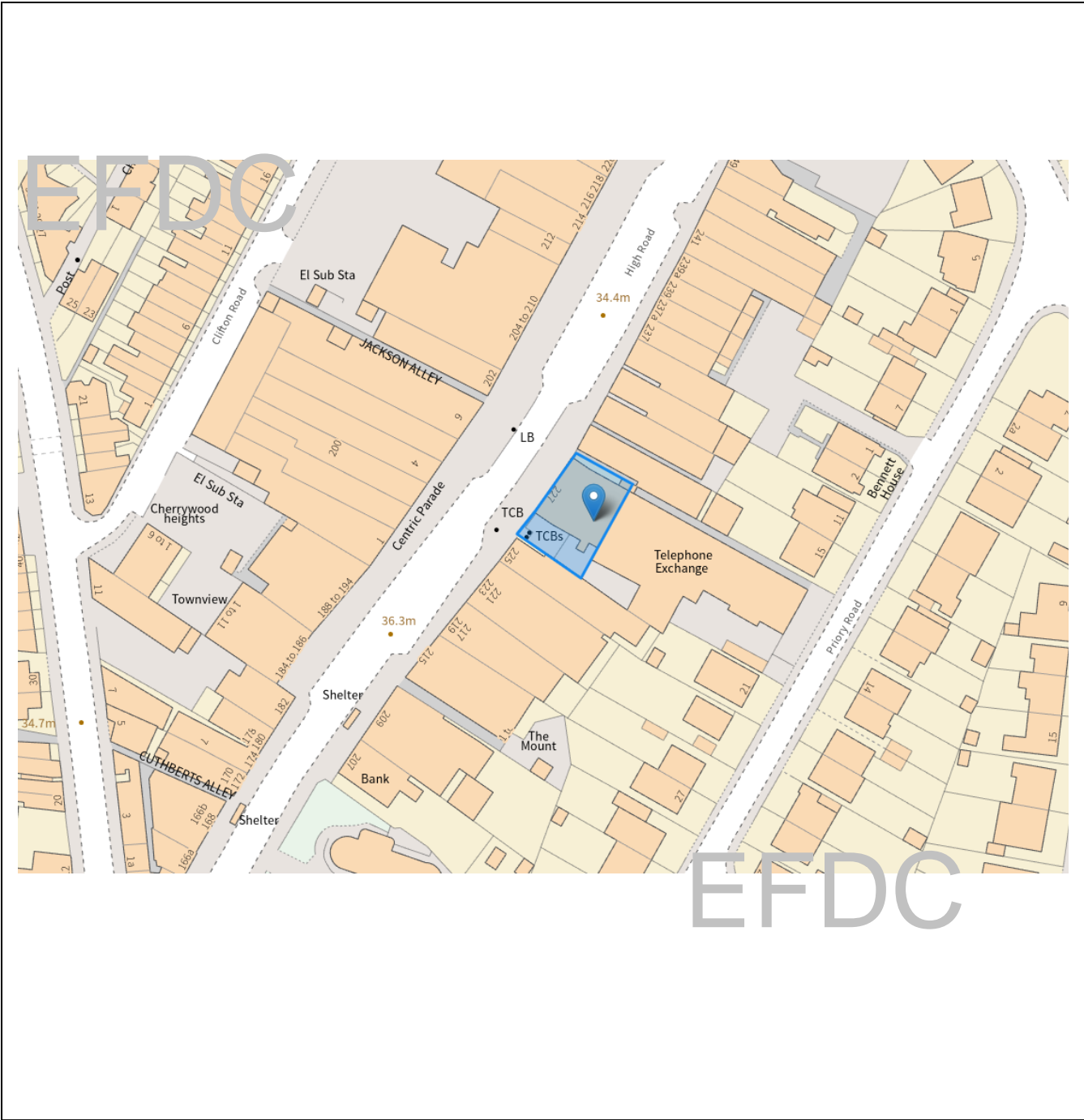




Epping Forest District Council



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Application Number:	EPF/0947/23
Site Name:	227 High Road Loughton Ig10 1BB

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OFFICER REPORT

Application Ref: EPF/0947/23
Application Type: Full planning permission
Applicant: Omni Investments
Case Officer: Marie-Claire Tovey
Site Address: 227, High Road, Loughton, IG10 1BB
Proposal: Change of use from Public House (Pub with food) (Use Class - Sui Generis) to a flexible planning use comprising a Public House (Pub with food) (Use Class - Sui Generis) and a Restaurant (Food with alcohol) (Use Class E)
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001W7v3>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site is a Public House with a double frontage and two stories. The site is situated on the east side of the High Road within the town centre of Loughton. The pub has recently closed. The building is locally listed as follows:

Large red brick building, dating to 1932; former post office designed by A Scott. A symmetrical two storey building with a parapet details and stone urn ornamental details to the parapet corners, a hipped tile roof and no chimneys are apparent. A central ornate entrance with tall semi-circular arched windows to the ground floor with stone key stones and simple sash windows to the first floor 8/8.

The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The application seeks planning permission for the Change of use from Public House (Pub with food) (Use Class - Sui Generis) to a flexible planning use comprising a Public House (Pub with food) (Use Class - Sui Generis) and a Restaurant (Food with alcohol) (Use Class E).

Relevant History:

EPF/0949/23 - proposed single storey side extension and internal alterations – Refused
EPF/1707/20 – Variation of condition 3 of EPF/0274/93 to allow use of the side yard area for customer seating for a 12 month period - Refused
EPF/1526/07 - Erection of a glazed canopy, lighting, wall mounted heaters and vertical drinking tables and use as garden for public house. – Refused
EPF/1445/99 - Variation of condition No.3 of planning permission EPF/274/93 to enable the use of the car park and delivery area as a beer garden (amended duplicate application) – Refused and Dismissed at Appeal
EPF/1657/98 - Variation of condition No.3 of planning permission EPF/274/93 to enable the use of the staff carparking and delivery yard as a beer garden – Refused

EPF/0274/93 - Change of use from shop to public house with food and wine bar and managers flat - App

Policies Applied:

Epping Forest District Local Plan (2023)

DM7 Heritage Assets

DM9 High Quality Design

P2 Loughton

E2 Centre Hierarchy/Retail Policy

DM21 Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

LOUGHTON TOWN COUNCIL: The Committee NOTED the contents of two letters regarding this application.

The Committee OBJECTED to this application for change of use. Members considered this to be a community asset that should be preserved, it was important that this remained as a public house. The High Road already had too many restaurants.

Number of neighbours consulted: 49

Neighbour responses:

11 PRIORY ROAD – Objection Plans appear incorrect, anti-social behaviour is an issue, too many restaurants, restaurant would require additional air con units

15 PRIORY ROAD – Objection opening hours must be protected, no extension into yard area

21A PRIORY ROAD – Objection already a pub/restaurant concerned it will be used for other sui generis uses

20 ELEVEN ACRE RISE – Objection – should not be allowed unless conditions prevent the side area being used for anything other than deliveries, planning permission would be required for the temporary seating to the front

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP) – Comment – if approved conditions should cover the side service yard, prevent food deliveries, and restrict opening times.

Main Issues and Considerations:

Principle of Change of Use

The change of use to a flexible use comprising Public House and Restaurant (Sui Generis/ClassE) is considered an acceptable change and one that closely follows the existing set up but allows for more flexibility as required by the applicant for the long term success of a commercial business. This is not changing the building from a Public House but adding the Restaurant use to the use class.

The use applied for is clear and cannot be altered without planning permission to other sui generis uses.

The proposed change of use supports the policy thrust of policy E2, in that the proposal would continue to support the function, vitality and viability of the Town Centre. Planning does not have control over competition and therefore cannot prevent a use class change that is policy compliant, despite there being a number of restaurants in the locality. It is very important to note, that as above this is not a proposal to change to solely a restaurant use but a flexible planning use combining Public House and Restaurant.

Impact on Neighbouring Amenity

It is understood that the site has had a history of anti-social issues in the past. This change of use is not considered to exacerbate these issues. As suggested conditions can be imposed to ensure that the

impact on neighbouring amenity is controlled. It is noted that the opening hours proposed on the application form at 9am to 11pm including Sundays and Bank Holidays and this is considered reasonable.

Conclusion:

The proposed change of use is considered on balance to comply with relevant planning policy and it is recommended that planning permission with conditions be **granted**.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (6)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
Location Plan
Existing and Proposed Plan

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The Public House/Restaurant Use shall not be open for business between the hours of 11pm and 9am .

Reason: To ensure that the use does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No plant, machinery, extraction, condensers etc shall be installed without the prior written approval of the Local Planning Authority.

Reason: To ensure further consideration is given to the effect on the living conditions on neighbouring properties in terms of undue nuisance and disturbance, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 The delivery yard/car parking area shall be kept available at all times for staff parking, deliveries and refuse storage and shall not be used for any other purpose.

6 There shall be no takeaway sales from the application site at any time.

Reason: To ensure that a takeaway use does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.