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**14/00138/COU****215 LONDON ROAD RAYLEIGH****PROPOSED CHANGE OF USE OF GROUND FLOOR PREMISES FROM A1 (RETAIL SHOP) TO A5 (HOT FOOD TAKEAWAY). INSTALL EXTRACT FLUE AND NEW SHOP FRONTAGE. REVISED TRADING HOURS: 4.00 PM TO 10.30 PM**APPLICANT: **MR SAHIN**ZONING: **RESIDENTIAL**PARISH: **RAYLEIGH TOWN COUNCIL**WARD: **SWEYNE PARK**

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

This application was included in Weekly List No.1234 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 21 May 2014 with any applications being referred to this meeting of the Committee. The item was referred by Cllr T E Mountain.

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

**1 NOTES**

- 1.1 This application is to the site of a shop unit located within a small parade of four shop units with flats above to the southern side of London Road and fronting a service road parallel with London Road. The application site is located midway between the junctions made between London Road with Leonard Drive and Ronald Drive.
- 1.2 Whilst the frontage onto the service road running parallel to London Road has commercial premises and primarily retail uses, the land backing onto and south of the site is developed with long established residential housing.
- 1.3 The site was formerly a newsagents, but is now vacant. The site adjoins a Chinese takeaway with two specialist shop units further to the west. To the immediate east of the site is a semi-detached house.

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## **2 THE PROPOSAL**

- 2.1 Permission is sought for a change of use from the authorised retail use of the building (Use Class A1) to a takeaway (Use Class A5).
- 2.2 The proposal includes the modification of the existing shop front to remove the 0.35m deep recess in the alignment of the shop front in favour of an alignment in line with the extent of the building, reducing in depth across the width of the shop frontage.
- 2.3 The proposal also includes the provision of an external extract flue proposed to the western side wall of the two storey rear projection of the building.
- 2.4 As originally submitted the proposal sought permission for trading hours between 1600 hours through the evening until 0100 hours the following day.
- 2.5 The application was revised on 22 April and re-consultations undertaken for reduced hours between 1600 hours and 2230 hours each day, including weekends and Bank Holidays. The response to re-consultation received is included in the consultations section to this report.
- 2.6 The proposed use would operate with two full time members of staff and one part time member of staff.

## **3 PLANNING HISTORY (SINCE THE 1990S)**

- 3.1 The small group of shops in which the site is situated was granted permission in 1954 under application reference EEC/RAY/ 91/53. There is no further relevant history recorded for the site or for the adjoining Chinese takeaway at No. 217 London Road. Consequently, the takeaway adjoining the site is not the subject of restricted trading hours by way of a planning condition. However, the Council's Head of Environmental Services advises informally from the copy of the menu held on record, that the neighbouring Chinese takeaway trades between the hours of 1700 hours to 2300 hours Monday to Saturday (except Tuesdays) and between 1700 hours and 2200 hours on Sundays. This neighbouring takeaway does not trade currently on Bank Holidays.
- 3.2 99 London Road: Also of relevance to this application is a similar history for the site of 99 London Road located at the end of the larger parade further east from the site at the junction with Danbury Road. This site is now trading as a fish and chip shop having been created by the sub-division and extension of the former corner shop unit.
- 3.3 An earlier application (reference 10/00475/COU) was refused permission on 20 July 2010 for the change of use of the shop to a takeaway because of the site's close proximity and detriment to occupiers of nearby residential properties. The subsequent appeal was dismissed.

- 3.4 A latter application (reference 11/00439/COU) approved the change of use to takeaway on 30 September 2011, subject to a condition limiting the hours of trading to between 1000 hours and 1900 hours each day.
- 3.5 An application (reference 12/00362/FUL) varied the opening hours to allow trading between 1000 hours and 2130 hours each day.

#### **4 MATERIAL CONSIDERATIONS**

##### PRINCIPLE OF THE USE

- 4.1 The site is located within an area allocated as existing residential development in the Council's saved Local Plan (2006).
- 4.2 Policy RTC3 to the Council's adopted Core Strategy (2011) encourages the protection of existing retail uses within residential areas outside of the defined town centres. The loss of such retail uses within residential areas will only be permitted where it has been clearly demonstrated that a retail use in the location is not viable and the alternative use will still offer a service to a local community that meets day-to-day needs. This also accords with Policy SAT6 to the Council's saved Local Plan (2006), which specifies that the loss of a retail unit will be justified as long as the premises have been vacant for a period of at least 12 months and it has been shown that reasonable attempts have been made to sell the unit for retail use.
- 4.3 Policy SAT6 is reproduced as Policy DM36 to the Council's emerging Development Management Document, but which is currently before the inspector and as such can by itself be given little weight.
- 4.4 The Council's economic development department has periodically surveyed the main town centres, along with smaller parades throughout the District. These surveys show the site was vacant in December 2013. Within the Design and Access statement accompanying the application, it is stated that the unit has been vacant since January 2013 and has been actively advertised by Dedman Gray and Rona Estate Agents since this time. Whilst limited information has been provided it does, together with the Council's own independent survey, however, indicate that this unit has been vacant for over 12 months with reasonable attempts being made to sell/let the premises for retail use, but without success. The proposal therefore satisfies part (i) to Local Plan Policy SAT6 and the requirements of Policy RTC3 to the Council's adopted Core Strategy in that the loss of the retail use can now be accepted.
- 4.5 There is currently a Chinese takeaway use in the neighbouring unit within this parade. The proposed use of the site as a takeaway would complement the range of services fronting London Road to this small parade and those services further east of the site. With a large residential area adjoining the site, the further diversification in the uses within the parade would support the wider needs of the local residential population. The proposal would, to an extent, reinforce the day to day needs of the local area rather than result in a

concentration of alternative uses not serving the day to day needs of the local population. The proposal would not conflict with part (ii) to saved policy SAT6.

- 4.6 The first floor flat is accessed by an independent front door onto London Road as well as an independent access at the rear. The proposed change of use would not therefore result in the loss of the independent access or effective use of the first floor flat in conflict with part (iv) to Local Plan Policy SAT6.

#### AMENITY CONSIDERATIONS

- 4.7 Part (iii) to Local Plan Policy SAT6 requires that consideration be given to the effect of a proposal upon the perceived reduction in the quality of life residents living near to the site would experience, such as noise, disturbance, cooking smells and litter.
- 4.8 The site is within a residential area fronting the London Road, which is a busy main distributor road giving access to the western area of Rayleigh and to which there is a reasonable amount of disturbance. The existing substantial hedged verge between the main road and the service road onto which the site fronts does, however, help mitigate against background noise arising from the main road.
- 4.9 The proposed takeaway would be likely to attract customers into the evening until the proposed end of trading at 10.30 pm each day, including weekends and Bank Holidays. Customers of the proposed use would be likely to congregate outside the premises to consume their food and may disturb existing residents due to raised voices, the slamming of car doors and revving of engines, especially in the late evening when residents could expect to enjoy a reasonable level of peace and quiet. Such disturbance could also spill into nearby side streets if used by customers for car parking.
- 4.10 The relationship of the proposed takeaway to adjacent dwellings was considered by the inspector in the appeal for the takeaway now at 99 London Road. That appeal was refused by the Council because of the proximity of nearby homes and the disturbance that would be caused by that application into each evening until 11.00 pm.
- 4.11 In dismissing the appeal, the inspector concluded that it is commonly accepted that takeaways require a large turnover of customers and that many generate a large proportion of their business in the evenings. The inspector concluded that the precise specification and maintenance of a suitable fume extraction system, as could be secured by a planning condition, would address issues relating to cooking odours. In the case of the current application, the proposed extract flue would not have great visual prominence given its location between the projection of adjacent buildings. The Council's Head of Environmental Services does, however, require a condition to consider the better details of the type of extract system to be used. As with the inspector's consideration in the appeal to 99 London Road, such a condition will address concerns about odour.

- 4.12 In the case of 99 London Road it was accepted in the appeal that the adjoining shops in that parade generally closed by 7.00 pm each evening. The activity in that parade would subside by this time giving nearby residents reasonable quiet. In those circumstances, the inspector concluded that the takeaway proposal then before him would need to close much earlier than the 11.00 pm proposed to reflect the situation of the activity in the parade generally. This matter could have been addressed by a condition to the grant of permission. The appeal was, however, dismissed because of the failing in that application to provide adequate off street car parking arising from the earlier sub-division of the site that was resolved in the subsequent permission granted on 30 September the following year.
- 4.13 In the case of the current application, the adjoining Chinese takeaway trades much later into the evening until 11.00 pm on most days and 10.00 pm on Sundays. This provides a different context to that presented to the inspector at 99 London Road in that, although the parade is much smaller, there is, however, a degree of evening activity to around the same time as that proposed in the amendment to the current application. Although giving further intensity to that activity, the proposed trading hours until 2230 hours (10.30 pm) would be reasonable against these circumstances, but would require a planning condition to ensure a limit to the hours proposed.

#### SHOP FRONT DESIGN ISSUES

- 4.14 The proposed change to the shop front design would repeat the overall design and proportions of the existing display window. The existing recessed feature is not common to the adjoining shop units. If allowed, the loss of the recessed entrance would restore a consistency with the adjoining shop units without conflict with policy SAT8 to the Council's saved Local Plan (2006) and without conflict with policy CP1 to the Council's adopted Core Strategy.

#### CAR PARKING ISSUES

- 4.15 The site is accessed using the service road running parallel to the London Road. The proposed takeaway would likely increase the vehicle movements to the site and the need for additional spaces. There is currently no designated parking for the site, however on street parking is available immediately in front of the parade of shops and in adjoining side streets without control.
- 4.16 The applicant states there are two car parking spaces available to the rear of the site accessed by way of the service road. The Council's adopted standards require the same parking provision for the existing shop as is required for the proposed takeaway. In parking terms there is therefore no distinction between the former and proposed uses. The spaces available would help provide any staff parking. However, it is likely that customers would park on the highway as they are entitled to do.

- 4.17 The adjoining specialist shops are likely to attract limited numbers of customers each day. The adjoining Chinese takeaway would, however, operate at a similar time to the takeaway proposed. To an extent therefore, customers for both takeaway uses would be competing for the limited parking available to the parade or in nearby streets. Whilst this presents an amenity issue by way of consequent disturbance into the evening and quiet of the night, there can be no material objection to the proposal on the adequacy of the site and highway network to accommodate those traffic movements. The County Highway Authority has no objection to raise against the proposal.

## 5 REPRESENTATIONS

- 5.1 RAYLEIGH TOWN COUNCIL: Object to this application as it would be detrimental to the area and an inconvenience to residents.
- 5.2 ESSEX COUNTY COUNCIL HIGHWAYS: The Highway Authority does not wish to raise objection to the proposal as it is not contrary to policies.
- 5.3 Re-consultation Response Essex County Council Highways: The Highway Authority does not wish to raise objection to the proposal as it is not contrary to policies.
- 5.4 RDC HEAD OF ENVIRONMENTAL SERVICES: No adverse comments in respect of this application subject to:-
1. The Standard Informative SI16 (Control of Nuisances)
  2. A mechanical extraction system shall be provided to the kitchen area in accordance with details 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.
- 5.5 And the following informative: Food businesses are required to register with Environmental Health 28 days before opening. Recommend that the applicant contacts Environmental Health officers to discuss the layout of the premises before opening.

## NEIGHBOUR CONSULTATION

- 5.6 46 letters have been received from the following addresses:-
- Alexandria Drive: 16 (2 letters).
- Grange Gardens: 12.
- Leonard Drive: 1 (2 letters) 3, 5 (4 letters), 6 (2 letters)

London Road: 173, 189, 195 (2 letters), 199 (2 letters), 201 (4 letters), 203 (2 letters), 205, 211 (2 letters), 213 (2 letters), 217, 221A, 227.

Louis Drive: 64 (2 letters), 85.

Louis Drive East: 37.

Louis Drive West: 116.

Ronald Drive: 2 (3 letters), 7 (2 letters), 8, 12 (2 letters), 22.

5.7 And which in the main make the following comments and objections:-

5.8 Amenity Issues

- Concerns about the amount of litter that will be created. It is unclear from the plans whether there will be any seating provided inside the premises. If there is not, then the assumption, whether rightly or wrongly, will be that the food will be eaten outside the shop and the litter then either deposited on the ground or in people's gardens (in addition to any damage that may be caused).
- This is a very quiet residential area, especially of an evening with very few people about, even during the day. The kind of hot food takeaway proposed would no doubt bring in most probably younger people, either on foot or by car, creating noise and disturbance, e.g., cars starting, doors banging, people hanging around and talking late at night ,etc., which would detract from the residents' peace and quality of life that we have at the moment.
- Cooking smells already affect people along the road so adding another flue outlet would greatly increase that, especially for their near neighbours who have to suffer it when having washing out or even just being able to enjoy their gardens.
- The revised trading hours will make no difference to the problems this fast food takeaway will cause for everyone locally. Vermin, noise, anti-social behaviour, litter, smells, parking. And if the new housing developments go ahead just down the road these problems will be ten fold. Fast food shops are for town centres, not residential areas.
- With the shorter opening hours, this in a residential area is not acceptable. We already have the Chinese smells and this would add to the smells and rubbish and noise of cars late in the evening.
- A kebab outlet surely depends on a passing trade as it is not a takeaway meal, but more something to be eaten when and where bought.

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- There are no pubs or clubs in close proximity and even with these revised opening hours I can only imagine that youngsters will use it as a meeting place.
  - The revision of opening hours wasn't a surprise and makes no difference to the kind of takeaway it is and the problems it would cause to a quiet residential area, especially in the evening.
  - There will be increased noise from cars, car doors slamming and public noise from the customers and potentially from the staff when locking up, which is not acceptable for a road with young families and elderly residents. The plans suggest that the extractor fan will exhaust the fumes in the direction of our rear garden. This creates two issues. The first being with regard to the noise that this extractor will generate 7 days a week. The second will be with regard to the smell that the extractor will pump into our rear garden. This sort of smell is not acceptable. We would not even been able to have our back doors open during the summer months or been able to hang out the washing as the smell will impregnate our washing and penetrate into the house. Litter will also become a significant issue as takeaways are notorious for a significant increase in rubbish, which could cause a health hazard. There are not enough bins in the vicinity to cover this likely increase in refuse and adding further rubbish bins will be to the detriment of the character and appearance to this part of London Road.
  - See no reason that changing the opening hours makes any difference.
  - This proposed shop is right next door to someone's house.
  - I'm sure that any Councillor would not like to live next door to a takeaway.
  - I have had my fence damaged many times with the Chinese takeaway, and don't need the chance of any more damage.
  - These shops are in the middle of residential properties with adjoining houses to the left and flats to the right. This is not fair on the residents of the properties, especially as they are applying for a licence to sell alcohol up to 1.00 am.
  - My bungalow is opposite the service alleyway behind the shops and takeaway in question. When the Chinese takeaway starts cooking at 5.00 pm then the smell which drifts across from their cooking is vile. I like Chinese food but not this smell. The smell of another type of food mixed in with this would make it unbearable, even if they have high chimneys built.
  - Lights in streets locally are turned off at midnight. Is this going to encourage criminal activities caused by the sale of licensed drinks?
  - Drinks are already on sale in the garage over the road, in the local Tesco and shop in Grange parade of shops. These close at reasonable times.



Why is there a need to sell licensed drinks until 1.00 am ? It is not necessary to do this in a close by residential area.

- We have a problem with foxes in our road. In the evening and into the night they can be seen going in and out of the alley behind the shops and can often be heard fighting. I am sure this would be over food from behind the Chinese takeaway. Another food shop would make this worse.
- Younger people tend to congregate around this type of shop, causing nuisance to residents.
- This is a quiet neighbourhood predominantly occupied by older residents. We do not want this type of development on our peaceful estate.
- There is very little passing trade as we live in a quiet residential area, which is made up of bungalows. The average age of the residents is 50+ and the purpose of this application does not serve the neighbourhood. In addition to this, the street lights go out at midnight. Does Rochford District Council propose to extend the lighting to beyond 1.00 am with all the additional costs incurred or do we have to tolerate this situation in the dark?
- Whilst objecting in general terms to this type of development, our main objection would be the hours involved, i.e. to 1.00 a.m. This would involve major disturbance to what is a quiet residential area of mainly older residents. There would also be the attendant rise in rubbish and debris, the smell and the inevitable rise in traffic flow until the early hours of the morning with the noise of vehicles and general conversation, etc. going on right outside private properties.
- There has not been an environmental report and would urge that the smells, food waste and increased litter problems are addressed before planning permission is considered.
- The smells from the extractor fan will be intolerable as we already get those from the one belonging to the Chinese takeaway and that faces the other way. I enjoy using my garden and look forward to sitting in it during nice weather and am sure additional smells will detract from my enjoyment and will add unwanted fragrance to my washing!
- The opening time until 1.00 am is completely unacceptable - the local chip shop in the next parade of shops has been given a licence until 9.00 pm - with this in mind I fail to see why this proposal on a smaller and quieter estate would be considered.
- It is a very quiet estate and so the increased noise disturbance likely to be caused by the proposed opening hours (until 1.00 am, 7 days a week) are considered excessive and wholly unjustifiable.

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- With the part-night lighting currently in effect along this section of London Road, there will be no lighting at the proposed closing time of 0100 hours, which would lead to obvious security concerns for the adjacent residents.
  - This is a quiet residential area with not a lot of footfall along the narrow service road, especially during the evenings when it's absolutely minimal, and why the newsagents closed for a second time. With elderly residents and children of school age living close by, they, along with everyone else, would have their quality of life greatly impacted by the proposed new chicken, hamburger and kebab takeaway outlet. Especially with a closing time of 1.00 am, seven days a week. The long standing Chinese next door closes at 11.00 pm, the petrol station shop over the road closes at 10.00 pm, Tesco Express nearby closes at 11.00 pm and the fish and chip shop on the other residential service road has to close at 9.00 pm. There is therefore no precedent to allow a 1.00 am closing time in this quiet residential area, especially as our street lighting now goes off at midnight.
  - The large flue at the back of this outlet with the odours generated, as well as the Chinese takeaway ones, would be just as incongruous and harmful to nearby neighbours.
  - Unlike the Chinese next door where most people just park, pick-up and take their food away, this proposed food outlet wouldn't be quite the same. It would generate noise from people hanging around waiting and then possibly eating as they walked along, so litter would become a greater problem as well.
  - Also attracting groups of people after pub closing time creating noise and litter
  - I object to this application as we already have a constant problem with litter and broken bottles being dropped on our grass verges and driveways, especially after Friday and Saturday nights, since the opening of the local express store, also in London Road.
  - This type of retail outlet will inevitably attract groups of young people late at night leading to noise, disturbance, traffic and parking congestion and more litter. As this is a narrow service road parking is difficult at the best of times and I do not agree with the applicant's comments that it will be suitable for their potential customers to drive to as there is parking outside.
  - I would not want groups of drunk or rowdy people walking past my house after a night out at the pub or Pink Toothbrush just because they fancy a kebab at midnight or later. My wife and I both work very hard all week, getting up at 5.00 am and the thought of being disturbed night after night until 1.00 am and beyond is not only horrifying but totally unacceptable to us and I'm sure other local residents, many of whom are elderly and vulnerable and could feel frightened or intimidated by groups of people outside their homes late at night. Also, with the recent change to lighting

up times meaning that all of our street lights are turned off at midnight this would only add to the problem because some people would be more inclined to drive than walk to the shop if the streets are dark, adding to the noise and disturbance. Not to mention the safety of anyone attempting to walk to these premises after midnight. We regularly hear cars roaring down the A129 late at night, definitely well in excess of the 40mph speed limit and nothing is ever done about that and now we would have to put up with more noise right outside our front doors.

- This proposal is wholly unacceptable in a mainly quiet residential area. The current Chinese takeaway has been there for many years, closing at 11.00 pm and only open 5 nights per week. The majority of their clientele tend to be families or young couples and it does not, nor ever has, attracted undesirables but a kebab shop is much more likely to attract the local young people and even if they have no intention of causing trouble it would inevitably act as a place to congregate at night (as there is little all else for them to do) and I am certain this would lead to disturbance and more litter for the local residents.
- My mother-in-law who is nearly 90 and totally bed bound due to a recent stroke only lives a few doors away from me and I am very worried about the impact it might have on her if there is a lot of noise outside her house late at night. I completely object to this planning application as will many of my hard working neighbours who all deserve a decent night's sleep and to not be disturbed into the small hours just because some people might want a greasy late night snack. We have been inundated in recent years with hundreds of new properties in the locality but improvements in the infrastructure have in no way matched up to that level of development. How can yet another takeaway outlet be considered for approval when the traffic congestion along here is already dire and we do not have enough schools or GP surgeries to meet the ever increasing population at this end of Rayleigh. I would not raise objections to a planning application for the premises in question if they were for a GP surgery or a retail outlet that only opened during normal daytime hours. If the fish and chip shop at the Grange parade of shops is not permitted to stay open into the evening, or Tesco past 11.00 pm, due to disturbing local residents how can a 1.00 am closure possibly be considered for this application?
- The existing takeaway tends to close around 2230-2300 hours; the requested hours of opening until 0100 hours in a residential area would potentially evoke an increased level of noise and disruption to the local residents, the majority of whom are elderly or have young families.
- I am interested to note that within the planning application it is identified that there will be no trade effluent and waste - whilst not totally understanding the legalities of what this may mean, I am aware that we have on several occasions had problems with drains blocking. We have been advised, by the water authorities, that this is not helped by fat, particularly from the existing takeaway solidifying within them. Although I

presume less fat would be produced than from a Chinese, I am sure that there will be a greater amount produced from such a premises than one would ordinarily expect from another form of retail unit. This therefore concerns me that there could be an increase in blockages to the drainage systems, and subsequent consequences.

- Obviously the extraction flue would push an increased amount of smells and fumes from the back area of the unit, all of which overlooks people's back gardens. I presume people have the right to enjoy their time in their gardens without additional smells being added to them?
- Please do not let this pass without the considerations of neighbours already disturbed with extra traffic from extensive housing being built.
- Installation of extractor flue/odious smells discharged from flue. Unsightly size of the structure.

#### 5.9 Highway Issues

- There is already very limited parking outside the parade of shops.
- There are already many parking issues for residents along this narrow service road for a variety of reasons, one of which is because of the existing Chinese takeaway next door to the site.
- People park across driveways and up on the pavement (sometimes having driven down along it) to get to the takeaway because the pavement area is wider outside the shops, and because they can't park close by otherwise. Therefore to allow another takeaway with even more comings and goings would cause many more problems for residents and the dangers that come with it on a narrow road.
- The primary objection is to the lack of parking and the increase in traffic down this quiet, narrow residential street. Nearly all of the parking spaces are already taken up by the local residents. We already have a hot food takeaway next door to this site, which has created significant congestion within the road during peak times.
- There will be no parking available for a second hot food takeaway outlet. People park across our driveways already and a further outlet will only exacerbate this problem. With the lack of parking, customers will either park illegally or cruise up and down these narrow residential roads until a space becomes available. This is a significant safety risk to the young children in these streets. We have already had one child knocked down in this road - we do not want another - or worst, a fatality.
- The road is a very narrow quiet residential road, which already has parking issues and is not really geared for continuous traffic. There would be disturbance to the surrounding houses, which are mostly inhabited by people in their mature years, not appropriate to this area.

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- The road is mainly hidden from passing traffic. It is the opinion of this committee that Rayleigh has an abundance of fast food shops in more appropriate areas, i.e., the high street.
  - The junction of the slip road with the main London Road is already a very busy area with a history of a number of accidents in the vicinity. It is believed that the application is for 5.00 pm until 1.00 am. This would be completely unwarranted in such a quiet residential area where all other outlets are closed at 11.00 pm and the local lights go out at 12 midnight.
  - Delivery vehicles will block the road and cause more accidents.
  - Louis Drive West in particular already suffers from traffic problems during the day and often into the night with people parking their cars and going off in other vehicles, not returning until quite late. As well as people parking until very late when they pick up coaches to travel to London shows, etc., at the bus stop in close proximity to the premises in question and making a lot of noise when they return.
  - Access to this property will be along a narrow road off what is already a very busy junction (next to JEMS garage) that has seen a number of serious accidents and anything which adds to the traffic flow is a complete nonsense.
  - Increased traffic and parking problems will be very unwelcome, particularly in a residential service road; again, we chose to live in a certain type of area not a town centre type environment.
  - The road outside the row of shops is narrow and there are already traffic issues relating to access, visibility and congestion when the shops are open. Additional traffic using the proposed kebab shop will only make matters worse for residents trying to access their homes.
  - Long standing issues already exist along this bit of road and further down for residents for various reasons throughout the day, evenings and weekends, that only if you lived here would you know about and appreciate the problem. So to add another takeaway into the equation would be even more detrimental to this quiet area because of noise and nuisance. I have seen for myself that when people can't park as near as they can to the Chinese they actually go up onto the pavement, drive along it and park at the front of the shops, thereby being a danger and causing an obstruction. Non residents also park up in the area for many hours, and sometimes on double yellow lines, to then get picked up by coach operators for trips out.
  - The parking is very limited along this stretch, especially during evenings and weekends when the residents are not at work. Having such an outlet here, when there is already a Chinese takeaway next door to it, could encourage customers to park on the grass verges or inconsiderately block

driveways. I cannot see what purpose it could serve in this location, and especially not until 1.00 am, 7 days a week.

- I would assume that the hoped for turnover within the premises would require a frequent number of deliveries from various delivery vans....currently when vans are in the front of the shops it completely blocks the road for the duration of the delivery (as happened when the post van picks up post for a very small period of time), deliveries to the back have often caused problems in knocking down walls and fences due to the tight turning space created by an increased number of cars parking around the access route.
- I would also like to point out about the parking. As this is a residential area there are limited parking spaces already; another hot food premises will cause chaos and will also be dangerous as there will be many cars driving around looking for spaces and as this is a residential area there will be many children walking. Surely as a Council your main priority is the safety of the residents living here, rather than the opening of a kebab shop about which I'm sure you have received numerous objections from the residents that have to actually live here.
- Currently there are limitations on available parking to accommodate the existing take away provision and residents who are in the properties above the retail units. The additional demand required by a second such premises would be difficult to accommodate. The planning states two parking spaces available - but also that there will be three working members of staff - some of whom may require to park, and the residents in the flats above the premises may also require parking. This therefore limits access to suitable parking spaces without compromising neighbours' access to their own properties.

#### 5.10 Character Issues

- The area is predominantly inhabited by young families and older citizens and so the target market for the shop is unclear.
- It is a very quiet estate and so the increased noise disturbance likely to be caused by the proposed opening hours (until 10.30 pm, 7 days a week) are still considered excessive and wholly unnecessary.
- This is a quiet residential area and the need is not there for this form of use.
- This application would be completely detrimental to our quiet residential area that has very little in the way of footfall along the service road during the evening and it would definitely not enhance any of our lives at all.
- It would be better suited to a high street situation.

- This is a very peaceful neighbourhood and we don't want it spoilt with more people coming in from outside the estate.
- There is no precedent set for this form of shop; the Chinese takeaway is of a very different type with mainly local people taking the food home.
- This property is situated on a small residential estate that is made up mostly of elderly people and young families, the majority of whom would not benefit from the proposed change of use.
- Whilst being in favour of disused buildings being re-developed, the re-development has to be suitable for the area in which it is happening. I believe that the proposed change of use to a kebab shop is not something that this area requires.
- This proposed planning application would definitely not enhance the area or our quality of life at all and would be a detrimental addition.
- The area is residential with most occupants being of an older generation who do not want a fast food outlet that will cause additional traffic in residential streets as the majority of clientele will be passing trade.
- The location already has a Chinese retail shop at 217 London Road.
- I feel this change will affect the ambience of the neighbourhood. I would like to ask you how would you like to live next door to both a kebab shop and a Chinese shop?
- We are in a very residential area and although there are two rows of shops within walking distance, these are low impact shops which do not open late. We did not choose to move to a busy vibrant area and we have not been given any say about this development. Local democracy in action again.
- This is a residential area; the opening hours are not conducive to this area.

#### 5.11 Viability Issues

- Rayleigh High Street (and other food outlets nearby this application site) has plenty of hot food takeaways to suit absolutely everybody, so people living here already have many choices and as they're "takeaways", then having it delivered makes it easy. Therefore we do not need another one on a quiet residential area that has very few people about, especially during the evening.
- I am not sure why the change of hours can make any difference to this proposal at all. He was clearly never realistically going to open until 1.00 am. The point here is that there is absolutely no need for a kebab shop in the first place. Does he really think this is the same area as Leigh

Broadway where his other shop is? It is just ridiculous the notion that this quiet residential road needs a kebab shop.

- I also remember many years ago an application for a fish and chip shop was refused because there were too many food outlets already. Nothing has changed since then, so how can you allow this application?
- We have 4 small shops at the end of Leonard Drive. Already one is a takeaway Chinese so we do not need another food shop.
- We have a nice area around the Louis Drive Estate. A takeaway kebab shop would only lower the tone of the area, especially with an alcohol licence. If people want alcohol then there is a Tesco store about 400 metres further up the London Road on the opposite side of the road open until 11.00 pm. Please do not grant permission for this shop to open.
- The planned shop is being developed due to the forthcoming housing development
- The Louis Drive Estate Residents Association, which represents 240 householders, has been approached by many of our members to object to the proposed plans for a fast food outlet. It is the contention that there is no need for this form of shop in this area.
- There is already a Chinese takeaway next door that closes at a reasonable time.
- There are also many eateries and takeaways in the High Street to accommodate people, including a few chicken, hamburger and kebab shops which do takeaway, and are more appropriate for the High Street area.
- The proposed location is not on an obvious thoroughfare, being considerable distances from both the town and any public houses; and there is little to no passing trade.
- There is not a great amount of footfall past the premises, unlike similar outlets in Rayleigh High Street so why would there be a need for it to be open so late and 7 days a week?
- Of the four retail outlets located in that parade, to have 50% of them allocated as hot food outlets seems disproportionate to need.

#### 5.12 Other Issues Raised

- I myself have a hot food takeaway. We have been here for nearly 40 years and we have never had any problems regarding our premises being here but this is due to the fact we have always kept our area clean and up to standard. So if another hot food premises is here, will they be able to keep



to the level of standard we have given to our neighbours in the past 40 years?

- We also respect the neighbours by our opening hours. As a suggestion, we feel an unlicensed takeaway (not Chinese, of course!) open until 11.00 pm. would be a good idea. Would like to know why the letters regarding this application have been posted to so very few residents. I live seven doors away from the planned site and I had to find out about this from a neighbour as Rochford District Council did not see fit to contact me.
- I was only advised of this application by our residents association representative and was surprised I had not received notification from the Council as my property is only 10 houses away from the planned takeaway shop.
- Whilst we have no objections to another hot food takeaway, we strongly object to it being licensed as this will encourage people to drink alcohol whilst walking along the streets, leading to possible misbehaviour and cans, bottles etc. being tossed into gardens. We already have Tesco down the London Road which sells alcohol until 11.00 pm. Re the opening hours, open until 1.00 am is a very bad idea because there will inevitably be noise from customers and cars, which will disturb sleeping residents and, most importantly, with the street lights going out at midnight, who knows what could happen in the dark.

## 6 RECOMMENDATION

### 6.1 It is proposed that the Committee **RESOLVES**

That the application be approved, subject to the following conditions:-

- (1) SC4B - Time Limits Full - Standard
- (2) SC15 - Materials to Match (Externally)
- (3) The use of the premises for hot food takeaway shall be open to trade to customers between the hours of 1600 and 2230 on any day. No sales or deliveries to customers shall take place from the premises outside these permitted hours.
- (4) Prior to the commencement of the development a mechanical extraction system shall be provided to the kitchen area in accordance with details of the design, specification and maintenance regime, which shall be submitted to and agreed in writing with the Local Planning Authority. Such works as may be agreed shall be fully implemented prior to the commencement of the use hereby permitted and shall be maintained in the approved form in accordance with the manufacturer's instructions while the premises are in use for the permitted purpose.

- (5) The permission hereby granted shall not be construed to allow the installation of external security shutters to the front elevation of the shop front.



Shaun Scrutton

Head of Planning and Transportation

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### **Relevant Development Plan Policies and Proposals**

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

CP1, RTC 3.

Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

SAT6, SAT8.

Rochford District Council Local Development Framework Development Management Submission Document (April 2013)

DM36

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

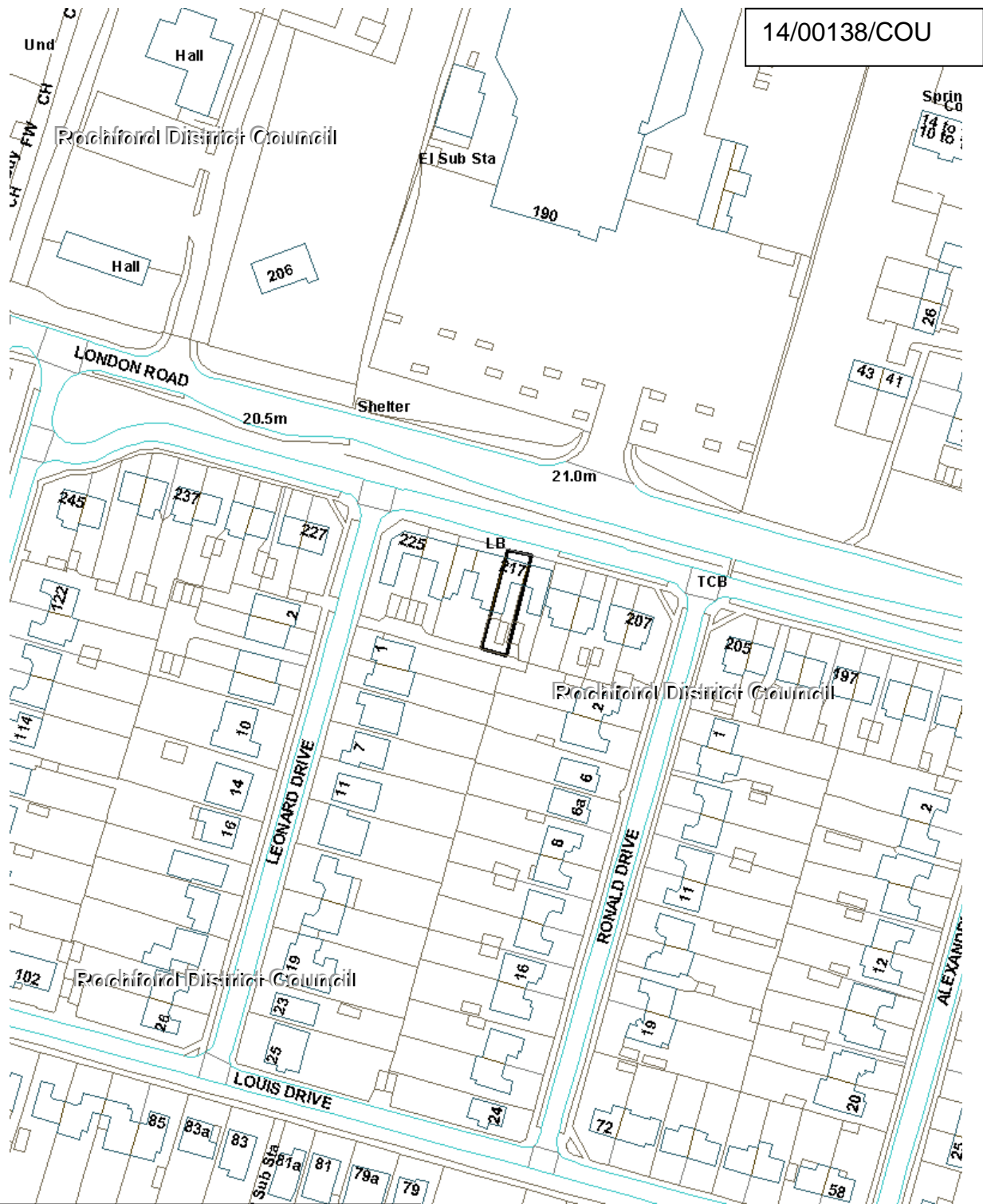
A1, A5.

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