

**Report to District Development Control  
Committee**

**Date of meeting: 6 October 2009**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/1020/09 – Caffé Nero, 271 High Street,  
Epping, Essex CM16 4DA – Retention of ground floor A1/A3 use**

**Officer contact for further information: J Cordell**

**Committee Secretary: S Hill Ext 4249**

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**Recommendation:**

**That the Committee considers the recommendation of the Area Plans  
Sub-committee East to grant planning application EPF/1020/09 subject  
to the following conditions:**

- 1. The applicant shall create and retain a window display in accordance  
with approved drawing CN231/sk1 within 28 days of this notice.**

**Reason: To maintain and enhance the appearance of the retail area  
within the Epping High Street.**

- 2. The premises shall be used solely for mixed A1/A3 use and or no  
other purpose except sole A1 use (including any other purpose in  
class A3, A4 or A5 of the Town and Country Planning (Use Classes)  
Order 2005, or in any provision equivalent to that Class in any  
Statutory Instrument revoking or re-enacting that Order.**

**Reason: To ensure that no alternative use is made of the premises  
which would cause harm to the vitality and viability of the retail core in  
the Town Centre.**

- 3. This consent shall endure solely for the benefit of the applicant Caffé  
Nero and for no other person, persons or business.**

**Reason: Permission is granted in view of the particular circumstance of  
this applicant.**

- 4. The mixed A1/A3 use hereby permitted shall not be open to  
customers/members outside of the hours of 7am-7pm on Monday to  
Saturday and 9am-5pm on Sundays.**

**Reason: In order to minimise noise and disturbance to local residents.**

**Report**

This application has been referred by the Area Plans Sub Committee East with a recommendation for approval. The report to the Sub-Committee (attached as an

Appendix to this report) carried no recommendation from Officers due to the particular circumstance of the application, the history relating to the application and associated enforcement proceedings.

### **Planning Issues**

The Area Sub-Committee East considered the mixed A1/A3 use within the retail core area of the Town Centre. A similar application had previously been refused and enforcement action was instigated. The applicant submitted an Appeal which was dismissed.

The Sub-Committee discussed the additional information submitted by the applicant comprising information relating to current consumer habits in the High Street and demonstration that a mixed A1/A3 Caffe Nero facility does not generally detract from the vitality and viability of Town Centres. The applicant also provided details of a proposed window display and current economic circumstances. The Sub-Committee attributed this additional information significant weight alongside the social benefits offered by the facility which frequently served the local community as a meeting place.

### **Conclusion**

Officers presented the application to the Area Plans Sub-Committee East without recommendation. The Sub-Committee reviewed Officer's conclusions and the application details and referred the application to the District Development Committee with a recommendation for approval subject to the conditions above. Members of the Sub-Committee took the view that whilst the proposals did present a departure from policy TC4 of the Adopted Local Plan relating to retail frontage, the proposals were considered to support the aims and objectives of this policy as it was demonstrated that the proposals would contribute to the vitality and viability of the Town Centre and the proposed window display would enhance the appearance of the High Street.