

SITE PLAN ATTACHED

**08. HUTTON COMMUNITY CENTRE HARRISON CLOSE HUTTON ESSEX CM13
1LP**

**PART CHANGE OF USE OF COMMUNITY CENTRE (D1) TO A CAFE (A3)
PROVIDING HOT FOOD AND DRINK**

APPLICATION NO: 14/00933/BBC

WARD	Hutton North	8/13 WEEK DATE	13.10.2014
PARISH		POLICIES	LT8 LT11 NPPF NPPG CP1 PC4 T2
CASE OFFICER	Mr Martyn Earl		01277 312588
Drawing no(s) relevant to this decision:	001; 002;		

1. Proposals

The application has been submitted by the community service team as the proposal relates to a council owned asset

Planning permission is sought for the part change of use of community centre to a cafe providing hot food and drink.

This application relates to a small section of the community centre (75.64sqm approx, 8% of the existing building) which is currently used as a bar area on the southern side of the building.

The proposed cafe would operate between 07:30 and 20:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays. The rest of the building operates between 07:00 to 00:30 Monday to Sunday including Bank Holidays.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The National Planning Practice Guidance (NPPG) came into effect on the 6th March 2014 and is a material consideration in the determination of this application.

At a local level there is the Brentwood Replacement Local Plan 2005 the most relevant Policies to this application are:

CP1 -General Development Criteria

PC4 - Noise

T2 - New Development and Highway Considerations

LT8 - Use of Redundant Institutional, Recreational and Community Buildings

LT11 - Retention of Existing Local Community Facilities

3. Relevant History

- None

4. Neighbour Responses

6 neighbour letters were sent out and the application was advertised on site.

None received

5. Consultation Responses

- **Environmental Health & Enforcement Manager:**
 1. Sufficient toilet extraction/ventilation needs to be provided to the toilets situated in the centre of the development without windows. Any mechanical ventilation must be capable of supplying fresh air to at least 1 air change/hour. Details of all plant and machinery associated with the proposed buildings within the development (especially any air handling equipment) will need to be agreed with the Council to ensure noise and vibration levels do not adversely affect residents.

2. The extraction system for the kitchen will require adequate odour control and noise attenuation measures and will normally be required to terminate at least 1m above the highest roof level and the efflux velocity of the discharge shall be a minimum of 15m/sec. A suitable flue termination such as Scandinavian sleeve must be provided. This Service, as a matter of course with such applications, would require an activated carbon filtration system to be installed.

3. A suitable and sufficient grease trap shall be installed within the foul drainage system.

4. Details for the disposal of waste from the premises must be agreed with the local planning authority prior to commencement.

5. Details of any plant and machinery shall be agreed with the local planning authority with regard to its acoustic performance and associated with this plant a noise impact assessment must be carried out and submitted to this authority in order to ensure that there is an adequate level of protection against noise to nearby residential premises

- **Highway Authority:**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

6. Summary of Issues

Summary of Issues

The application site is located to the west of Hutton playing fields accessed by a single vehicular point off Harrison Close. To the north are a number of residential houses, the nearest one being over 25m metres away from the community hall and to the south there are a number of buildings used for commercial purposes (public house, a dental practice and retail). The section of building subject to this application is located on the southern side.

The site is allocated as Indoor Recreation in Local Plan and Policies LT8 and LT11 are applicable. The building is not redundant and nor would this proposed change of use seek to convert the whole of the building and as such it would not conflict with these Policies. The change of use of this section of the building would mean that rather than it being used as a bar area it would now be used as a cafe. Therefore this change would not result in the loss of any indoor recreational space.

Key Considerations

The key issues in the determination of this application are the effect that the proposal would have upon the character and appearance of the area, the effect on the living conditions of neighbouring occupiers and impact on highway safety in terms of parking provision.

Character and appearance

The proposed change of use would result in no alterations to the external appearance of the building and therefore there would be no impact on the built form of the area. The application therefore accords with Paragraph 17 of the National Planning Policy Framework 2012 and Policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan 2005.

Effect on neighbouring occupiers

The proposed hours of operation (07:30 and 20:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays) would be less than the rest of the community centre. Following the advice of the Environmental Health officer, planning conditions requiring additional details of any plant and/or machinery of extraction systems for the kitchen which are to be installed are required, for the reason of protecting neighbouring amenities in terms of noise. A condition was suggested by the Environmental Health Officer to ensure that a grease trap is installed in the foul water drainage system, this has not been imposed as it falls outside the planning remit. An informative has been attached to advise the applicant of this potential issue.

Details have been provided on the application forms which sets out that a 1100litre bin will be used to store rubbish and collected weekly by a waste contractor, this will also be controlled via a condition.

Given the hours of operation proposed and subject to the imposition of the aforementioned conditions the proposed change of use would accord with Policies CP1 (ii) and TC4 of the Brentwood Replacement Plan 2005.

Highways

No objection has been raised by the Highway Authority and given that there are 50 parking spaces provided on site and it is located close to good public transport links, it means that the proposed change of use would accord with Policy T2 of the Brentwood Replacement Local Plan 2005.

Conclusion

For the reasons as set out above the proposed change of use would have no detrimental impact on the character and appearance of the built form or in terms of highway safety. This change would be considered an enhancement rather than a loss of indoor recreation space, as it would be used in conjunction with other operations within the community hall. Subject to the imposition of the aforementioned conditions there would be no harm to neighbouring amenities as a result of this development. The application therefore accords with Paragraph 17 of the National Planning Policy

Framework 2012 and Policies CP1,T2, PC4, LT8 and LT11 of the Brentwood Replacement Local Plan 2005.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA02A Development in accordance with drawings

Unless formally permitted by the local planning authority the development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U08784

The proposed cafe use shall not be open for customers outside the following hours 07:30 and 20:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays.

Reason: To safeguard the living conditions of nearby residents.

4 U08785

The use shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of the how odour control will be dealt with on site. The efflux velocity of the discharge from such a system shall be a minimum of 15m/sec and shall include an activated carbon filtration system. The ventilation system shall be carried out in accordance with the subsequently approved details and shall be thereafter maintained so long as the cafe remains operational.

Reason: To safeguard the living conditions of nearby residents.

5 U08786

The use shall not commence until operational details of any plant and machinery (including its acoustic performance and associated with this plant a noise impact assessment) have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the subsequently approved details and shall be thereafter retained so long as the cafe remains operational.

Reason: To safeguard the living conditions of nearby residents.

6 U08887

The use shall not be commence until details have been submitted to and approved in writing by the Local Planning Authority of the weekly waste collection arrangements and the subsequent collections shall be carried out in accords with the approved details.

Reason: To safeguard the living conditions of nearby residents.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, PC4, LT8 and LT11 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4 U02144

It is brought to the applicants attention that a suitable and sufficient grease trap should be installed within the foul drainage system. For further advice on this matter please contact the Environmental protection team on (01277) 312647

BACKGROUND DOCUMENTS

DECIDED: