

**18/00644/FUL**

**PUBLIC CONVENIENCES CROWN HILL RAYLEIGH ESSEX**

**PROPOSED CHANGE OF USE FROM SUI-GENERIS USE AS PUBLIC CONVENIENCES TO A FLEXIBLE USE FOR USE WITHIN ANY OF THE FOLLOWING USE CLASSES: A1 (SHOPS), A2 (FINANCIAL AND PROFESSIONAL SERVICES), A3 (RESTAURANTS AND CAFÉS), A5 (HOT FOOD TAKEAWAYS) AND B1 (A)(B)(C) (OFFICE, RESEARCH AND DEVELOPMENT AND LIGHT INDUSTRIAL)**

**APPLICANT: ROCHFORD DISTRICT COUNCIL – MR PAUL HAMPSHIRE**

**ZONING: CONSERVATION AREA AND TOWN CENTRE**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: WHEATLEY**

**1 RECOMMENDATION**

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

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

- (1) Prior to first use of the building under the A3 or A5 use classes, a mechanical extraction system shall be provided to the kitchen area in accordance with Defra's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (January 2005). All details shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of the A3 or A5 use hereby permitted and compliance with Defra's guidance shall continue while the premises are in use for the permitted purpose.
- (2) Prior to first use of the site, 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 and shall be maintained

in the approved form while the premises are in use for the permitted purpose.

- (3) Prior to first use of the site under use class B1(c) 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) No amplified speech/music or other form of public address system shall be broadcast or operated on any part of this site.
- (5) The uses hereby permitted shall not take place (whether or not open to customers) and no deliveries shall be taken at the site outside of the hours of 0700 and 2330.
- (6) Prior to first use of the building, details of where refuse will be stored shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, such details shall be implemented on site prior to first use of the building.

## **2 PLANNING APPLICATION DETAILS**

- 2.1 It is proposed to convert an existing public conveniences building into a flexible use comprising A1 (Shops), A2 (financial and professional services), A3 (Restaurants and Cafés), A5 (hot food takeaways) and B1 (a)(b)(c) (office, research and development and light industrial).
- 2.2 The proposal would involve the removal of existing toilet and washing facilities internally. No exterior alterations are proposed and the existing site landscaping would remain the same as existing.
- 2.3 The building subject to this application is located in Rayleigh town centre, and is locally listed. The building as described in the Local List Supplementary Planning Document (2013) was constructed by Rayleigh Urban District Council in 1932, in a cottage style. The building consists of a brick work and painted pebble dashed façade; a tiled hipped roof with a central cupola; traditional style rectangular windows and circular windows with brick detailing to the side of the two entrances. The justification for including the building in the Local List is that it is situated in the Rayleigh Conservation Area; the building is considered to be locally distinctive and is of local historic and architectural importance. It is considered that the building is a very good example of a building of its type.
- 2.4 The site is located at the top of Crown Hill, adjacent to the junction with Rayleigh High Street. Opposite the site is Ye Olde Crown Pub; the rest of Crown Hill is predominantly residential. To the north-west of the application site is a semi-detached pair of dwellings, located approximately 15 metres

away from the application building. Between the nearby residential dwellings and the application site, a new toilet block has been constructed incorporating ramped access. To the rear of the application site is a flat-roofed building which contains part of a clothes shop and a gym.

### **3 MATERIAL PLANNING CONSIDERATIONS**

- 3.1 National Planning Policy Framework (2018) (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;
- 3.2 The Rayleigh Area Action Plan states that the application site is situated just outside the secondary shopping area, meaning that the site is not subject to policies requiring a predominance of A1 retail uses in these areas. The Area Action Plan states that the application site is located in Character Area C of Rayleigh town centre, relating to 'High Street South and Eastwood Road'. Policy 7 of the Area Action Plan states that development in this area will support the retail function of the central High Street area, with an emphasis on providing secondary retailing and complementary uses, including service and office uses and community facilities. The area is well served by public parking which supports nearby convenience retailing.
- 3.3 Part 3 of Policy 7 states that development will be acceptable where it would lead to the creation of additional floor space for appropriate town centre uses that support the main retail function of the central High Street area. The area is considered the most appropriate location for additional convenience retail floor space.

#### **Proposed A1 (shops) and A2 (financial and professional services) uses**

- 3.4 As policy 7 of the Rayleigh Area Action plan states, the site is considered an appropriate location for additional A1 floor space, supporting the retail function of the central high street area. The additional proposed A2 use is also stated in policy 7 as being complementary to the retail function of the central high street area. The proposed A1 and A2 uses are therefore considered to be policy compliant.

#### **Proposed A3 (food and drink) and A5 (hot food takeaways) uses**

- 3.5 The application site is located in relatively close proximity to residential dwellings, therefore raising concerns over what potential impact A3 and A5 uses may have on residential amenity. As a result, the Council's Environmental Health department has suggested a condition requiring that an appropriate mechanical extraction system is installed to ensure any potential noise and odour impact is kept to a minimum, in accordance with the

guidance issued by the Department for the Environment, Food and Rural Affairs. The site is located within a town centre area where some noise and activity is considered acceptable. However, bearing in mind the close proximity of residents to the site, it is recommended that a condition be added restricting opening hours to ensure that the amenity of the occupants of these nearby dwellings is protected.

#### **Proposed B1(a)(b)(c) (Business) use**

- 3.6 B1 use includes (a) office use other than a use that falls under class A2 and (b) research and development of products or processes. These uses are considered to constitute complementary uses to the primary retail function of the High Street area. If the building is to be used under B1(c) (light industrial), the Council's Environmental Health department has recommended a condition requiring the installation of noise insulation in order to protect the amenity of nearby residential occupiers. The Use Classes Order (1987) (as amended) defines the B1(c) use class as being for any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area). Therefore, it is not considered that any of the proposed B1 uses would be objectionable in principle in this location, subject to imposition of the suggested condition.

#### **Impact on the character of the area**

- 3.7 Given that no external alterations are proposed, it is not considered that the proposal would have any adverse impact on the character of the existing locally listed building or the character of the Conservation Area. Essex County Council Historic Buildings Adviser has not raised any objections from a conservation perspective.

#### **Car parking**

- 3.8 The proposal does not include the provision of any car parking on site. The Parking Standards SPD advises that 'a lower provision of vehicle parking may be appropriate 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 within walking distance of several public car parks, the bus stop in the High Street and Rayleigh train station. Therefore, the lack of parking provision is considered to be acceptable here.

#### **Refuse**

- 3.9 No information is provided regarding where refuse would be stored on the site. As the proposal includes food establishments it is important to ensure that storage arrangements are considered by planning condition.

---

#### 4 CONSULTATIONS AND REPRESENTATIONS

##### **ECC Historic Buildings and Conservation Advice**

- 4.1 No objection to the application from a conservation perspective, with the caveat that any further alterations, particularly the erection of associated signage, would need to be carefully considered and managed.

##### **Rayleigh Town Council**

- 4.2 No objection to the change of use. However, they request that the District Council considers first refusal for a community group interest before it is offered to the commercial sector for rent and would also like B1(c) removed from the proposal.

##### **Economic Regeneration Team**

- 4.3 Economic Regeneration Team supports the proposal, considering that it provides new opportunities for retail and leisure businesses in Rayleigh town centre and, in providing a new use for a locally listed building of architectural interest, could further enhance the town as a retail and leisure destination.

##### **RDC Waste and Recycling**

- 4.4 This is a change of use to commercial units, not a residential property, so we will have no RDC bin provision. They will need to incorporate provision of commercial waste collections for the businesses.

##### **RDC Environmental Health Department**

- 4.5 Suggests include standard conditions relating to:-

- a) Odour control
- b) Openings and equipment
- c) No external amplification
- d) Hours of use, especially if it is to become a food establishment service, club-goers, etc.
- e) Food hygiene informative

Suggested condition in the event of the building being in use under the B1 use class:-

- a) 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 Note: this may need re-wording to become effective on each occasion the premises comes into use under B.

## **5 EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 An Equality Impact Assessment has been completed and found there to be no impact (either positive or negative) on the protected groups as defined under the Equality Act 2010.

## **6 CONCLUSION**

- 6.1 The proposed development is not considered to be contrary to any development plans of the Council, and is therefore considered to be acceptable. APPROVAL is recommended accordingly.



Matthew Thomas

Assistant Director, Planning and Regeneration Services

---

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

Rayleigh Area Action Plan (2013)

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, CP2, CP3, RTC1 RTC4

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. – DM1, DM7, DM30

Parking Standards Design and Good Practice Supplementary Planning Document 2010

Rayleigh Conservation Area Appraisal and Management Plan 2007

National Planning Policy Framework (2018)

**Background Papers**

None.

For further information please contact Benjamin Hayter on:-

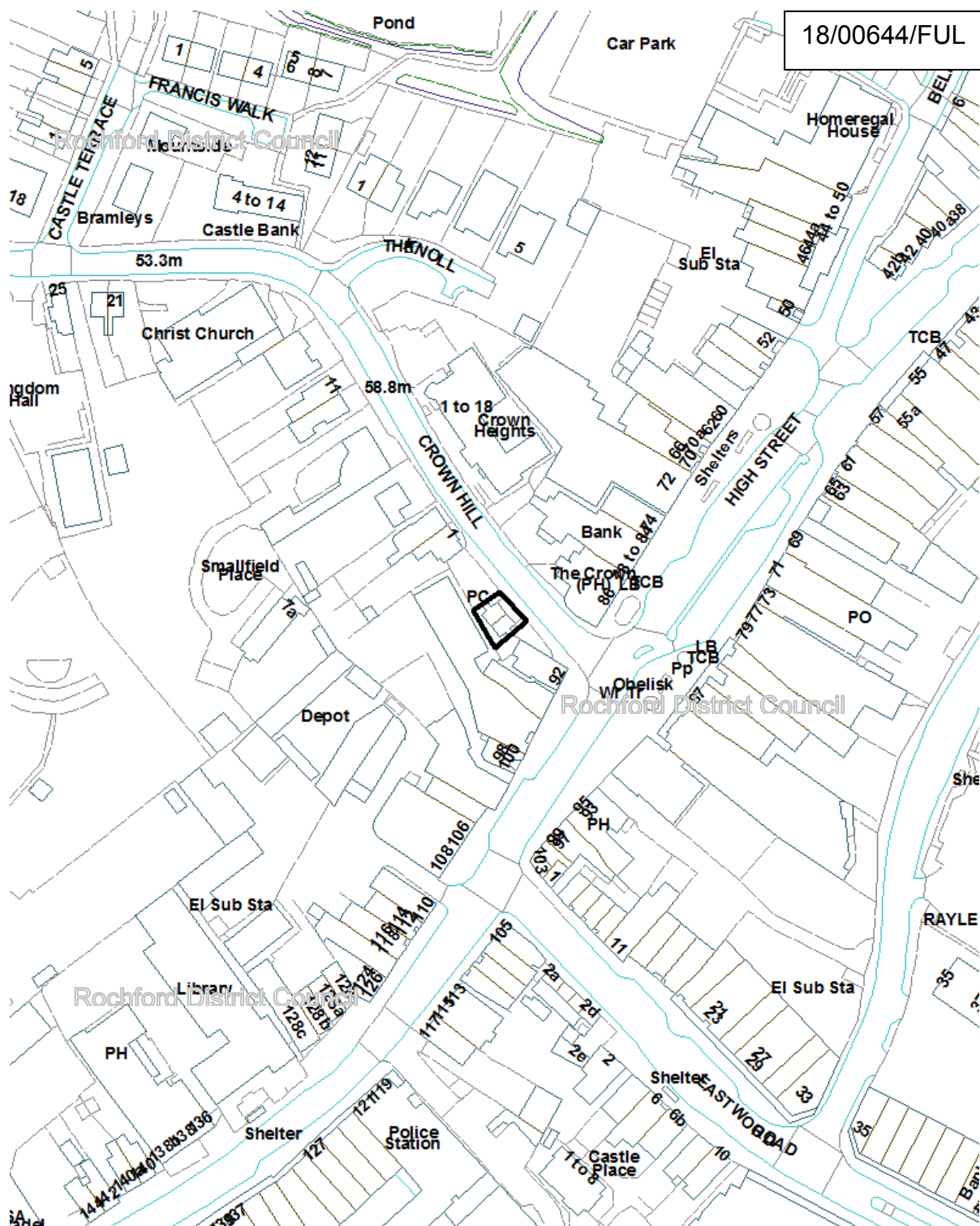
Phone: 01702 318127

01702 318127

Email: Benjamin.hayter@rochford.gov.uk

Benjamin.hayter@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138



NTS