

15/00416/COU**SITE: 12 - 14 HIGH STREET RAYLEIGH****CHANGE OF USE FROM A1 (RETAIL) TO A2 (FINANCIAL AND PROFESSIONAL SERVICES)****APPLICANT: A9 ARCHITECTURE - MR ALAN GREEN****ZONING: TOWN CENTRE, PRIMARY SHOPPING****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. 1298 requiring notification of referrals to the Director by 1.00 pm on Wednesday, 26 August 2015 with any applications being referred to this meeting of the Committee. The item was referred by Cllr D J Sperring.

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 the change of use of 12 - 14 Berrys Arcade from A1 (retail) to A2 (Financial and Professional Services). The site is a unit to the front of Berrys Arcade located within the town centre, Conservation Area and Secondary Shopping Frontage of Rayleigh.
- 1.2 The proposal is for internal works to convert the existing retail shop to a use falling within the financial and professional services use class. No detail has been provided with regard to precisely how this unit would be used within this use class. No external works are proposed as part of this application.

2 PLANNING HISTORY (since the 1990s)

Berrys Arcade - General

- 2.1 98/00554/FUL - Install New Shop fronts to units 1-12 and Erect Security Shutters to Arcade Entrances. APPROVED
- 2.2 98/00553/COU - Change Use of First and Second Floor From Offices to Flats. APPROVED

- 2.3 T/RAY/90/67 - Erection of shop fronts to 8 shopping units. APPROVED
- 2.4 T/RAY/11/64 - Erection of an arcade of shops with offices over. APPROVED
- 2.5 ROC/585/89 - Installation of satellite dish. APPROVED
- 1 Berrys Arcade
- 2.6 11/00172/FUL - Removal of Condition 2 of RAY/90/67 To Enable The Display And Sale Of Goods To The Premises 8 -14 Berrys Arcade. APPROVED
- 2.7 98/00123/COU - Change Use of Class A1 Shop Premises to Class A3 (Food and Drink). APPLICATION WITHDRAWN
- 2 Berrys Arcade
- 2.8 98/00593/COU - Change Use of Class A1 (Shop) to Class A3 (Hot Food Takeaway). APPROVED
- 4 Berrys Arcade
- 2.9 95/00599/COU - Change Use of Premises From Class A1 (Retail) to Class A2 (Financial and Professional Services). APPROVED
- 5 Berrys Arcade
- 2.10 11/00752/COU - Change of use to A3 Café. APPROVED
- 2.11 T/RAY/212/72 - Change of use to office. APPLICATION WITHDRAWN
- 8 Berrys Arcade
- 2.12 04/00697/COU - Change of Use from A1 Shop to Tattoo Studio. APPROVED
- 8-10 Berrys Arcade
- 2.13 06/00582/COU - Change of Use from A1 to A2 Office. APPLICATION NOT PROCEEDED WITH

3 MATERIAL CONSIDERATIONS

Usage

- 3.1 The authorised use of 12-14 Berrys Arcade is A1 (retail). This unit is within an arcade of 10 units granted planning permission in 1964, together with offices above. No.12-14, along with No. 8-10 (occupied by Rayleigh Fruit n Veg), form the High Street frontage to this arcade. It appears that the former use of No.12-14 from the advertising still present was as an art shop although the

unit is now vacant. It is not known how long the unit has been vacant for although information gathered by the Council's Economic Development team confirms that the Art Shop was still in operation in November 2014 and therefore some time between then and the current application the unit became vacant.

- 3.2 There are currently 9 small units within Berrys Arcade and 2 larger units to the frontage with Rayleigh High Street. Of the 9 smaller units, 5 are in use for non retail purposes, only 2 of these have planning permission for such non retail uses (Tamarind Indian Takeaway and the part of Café - Tiere occupying unit 5). It is unknown how long the other 3 unauthorised uses have been operating for (Infinite Beauty, Café Tiere at unit 6 and Rayleigh Fruit n Veg store/staff area). The list of current uses within Berrys Arcade is summarised below:-
- 3.3 Unit 1 = Candylocks (A1)
- 3.4 Unit 2 = Tamarind Indian Takeaway (A5)
- 3.5 Unit 3 = Repair Centre (A1)
- 3.6 Unit 4 = Infinite Beauty (Sui Generis) - authorised use is A2
- 3.7 Unit 5 = Café Tiere (A3)
- 3.8 Unit 6 = Café Tiere (A3) - authorised use is A1
- 3.9 Unit 7 = Head Hunters (A1)
- 3.10 Unit 8 = Rayleigh Fruit n Veg store/staff area (B8) - authorised use is sui generis
- 3.11 Unit 9 = Rayleigh Fruit n Veg (A1)
- 3.12 Unit 8-10 = Rayleigh Fruit n Veg (A1)
- 3.13 Unit 12-14 = Vacant, formerly The Art Shop (A1)
- 3.14 The area immediately surrounding the arcade consists of mixed uses as follows:-
- 3.15 On the same side of the road:
- 3.16 6 High Street = Ronas (A2)
- 3.17 16 High Street = H. Witham & Son Funeral Directors & Monumental Masons (A1)
- 3.18 18 High Street = Papa Johns (A5)
- 3.19 22 High Street = Card Factory (A1)

- 3.20 Opposite the site:
- 3.21 7 High Street = Mango Lounge (A3)
- 3.22 9 High Street = La Romantica (A3)
- 3.23 11 High Street = Squires (A3)
- 3.24 Whilst it is recognised that the Rayleigh Centre Area Action Plan (AAP) is currently unadopted it can be afforded weight due to the stage to which this document has now reached. The Rayleigh Centre Area Action Plan Submission Document was submitted to the Government for independent examination on 5 December 2014 and the Council has completed a consultation on the main modifications to this document. A planning inspector has now confirmed that the document is sound and the document will be presented to Full Council shortly and hopefully adopted.
- 3.25 Policy DM34 of the Development Management Plan 2014 explains that the change of use of shopping frontages for non retail purposes, which make a positive contribution to the vibrancy and vitality of the town centre, will be permitted providing that the proposal would:-
- (i) Not have a detrimental impact on, or undermine, the predominance of A1 uses, both within the town centre as a whole and within the primary shopping frontage;
 - (ii) Not create a cluster of similar non A1 uses of the same use class within a locality that undermines the retail character of the town centre; and
 - (iii) Entail the provision of a non A1 use, which is considered to positively contribute to the overall offer and encourage people into the town centre. These may take the form of those non A1 uses set out in criterion 3 of Policy 1, including A2-5, leisure, cultural and community uses. The Council will encourage such uses outside of the primary shopping frontage in particular; and
 - (iv) Not have a negative effect on the amenity and character of Rayleigh or have adverse consequences for Rayleigh centre.
- 3.26 The sections identified in bold are within the schedule of modifications to policy 3 of the AAP. Therefore, the bold is the difference between policy DM34 of the Development Management Plan and policy 3 of the AAP.
- 3.27 Policy 3 of the AAP states that within the secondary shopping frontage (which this site is located within) the Council will generally seek to ensure 50% is in retail use. Within the schedule of modifications to the AAP to the supporting text to policy 3 it states as follows:-

- 3.28 'The Council recognises the dynamic nature of centres and the need for flexibility. Nevertheless, it wishes to ensure that the majority of uses both within the centre as a whole and within the primary shopping frontage, are in A1 use. 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.
- 3.29 With this goal in mind the Council has set several criteria to encourage the appropriate mix of uses within Rayleigh Centre. Under policy 1, criterion 3, the Council states that it will promote appropriate proportions of non A1 development, particularly outside of the retail core (within the secondary shopping frontage); such development within the retail core is not precluded provided it conforms to the provisions in Policy 1 and Policy 3.'
- 3.30 With regard to the secondary retail frontage, the AAP proposals map has been used due to the stage that this document has now reached. It should be noted that the Local Plan 2006 previously identified the application site within the primary shopping frontage area. Therefore, the modification statement confirms that the proposal would not result in the quantity of non retail uses exceeding the 50% limit within the Secondary Shopping Frontage.
- 3.31 Part (i) requires a predominance of A1 uses to remain in the town centre. As 66% of the primary frontage and 62% of the secondary frontage fall within A1 it is considered that within the town centre as a whole there would remain a predominance of A1 uses.
- 3.32 Policy 6 of the AAP refers to the character area to which the application site is located. This policy explains that development within the character area will support the retail function of the Central High Street area primarily through the provision of complementary uses. This policy seems to suggest that there is a more flexible approach to the uses within this character area. The proposal is considered to represent a complementary use in accordance with policy 6 and policy 3 of the AAP.
- 3.33 In order to consider part (ii) above Berrys Arcade and several units surrounding and opposite the site listed above have been reviewed. Of these 18 units, 10 are currently in non retail use; the proposal would increase this to 11 (61%). Within Berrys Arcade itself, it would result in 6 out of 11 units in non retail use (55%). However, within this cluster identified, there is only one other unit, Ronas, in A2 use. Therefore, it is not considered that the proposal would create a cluster of similar non A1 uses of the same use class within this locality. The proposal is considered to accord with part (ii). An A2 use would be considered to provide a use which would positively contribute to the town centre and encourage people into the centre.

3.34 In concluding, whilst it is important that the High Street retains a predominance of retail uses and it is noted that there has been concern raised regarding the loss of the retail unit by Rayleigh Town Council and two local residents, it is not considered when referring to the AAP and the statistics available, that the proposal would result in a predominance of non retail uses within the secondary shopping frontage or the town centre as a whole. The proposal is considered to provide a complementary use in accordance with the AAP and this particular character area.

3.35 It is not considered appropriate to restrict opening hours as there are no opening hour restrictions on the existing unit.

4 REPRESENTATIONS

4.1 RAYLEIGH TOWN COUNCIL - Objects to this application due to the loss of retain space.

4.2 ECC CONSERVATION - Comments as follows:-

- The applicant seeks permission for a change of use 12-14 Berrys Arcade, Rayleigh. The building is located within the Rayleigh Conservation Area, although it does not occupy a particularly prominent site.
- The proposal envisages very little physical alterations to the building, and as such will not have an impact on the character and appearance of the Conservation Area.
- The applicant has not considered an alteration to the existing signage within this application, and this would need to form an advertisement consent application at a later date if desired, as this does have the potential to cause harm to the heritage asset.
- I would therefore recommend the application for approval.

4.3 LOCAL RESIDENTS - Two responses received (11 Grasmere Road, Benfleet & 9 Warren Close, Rayleigh), which can be summarised as follows:-

- As these premises are designated for retail use, I feel this should be retained. If allowed, it would be totally out of character for the area of the arcade, i.e., remainder of units are let for retail purposes.
- The top end of the High Street never receives the same support as the centre from the Town Council, and the removal of yet another retail unit may assist in its demise.
- The unit will not attract any passing trade or custom that will benefit the Arcade. The shop would be much better suited as a retail unit to encourage people to use the top of the high street.

5 RECOMMENDATION

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

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

- (1) Time Limits Full - Standard



Shaun Scrutton

Director

Relevant Development Plan Policies and Proposals

Policies CP2, RTC1 and RTC4 of the Core Strategy 2011

Policy DM34 of the Development Management Plan 2014

Policies 1, 2, 3, 4 and 6 of the Rayleigh Centre Area Action Plan Submission Document (Post Pre-Submission Consultation) December 2014

Rayleigh Centre Area Action Plan Schedule of Modifications (March 2015)

Rayleigh Conservation Area Appraisal and Management Plan 2007

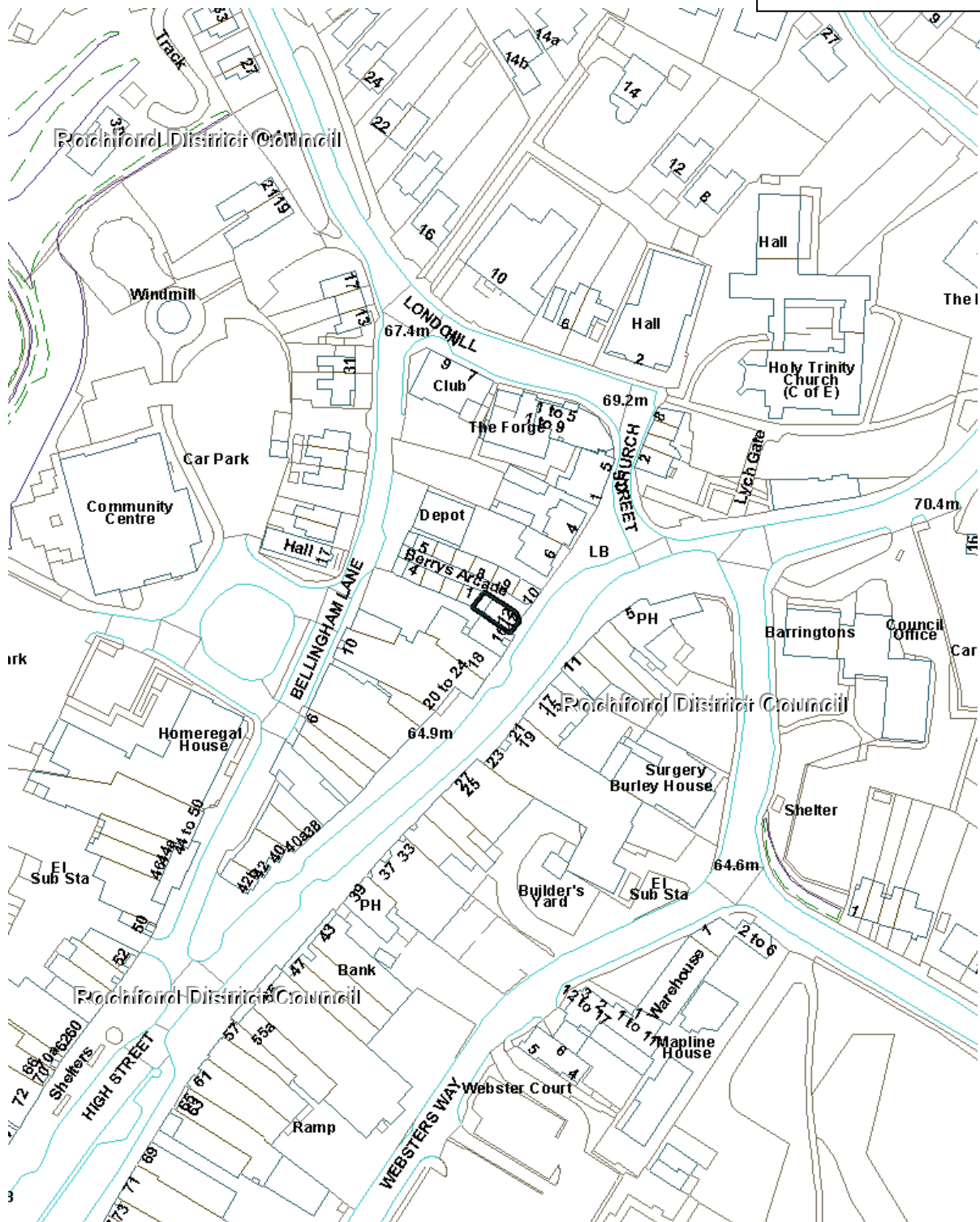
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