisure offer of Rayleigh Town Centre and potentially bring new users into the town centre in both the daytime and evening. This could further enhance the town as a retail and leisure destination.
37. NEIGHBOURS/LOCAL RESIDENTS - In support: 4 responses (183 Bull Lane, 10 The Chase, 10 Gilbert Close, 6 Peregrine Gardens) which can be summarised as follows:
 - A micropub would be a welcome addition to Rayleigh - it would be refreshing to have a real pub serving real beer here.
 - Would benefit the town
 - New for Rayleigh
 - Type of business Rayleigh needs
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38. Objections: (16 Jubilee Road, 35a Eastwood Road, Flat 33b Ulfa Court, 5 King Georges Close, 27B Ulfa Court) which can be summarised as follows:
 - We have enough drinking places now
 - Increased noise and disturbance - many residents above shops have children
 - Already suffer from noise and anti-social behaviour due to the number of drinking establishments in the High Street
39. Petition received signed by 13 addresses in Ulfa Court (27B, 31B, 33B, 29B, 29D, 29C, 23B, 25B, 23B, 21B, 19B, 33D, 31C) with comments which can be summarised as follows:
 - Find proposed change of use horrifying
 - Already have a pub/bar (JJ Whispers) below which causes a lot of noise and disturbance - brawls and other public disorders with police and ambulances at all hours

- Problems with private parking - 33 has one reserved space, already experienced problems with staff and patrons of current bar parking in residents spaces and blocking entrances. A further pub would exacerbate the situation.

APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: site plan & plan-proposed dated 20th March
- 3 Before the use hereby approved commences the building envelope 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.
- 4 Before the use hereby approved commences, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved prior to the use commencing and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 5 Before the use hereby approved commences, details of the external area to serve the A4/A1 use (including but not limited to positioning, sizing and any external paraphernalia) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the external area shall be provided in accordance with such details prior to first use of the development hereby approved.

Relevant Development Plan Policies and Proposals:

Rayleigh Town Centre Area Action Plan (RTCAAP) 2015 - policies 1, 3, 4, 7

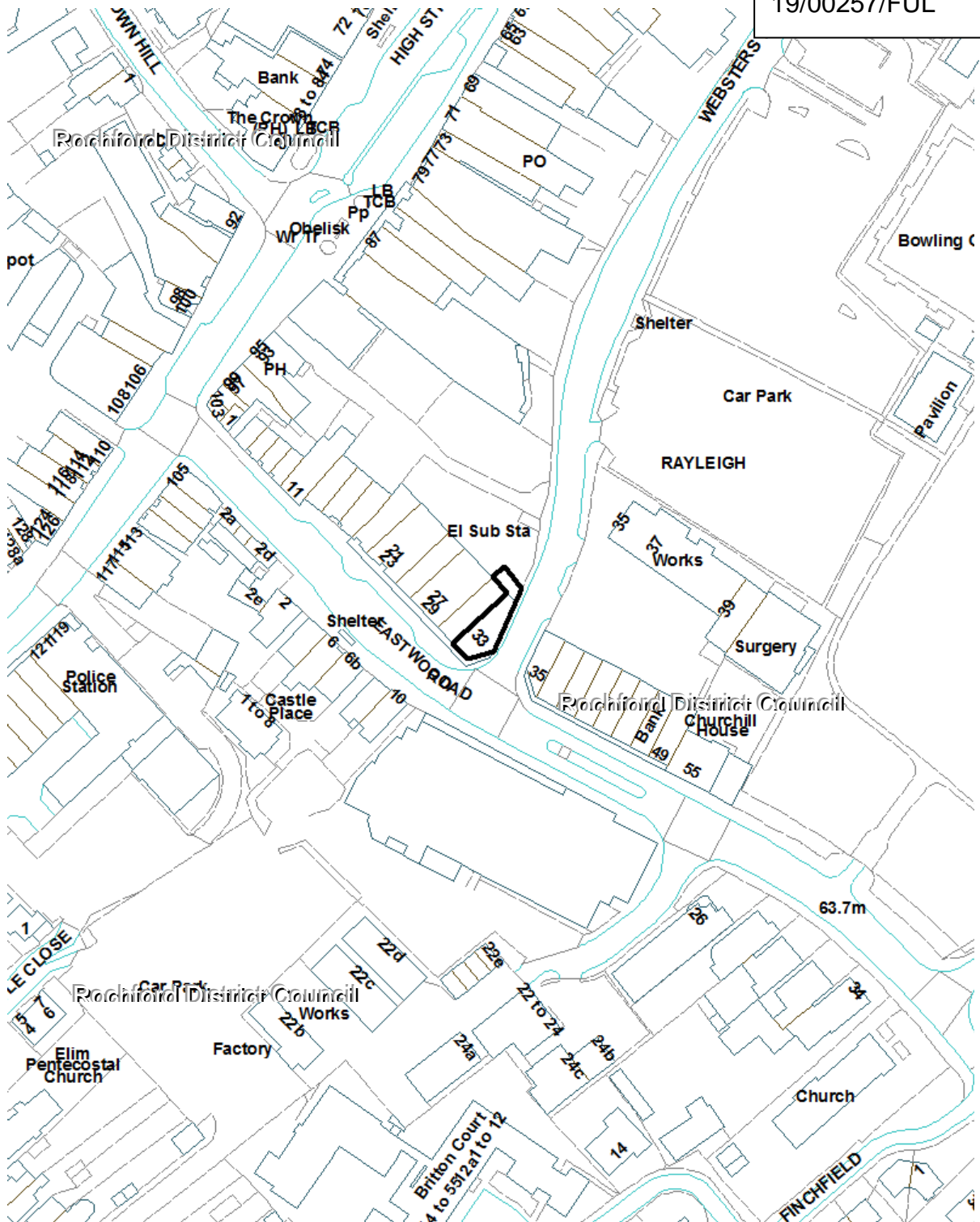
Core Strategy 2011 - policies CP1, T8, RTC4

Development Management Plan 2014 - policies DM1, DM30, DM34, DM37

Parking Standards Document 2010

The local Ward Member(s) for the above application are Cllr M Wilkinson
Cllr J C Burton Cllr R R Dray

19/00257/FUL



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