

<p><b>Item 5</b></p> <p><b>15/00416/COU</b></p> <p>12-14 High Street Rayleigh SS6 7EF</p> <p>Change of use from A1 (retail) to A2 (Financial and Professional Services)</p>	<p><b>ADDITIONAL STATEMENT (Sent to Councillors by Email on 25 August)</b></p> <p>Since producing the report for this application, more detailed statistics have been provided from the Council’s Planning Policy team, which advise that the quantity of primary and secondary shopping frontage in retail use differs to that presented within the report. The report refers to the schedule of modifications to the Area Action Plan (AAP) and advised that ‘as at March 2015, within the revised primary and secondary shopping frontages, 66% of the primary frontage and 62% of the secondary frontage fall within A1 use. The Council will seek to achieve a target of 75% A1 uses in the primary frontage and 50% A1 uses in the secondary frontage.’ The statistics now provided show that in the primary shopping frontage area 63% is in retail use and in the secondary 48% is in retail use. Whilst the proposal would reduce the 48% figure further, the 50% figure is used as a guide and should not be applied too stringently. Policy 6 of the AAP explains that development within the character area of the application site will support the retail function of the central high street area, primarily through the provision of complementary uses, which this A2 use is considered to represent. Therefore, officers still consider that this application should be recommended for approval.</p>
<p><b>Item 6</b></p> <p><b>15/00236/FUL</b></p> <p>91 High Street Rayleigh Essex SS6 7EJ</p> <p>Change Of Use Of Paved Area To Front Of No 91 To Use For External Seating In Connection With A3 (Restaurant Use)</p>	<p><b>COMMENTS FROM PROPERTY OWNER RECEIVED</b></p> <p><b>1. RTC Objection</b></p> <p>The Town Council has planning permission for market stalls on Wednesdays and 10 weekend/bank holidays per year in the High Street up to and including No. 91. The applicant is applying to use pavement space that is already occupied by a market stall and this will leave no space for pedestrians. Rayleigh is at its busiest on market days and High Street businesses fully support the market as they benefit from having a market on the High Street. Pavement space is required to allow the public (which includes pushchairs, wheelchairs and disability scooters) to travel easily along the High Street and to be able to stop, browse and be served at the market stalls. The loss of pavement space will result in the public, and particularly the disabled and elderly, from visiting Rayleigh on market days. This would not only be detrimental to stall holders but also to High Street businesses. As a result of the success of the market, Rayleigh Town Council intends to apply for permission to hold a permanent Saturday market when the Rayleigh Area Action Plan process is complete.</p>

	<p><b>Property Owner's View</b></p> <p>The planning application and approval for the market 13/00077/FUL dated 10 May 2013 only specifies stalls outside 61-85 High Street, so these points are irrelevant as the stall outside No. 91 appears to not have planning permission.</p> <p><b>2. RTC Objection</b></p> <p>Market traders pay rent to the Town Council to hire the pavement space for the market, however, the applicant would not be required to pay to use the pavement space.</p> <p><b>Property Owner's View</b></p> <p>The rent paid by the stall holder outside No. 91 High Street is only £54 per week and no business rates are charged. By comparison the business rates for No. 91 amount to tens of thousands of pounds per annum.</p> <p><b>3. RTC Objection</b></p> <p>Smokers will sit at the tables, which will be unpleasant and unhealthy to passers by and stall holders.</p> <p><b>Property Owner's View</b></p> <p>This is an assumption not based on fact. These tables will be used for al fresco dining and not as an outside pub smoking area.</p> <p><b>4. RTC Objection</b></p> <p>The proposed tables and chairs will only be used for a part of the year as the public will not fill these seats all year round. However, the banners/planters and furniture will be in place permanently.</p> <p><b>Property Owner's View</b></p> <p>Assumption not based on facts.</p> <p><b>5. RTC Objection</b></p> <p>It is common for a company with barriers/planters to stretch them out further than permitted, taking more space away from pedestrians, creating hazards and making it even more difficult for the disabled and visually impaired to get around.</p>
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**Property Owner's View**

This is not the case. There will be significantly more than the clear 2 metre pavement space to curb, as required by the Highways Department. The Highways Department has no objection to this plan. Pizza Express is a highly reputable company and complies with planning permissions and conditions; it does not stretch them.

**6. RTC Objection**

The Rayleigh Area Action Plan is under consultation at present. Pavement space should not be changed until the Action Plan has been fully considered and implemented.

**Property Owner's View**

The Rayleigh Action Plan includes a reduction in the taxi rank on the High Street, creating more pavement space for community activities, including market expansion. The following extract illustration from the Plan looks north on the High Street towards No. 91 and shows al fresco seating, which this application provides.



**7. RTC Objection**

This application is for a Listed Building, which is in the Conservation Area. If this application is allowed it will be detrimental to the overall outlook of the street scene and this important building will be hidden by the proposed furniture.

**Property Owner's View**

This building is completely obliterated on market day as the Town Council allows a totally disproportional stall here. The high quality tables and planters will improve the current outlook. The following 2 photographs contrast what it looks like today on market day compared to what it will look like if approval is granted. There is very little of the original frontage of the building to be seen. The bay window on the right of the building is modern and the other bay windows are replacements not in the original style. The true historic parts of the building internally on the ground and first floors are being completely opened up and restored for all visitors to see and this application will not detract from that in any way.



**8. RTC Objection**

The recess next to Pizza Express is the Rayleigh Lanes fire exit. Furniture in front of this building could make access difficult.

**Property Owner's View**

There will be no furniture placed in front of the snooker hall fire exit, unlike the stall, which the Town Council sites directly in front of the fire exit on market days.



**9. RTC Objection**

An application does not appear to have been submitted for advertising consent for the wording on planters.

**Property Owner's View**

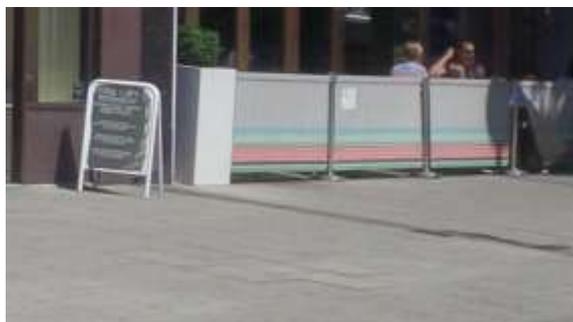
One will be lodged, if required.

**10. RTC Objection**

If this application is allowed this will set a precedent for the many other High Street businesses who sell food/drink to use pavement space.

**Property Owner's View**

The following photographs show that many precedents have already been set. This application proposes quality furniture to raise the standard of street furniture in Rayleigh.





**11. RTC Objection**

Change of use of the pavement is a removal of highway rights. It is necessary for Rochford District Council to ensure that the applicant has followed the correct procedures, which would include making an application to ECC Highways and the Department of Transport.

**Property Owner's View**

Prior to this application being lodged consultations took place with the Planning and Essex CC Highways departments and the recommended procedures have been followed.

**12 RTC Objection**

It is common practice for restaurants who want to place furniture on the pavement to apply to Rochford District Council for Street Trading Consent, rather than applying for a change of use of the pavement, as in this case. Rochford District Council needs to ensure that the correct procedures have been followed by the applicant.

	<p><b>Property Owner's View</b></p> <p>See previous answer.</p> <p><b>OFFICER COMMENTS</b></p> <p>To clarify, with regard to point 1 of the property owner's views, whilst the address description on the approved planning application for the market refers to 'Land Fronting 61 To 85', the plans provided have approved a market that extends to the position outside No. 91. Therefore the positioning of a market stall in the location outside No. 91 is authorised as part of approved application reference 13/00077/FUL.</p> <p>Officer recommendation remains that of approval.</p>
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