

SITE PLAN ATTACHED

09. 114 ORCHARD AVENUE BRENTWOOD ESSEX CM13 2DP

CHANGE OF USE FROM MOTOR SPARES SHOP (RETAIL) TO CAFE (FOOD OUTLET).

APPLICATION NO: 15/00145/FUL

WARD	Brentwood South	8/13 WEEK DATE	26.05.2015
PARISH		POLICIES	CP1 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews	01277 312616	
Drawing no(s) relevant to this decision:	1 ; 2 ; 3 ; 4 ; E-MAIL DATED 14/04/15 ; 5 ;		

1. Proposals

Proposed change of use from retail shop to cafe (food outlet). The applicant explains that the use would be mainly as a sandwich/coffee shop and that there will be 12 covers in total.

The application relates to the ground floor of the property which has a total floorspace of 58sq.m. No changes are proposed to the external appearance of the building except for an extractor on the side wall of the building.

The applicant intends, initially, to be open 7 days a week (7am-4pm Monday to Friday and 8am-2pm on Saturdays and Sundays) but weekends would be a trial and the premises would be closed on Bank Holidays. Two full time workers would be employed.

There is no off-street parking associated with the proposed use but the applicant makes reference to 'lots of free parking outside and behind the shop' which is already used by customers of other shops.

In support of the application the applicant states that the cafe is what this estate needs, it will bring the community together and provide fast ready meals for local elderly so they do not have to wait for public transport to the High Street.

The property is owned by Brentwood Borough Council.

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) is a material consideration in the determination of this application.

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

T2 (New Development and Highway Considerations) refers to the need for proposals not to have an unacceptable detrimental impact on the transport system.

3. Relevant History

- : - None

4. Neighbour Responses

7 letters of notification were sent out and a site notice was displayed near to the site.

5 letters of objection have been received raising the following concerns:-

- already suffer from parking problems - proposal would add to congestion - would cause problems for deliveries to adjacent convenience store
- smell would be intolerable for local residents
- would encourage badgers, foxes and squirrels to hang around for longer

- would have adverse impact on adjoining convenience store which sells sandwiches, pies and drinks etc.
- would be concerned regarding evening opening
- this is a residential area not an industrial estate
- customers vehicles may block access to resident garages

Three letters of support has been received on the basis of the following:-

- they would be delighted to have a local cafe which they would use daily for breakfast and a cup of tea
- more healthy eating areas are needed on their estate
- the shops have been empty for far too long
- good idea for the community

5. Consultation Responses

- **Environmental Health & Enforcement Manager:**

Based on the types of low level foods served, the proposed ventilation system will be adequate for the purposes. I would however be cautious that once permission is granted, the premises could change by nature in the future to add a fat fryer or more commercial cooking, this can happen if the cafe is later sold to a different type of cuisine. A future proof condition that details submitted are suitable for the type and nature of the food operation and any changes should be consulted with environmental health would work.

I would also advise that at this stage that where new wash hand basins are installed it is recommended that they are of the non-hand operable type. The food business must register 28 days before opening by completion of a food premises registration form, and the applicant should discuss with the Environmental Health Department the food premises layout and facilities for providing safe food, prior to opening.

The Environmental Health Officer also advises that the applicant will need to consider to have installed over the cooking range a ventilation hood with grease filter.

- **Highway Authority:**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, given the existence and previous use of the unit as retail, and neighbouring amenities.

Note: Whilst the proposed café does not include any parking provision, this location has good access by walking, cycling and to public transport.

6. Summary of Issues

The application site is allocated in the Local Plan for residential purposes but is located in a mixed use area. The site is within close proximity to other commercial uses (including a convenience store and hairdresser) as well as residential units (including at first floor level above the proposed cafe, a block of flats to the rear beyond a garage block and dwellings to the south, south-east and south-west) and a scout camp to the east.

The main issues which require consideration as part of the determination of this application are the impact of the proposed use on the amenity of the occupiers of local residences and highways/parking issues.

Use of the premises as a general cafe has the potential to cause harm to local residents through odours and/or general disturbance at unsociable hours. However, the applicant's proposal is for a cafe serving a limited menu and one which would not be open before 7am or after 4pm on weekdays or before 8am or after 2pm at weekends. Based on the advice of the Environmental Health Officer, it is considered that, provided that the type of cooking equipment and opening hours are limited to those proposed, the development would not cause harm to the amenity of the occupiers of any neighbouring property, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). It is recommended that the other advice from the Environmental Health team (regarding hand basins, registration, ventilation etc.) is added as an Informative to any planning permission granted.

There would be no dedicated off-street parking for use by the customers or staff of the proposed cafe. However, given the nature, scale and opening hours of the proposed use, given the previous retail use of the premises and as this location has good access to walking, cycling and public transport, it is considered that the proposed development would not cause harm to highway safety or undue inconvenience for existing road users, in compliance with the NPPF and Policies CP1 (criteria iv and v) and T2. The Highways Officer supports this view.

Most of the issues raised in the representations received have been addressed above. Any competition for customers for the existing convenience store would not justify a refusal planning permission but the proposed use would create an economic benefit by bringing a vacant commercial unit back into use.

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 U10085

The premises shall not be open for customers outside the following hours: 07:00-16:00 Mondays to Fridays, 08:00-14:00 Saturdays and Sundays, and shall not be open at any time on public holidays.

Reason: To safeguard the living conditions of nearby residents.

3 U10086

The extraction system proposed shall be installed and fully operational, prior to the commencement of the use hereby permitted.

Reason: In the interests of the amenity of the local residents.

4 U10087

No cooking/heating equipment shall be used on the premises other than a grill and hot plate griddle at any time.

Reason: To protect the amenities of the occupiers of local residents.

5 DRA01A Development in accordance with drawings

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.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 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 U02369

The applicant's attention is drawn to the following Environmental Health advice:-

- a. The applicant will need to consider having a ventilation hood with grease filter installed over the cooking range.
- b. Where new wash hand basins are installed it is recommended that they are of the non-hand operable type.
- c. Food businesses must register 28 days before opening by completion of a food premises registration form, available online
<http://www.brentwood.gov.uk/index.php?cid=1098>
- d. To discuss the food premises layout and facilities for providing safe food it is recommended that the applicant contacts Environmental Health before opening.

BACKGROUND DOCUMENTS

DECIDED: