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**APPLICATION No:** EPF/478/05

Report Item No: 1

**SITE ADDRESS:** **PARISH:** Epping  
THATCHED HOUSE HOTEL, 236 HIGH STREET, EPPING

**APPLICANT:** Urbane Developments Ltd

**DESCRIPTION OF PROPOSAL:**

Partial demolition of rear of Thatched House Hotel and erection of 14 no. new build apartments with basement parking.  
(Revised application)

**RECOMMENDED DECISION: Grant Permission**

1. To be commenced within 5 years.
2. Prior to any occupation of the building hereby approved full details of the parking arrangement and access and egress thereto shall be submitted to and approved in writing by the Local Planning Authority and the system approved shall be installed and thereafter maintained as approved.

This consent shall also be subject to the entering of a variation to the Section 106 Legal Agreement to ensure a sum of £20,000 shall be paid by the developer to the Local Planning Authority to be put towards Town Centre improvements.

**Description of Proposal:**

Revised application for partial demolition of rear bedroom block and replacement with 14 residential flat units with basement parking.

**Description of Site:**

Listed public house and hotel within Epping Town Centre. High Street frontage whilst rear hotel addition (now demolished) overlooked car parking area and Hemnall Street to the rear.

**Relevant History:**

EPF/1035/02 - Partial demolition of rear bedroom block and replacement with 14 residential units with basement

parking - Approved

Planning and listed building consent was granted for this development in 2004 and work commenced on the development. However, it transpired that a small part of the new building and access to the basement parking area lay outside the new owner's land ownership. Since the legitimate landowner refused access over his land, the applicant now seeks to amend the building and the basement access to overcome these matters.

#### Policies Applied:

##### Replacement Structure Plan:

Policy CSI (Sustainable Urban Regeneration)  
Policy CS2 (Protecting the Natural and built Environment).  
Policies HC1, HC2, HC3 (Heritage Conservation)  
Policies H1, H3, H4 (Housing Provision)  
Policies TCR1 and TCR3 (Town Centres and Retailing)  
Policy LRT10 (Tourist Accommodation)

##### Local Plan:

Policies HC6 and HC7 (Development within and affecting Conservation Areas)  
Policy HC9 (Demolition in Conservation Areas)  
Policies HC10, HC11 and HC12 (Works to and affecting the setting of Listed Buildings)  
Design and Built Environment Policies DBE1, DBE2, DBE3, DBE5, DBE6, DBE8 and DBE9  
Policy T17 (Criteria for assessing proposals)

#### Issues and Considerations:

Since the principle of this development has been approved and partially implemented the key issues with this revised proposal relate only to the impact the revisions will have on the area, neighbours, highway and street scene.

#### Background:

Members will recall the original application for redevelopment of this site was recommended by officers for refusal, one of the recommended reasons for refusal was based on highway objections partly due to concerns regarding the access to the basement parking area.

Despite such concerns members resolved to grant consent and the development commenced in accordance with the approved plans. What the local authority did not know was that a small part of the development site lay within a third party ownership. Steps have been taken on site to overcome this encroachment and a slight amendment to the side of the building is proposed within the current plans to overcome this aspect.

Details:

The revised details do little to affect the external appearance of the approved building and revisions are mainly contained within the basement and apartment arrangement.

A more fundamental change, however, relates to the repositioning and width of the access into the basement car park moving it from the left hand side of the building (south) to the right hand side (north). This not only affects the internal layout of the basement but also the front elevation of the building onto Hemnall Street.

Irrespective of officers' previous concerns relating to the design and appearance of this building it is not felt that the repositioned access unduly changes the elevational appearance of the building such that it should be resisted. Similarly other elevational changes are not considered to harm the area or street scene unduly.

Once again however, the Highway Authority are concerned about the access arrangements to the basement and to date recommend refusal of the revised application.

Three main reasons have been given by the Highway Authority which relate to:

1. Inadequate sight lines.
2. Inadequate width and design of access into the basement car park preventing two way access and egress, as previously approved; and:
3. Gradient of access ramp.

In order to counteract such objections the applicant has engaged a transport consultant who in a submitted report makes the following observations (precised for this report).

1. Former use of the development site served part of the Thatched House Hotel and as an open informal car park for hotel patrons and others including shoppers. The car park was in constant use night and day and had limited visibility sight lines of approximately 2m x 20m to southwest and 2m x 25m to the northeast.

The approved development improved upon this situation partly by its controlled, lesser usage and by improved sight lines of 4.5m x 25m to the southwest and 4.5m x 20m to the northeast. Whilst this did not conform to required highway standards, it represented an improvement and was accepted by members in their grant of the former scheme.

The current proposal relocates the access point to the northeast corner of the site the visible envelope from which allows for 2.4m x 40m to the southwest and 2.4m x 70m to the northeast.

This represents a further sight line improvement albeit with the set back measurement taken at 2.4m which is permitted in urban areas by national guidance.

2. The car park access has been designed for one-way operation only. It is intended that the access be operated with a combination of control technologies, inductive loops placed in the ramp linked to a system of lights. These will prevent a vehicle from entering the access ramp from either direction if another has entered the ramp or activated the roller shutter mechanism. The roller shutter will only be operated by residents using remote controlled devices with such an arrangement the design of the ramp is acceptable.

3. The ramp has now been redesigned and complies with the Building Regulations and the Institute of Structures Engineer's design recommendations, details of which are shown on the amended plan (dated 22.6.2005).

Apart from the shortfall in sight line provision the issue of access width is the major factor of the highway objection since this precludes two way access and egress and therefore whatever measures are installed it may result in vehicles having to wait on the highway should a vehicle be leaving at the same time as one wishing to enter. Given the current build situation this deficiency cannot be overcome.

In view of the above highway objection and the history of development of this site, officers find themselves in a difficult position. The facts remain that planning permission has been granted for development of this site despite that the development was approved with a deficient car park and access thereto and is currently under construction.

The revised scheme raises no objections other than the highway issues and whilst it could be argued that some aspects have improved with the revisions the reduction in access width does create a possible highway hazard however small.

Conclusion:

The revised scheme, notwithstanding the previous third party and officer objections to the development raises no new planning issues of concern.

It is not considered that the local environment or neighbours would be prejudiced further by the revisions proposed.

Highway objections still stand to the development and according to the Highway Authority the revisions do not overcome those objections.

Clearly it is important that members consider carefully the highway issues highlighted above. However, if they are satisfied that the scheme is still acceptable and that the

highway measures proposed overcome the deficiencies of the scheme, planning consent can be granted. The committee may feel that there is little other option.

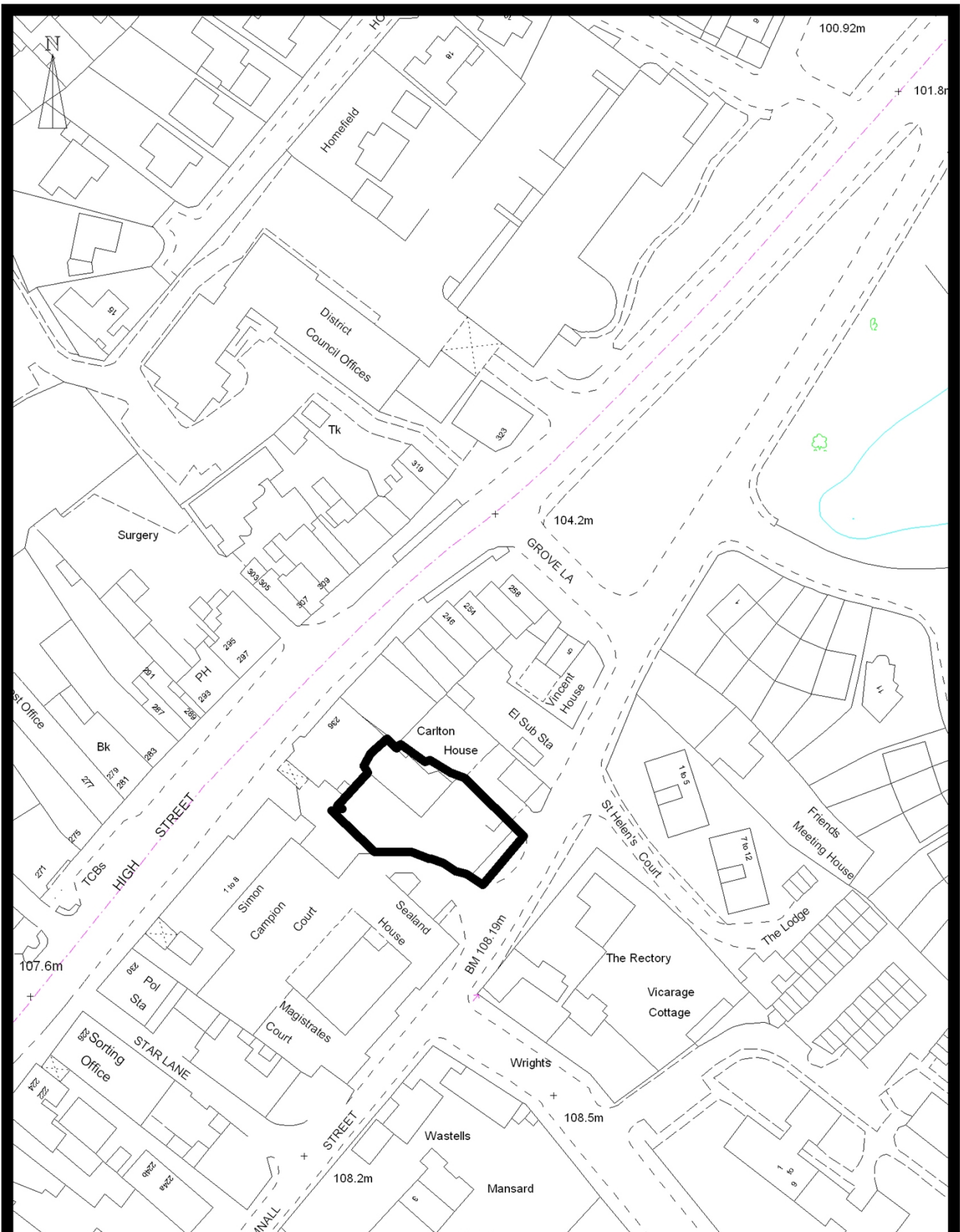
**SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL - Concerned that the proposal would produce a development that is overdominant and would not complement the listed building which is in close proximity. Very concerned that the perceived height and bulk of the development should not appear larger than the adjacent listed building.

ENGLISH HERITAGE - Due to concerns regarding the detailed design of the building recommend application be refused.

(Please note the above objections relate to the principle of development of this site without regard to the outstanding consents.)

Solicitors acting for the owner of adjoining land - New access to the site seems like a marked improvement and assume Council will get professional advice as to safety implications. Still concerned that drawings submitted show encroachment onto our client's land.



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Item No: 01  
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**APPLICATION No:** A/EPF/526/05

Report Item No: 2

**SITE ADDRESS:**

THATCHED HOUSE HOTEL, 236 HIGH STREET, EPPING

**PARISH:** Epping

**APPLICANT:** Prezzo plc

**DESCRIPTION OF PROPOSAL:**

Advertisement application for illuminated and non-illuminated fascia, hanging projecting sign and menu box sign.

**RECOMMENDED DECISION: Grant Permission**

1. The development shall be carried out in accordance with the amended plans received on 20 May 2005 unless otherwise agreed in writing with the Local Planning Authority.
2. The maximum luminance of the signs granted consent by this Notice shall not exceed 800 candelas per square metre.

Description of Proposal:

Installation of:

- two non-illuminated lettering signs spelling PREZZO on the front elevation, one over the southern archway, the other over the northern block,
- two illuminated menu boards, one next to each entrance on the front elevation,
- an illuminated projecting sign at first floor level on the front elevation,
- the current THE THATCHED HOUSE lettering on the northern block will be repositioned above the first floor windows on the northern block,
- HOTEL lettering will remain on the southern elevation of the archway, and
- all other signs and lettering will be removed.

Description of Site:

1A grade II listed hotel and public house dating from the 18th century, within the Epping Town centre conservation area.

#### Relevant History:

Various including

LB/EPF/1036/02 - Partial demolition of hotel erection of 14 dwelling units - Approved

EPF/1035/02 - As above - Approved

LB/EPF/1019/04 - Amended application re above - Approved

EPF/1018/04 - Alterations as above - Approved

LB/EPF/1855/04 - Rear Fire Escape - Approved

EPF/1854/04 - Rear Fire Escape - Approved

#### Policies Applied:

Structure Plan

HC2 Conservation areas

HC3 Protection of listed buildings

Local Plan

HC6 Development in a conservation area

HC10 Listed Buildings

DBE13 The Council will not give advertisement consent for the installation of internally illuminated box fascia, projecting box signs and other illuminated signs which would adversely affect the character of historic town centres, or be out of keeping with the building by reasons of their materials, colours or proportions

#### Issues and Considerations:

The main issues in this application are the effects of these advertisements on the character of the conservation area, and the impact on the listed building.

#### Listed Building & Conservation Area

This site is currently being redeveloped with the modern rear part of the hotel being demolished. It is proposed to use the ground floor of the premises as a restaurant (a use which is not a change of use that needs permission) and the first floor etc as the hotel, both businesses being under separate ownership.

The proposal has been amended as a result of comments from the County Listed Building Adviser, so that the new letter signing is symmetrical and centred. It is acknowledged that the style of lettering for PREZZO is more modern than the gothic style of lettering for THE THATCHED HOUSE, but there is a significant separation between the two signs and it is considered that this does not harm the character and appearance of the listed building or the conservation area.

Again it is acknowledged that the colour scheme for the new letters will be blue as opposed to the red of the



existing, but the shade and brightness of the colour scheme can be conditioned so that an acceptable appearance is achieved without causing harm to the building or the area.

The application will see the removal of several signs and external lights from the building, which will be an improvement in the external appearance of the site. The signs that are illuminated are small and appropriate to the use and appearance of the building.

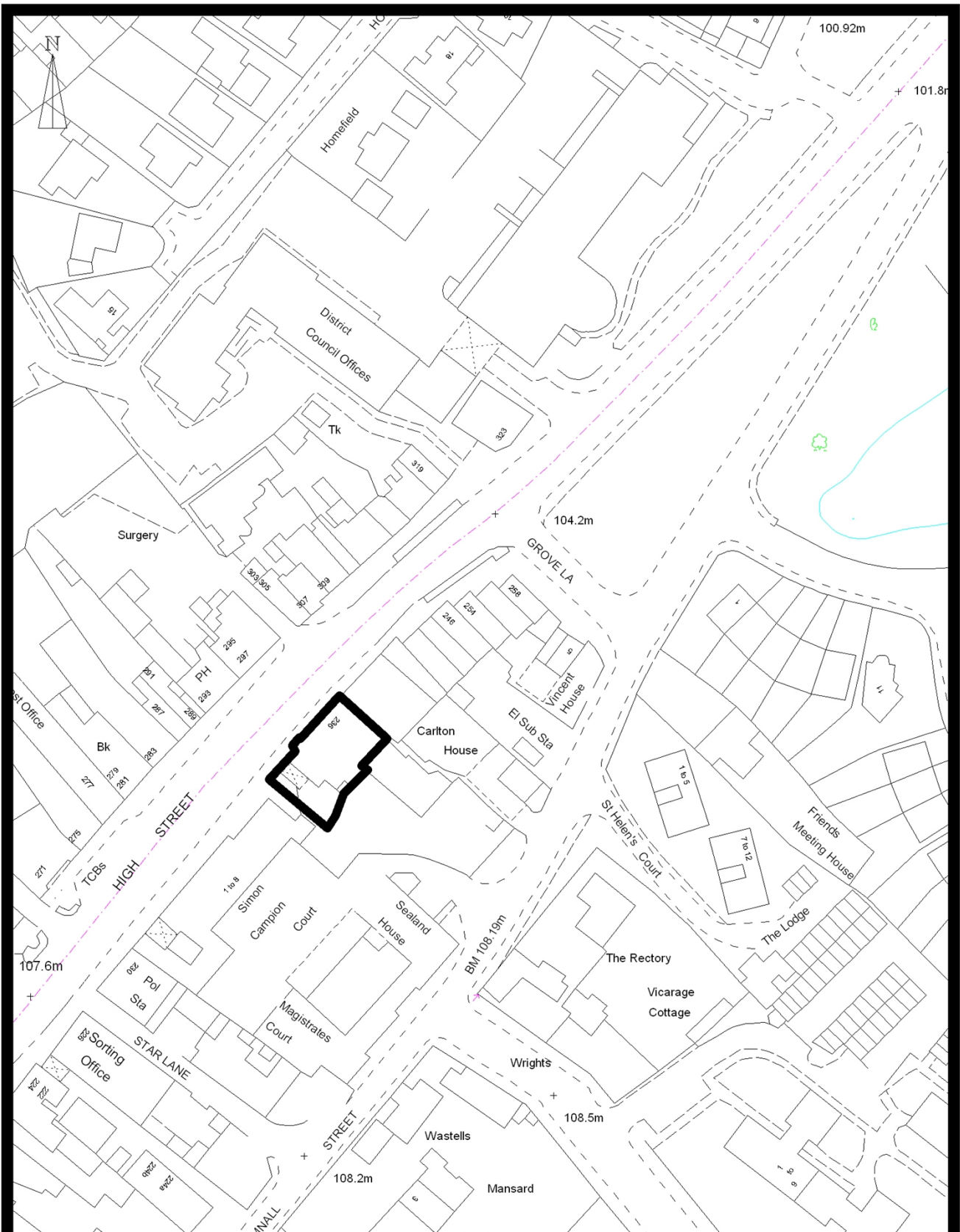
#### Conclusion

The recommendation is therefore for approval.

#### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL - Object as they felt under policy DBE13 there would be unnecessary signage on a listed building. Members are happy with the hanging signs and menu boxes, but wanted the same font as the letters 'Thatched House'.

EPPING SOCIETY - Object strongly, colours are inappropriate for a building in the conservation area.



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Item No: 2&3  
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**APPLICATION No:** LB/EPF/544/05

Report Item No: 3

**SITE ADDRESS:** **PARISH:** Epping  
THATCHED HOUSE HOTEL, 236 HIGH STREET, EPPING

**APPLICANT:** Prezzo plc

**DESCRIPTION OF PROPOSAL:**

Grade II Listed Building application for illuminated and non-illuminated signage.

**RECOMMENDED DECISION: Grant Permission**

1. To be commenced within 5 years
2. The development shall be carried out in accordance with the amended plans received on 20 May 2005 unless otherwise agreed in writing with the Local Planning Authority.
3. No lights may be moved or added without the prior written approval of the Local Planning Authority.

Description of Proposal:

This is the application for listed building consent to affix the signs the subject of the previous item.

Policies Applied:

Structure Plan  
HC3 Protection of listed buildings

Local Plan  
HC10 Listed Buildings

Issues and Considerations:

The only issue with this application is whether the fixing of the signage proposed unacceptably affects the character and integrity of the listed building.

This issue is largely covered in the preceding item, and the

historic buildings adviser confirms that the works are superficial only and not damaging to the structure.

No objections are therefore raised to these works.

**SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL - Object as they felt under policy DBE13 there would be unnecessary signage on a listed building. Members are happy with the hanging signs and menu boxes but wanted the same font as the letters 'Thatched House'. Committee felt this should be referred to the Conservation Officer for his comments.

EPPING SOCIETY - Object strongly, particularly to the colours which are totally inappropriate for a building in the conservation area.

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**APPLICATION No:** EPF/517/05

Report Item No: 4

**SITE ADDRESS:**

ROSEBARN COTTAGE, 3 FIDDLERS HAMLET, EPPING

**PARISH:** Epping

**APPLICANT:** Mr & Mrs Francis

**DESCRIPTION OF PROPOSAL:**

Single storey link extension to existing garage. Change of use of garage to bedroom accommodation.

**RECOMMENDED DECISION: Grant Permission**

1. To be commenced within 5 years.
2. Materials shall match existing.

**Description of Proposal:**

Single storey link extension, measuring 4.9m x 3m, by 3.2m high, from the southern flank of the bungalow to the adjacent garage, and conversion of the garage to bedroom accommodation. The height of the link will be 0.8m below the existing ridgeline. It should be noted that this scheme has been amended since its original submission.

**Description of Site:**

A bungalow on the eastern side of Coopersale Street. The whole site is within the Green Belt and is about 0.5m lower than the road and is well screened. There are open fields to the east.

**Relevant History:**

EPF/320/93 - Single storey rear extension - Approved  
EPF/1880/00 - Porch and pitched roof over extensions - Approved  
EPF/2122/00 - First floor extension over garage - Refused  
EPF/1723/03 - Dropped kerb and boundary fence - Approved  
EPF/2025/03 - Rear and side extensions - Refused  
EPF/542/04 - Rear and side extensions - Refused

## Polices Applied:

### Structure Plan

C2 Green Belt Policy

### Local Plan

GB2 Green Belt Policy

GB14 Extensions in the green belt

DBE4, 9 & 10 Amenity

## Issues and Considerations:

The main issues are the impact of this proposal on the Green Belt and design of the extension. This site has had two previous refusals for single storey extensions.

### Green Belt

- It is accepted that this premises has already been considerably extended and this proposal will increase the footprint by a further 14.7m<sup>2</sup>.
- However the proposed link room is small and modest and has been reduced in height and width from the original scheme.
- The link is set back from the front elevation of the garage, and is clearly subordinate to both the garage and the main dwelling.
- This extension will not have a marked impact on the openness of this site.
- The extensive glazing of the link corridor helps to maintain the openness of the site.
- It is considered on balance that this scheme will have no adverse effect on the openness or character of the Green Belt and is acceptable for the reasons above.

### Design and Amenity

- The extension is in keeping with the existing building and the materials can be conditioned to match.
- The character of the building has changed over the years, and this proposal will not have any adverse effect on the current character and appearance of the building.
- There are no neighbours who would be affected by this proposal.

### Highways

- There are no Highways objections to this proposal on parking grounds. It should be noted that there is no condition requiring the retention of the garage as a garage and thus this building could be converted to residential use at any time.

### Conclusions

- For the reasons stated above this application is recommended

for approval.

**SUMMARY OF REPRESENTATIONS:**

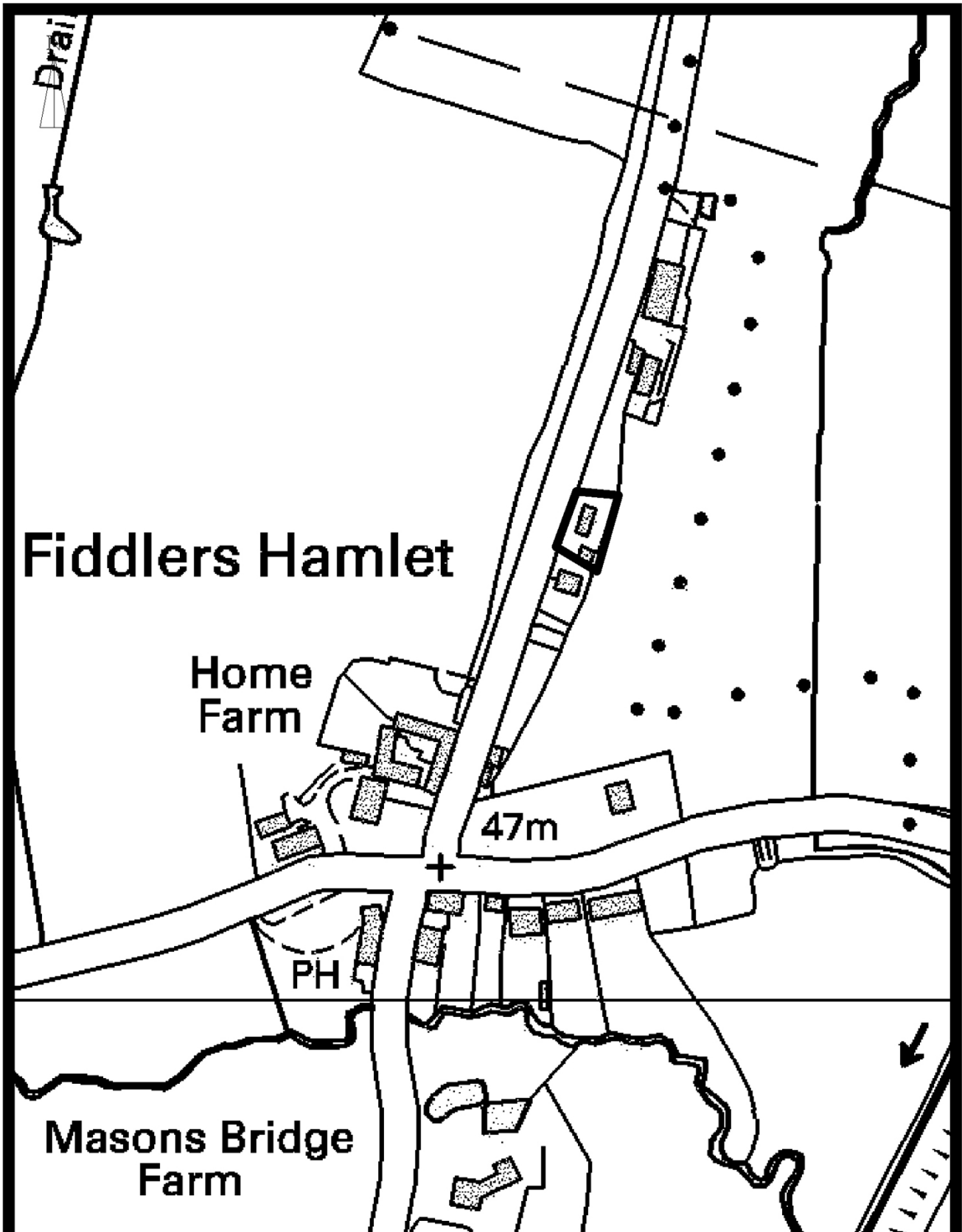
Original Application:

TOWN COUNCIL - Object, on the basis the cottage is in the green belt, has been developed extensively, and is at risk of losing all of its original character.

CONSERVATORS OF EPPING FOREST - No Objection

Amended Plans:

TOWN COUNCIL - Object and expressed concern at the over-development of this cottage which is inappropriate in its green belt location.



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**APPLICATION No:** EPF/716/05

Report Item No: 5

**SITE ADDRESS:**  
COSTA COFFEE, 189 HIGH STREET, EPPING

**PARISH:** Epping

**APPLICANT:** Whitbread PLC

**DESCRIPTION OF PROPOSAL:**

Retrospective application for change of use to coffee shop (A1 / A3).

**RECOMMENDED DECISION: Grant Permission**

1. The premises shall be used solely as an A1/A3 mixed use, and at no time shall become an A3 use only, without the prior written approval of the Local Planning Authority.
2. No deliveries or waste shall be taken to or from the site outside the hours of 07.30 and 19.30 Mondays to Saturdays and not at all on Sundays or bank and public holidays.

Description of Proposal:

Retrospective application for a change of use from A1 (Retail) shop use to a Coffee Shop (mixed A1/A3 use).

Description of Site:

Two storey terraced building on the west side of the High Street, within the primary shopping frontage of the High Street. The ground floor is a shop unit. The whole site is within the Epping Town Conservation area.

Relevant History:

Various, including:  
A/EPF/1236/04 - Illuminated fascia sign for Costa Coffee - Approved

Polices Applied:

Structure Plan  
HC2 Conservation Areas

## TCR3 Town Centres

### Local Plan

HC6 Development in a Conservation Area

STC7 Non-retail development in Town Centres

### Alterations to Local Plan

TC3 Town Centre Function

TC4 Non Retail Frontage

## Issues and Considerations:

The main issues in this application are the effects on the amenities of the conservation area and the vitality of the town centre. It should be noted that this is a retrospective application and the use has already commenced.

## Retail Use and Effect on the Town Centre

The property's previous use was that of a retail unit (A1 use). Officers' investigations have concluded that due to the layout of the premises, the amount of seating and tables, and the fact that food and drink is generally consumed on the premises, that the primary use is no longer A1 (retail). However, it was also the case a significant amount of cold food and hot and cold drinks was sold for consumption off the site, and consequently a significant amount of A1 retail use still continued. It is then a mixed use - A1 retail and A3 restaurant.

It must therefore be considered whether this mixed use would affect the vitality of the Town Centre. The mix of retail and other units in the town centre is currently 69% to 31%. The current local plan aims for a retail frontage of 80%. However this policy is some 7 years old and does not necessarily reflect the current realities of the High Street. The emerging policy of the Local Plan Alterations aims for a 70% level of retail premises, and has also amended the retail frontages in this area, and when calculated under this revision, retail uses would comprise 71.5% of the frontage.

Thus whilst this use is contrary to the current Local Plan it would be acceptable under the emerging policies. It is also the case that Structure Plan policy TCR3 (and Central Government Guidance in PPG6) encourages town centre developments that make the centres vital and vibrant throughout the day and in the evening. This is a use which attracts a large number of pedestrian customers to this area of the High Street, and it is considered that this use is in keeping with modern shopping areas, and enhances the vitality of the area.

## Conservation Area

There would be no adverse effect on the amenities of the

conservation area as a result of this change of use.

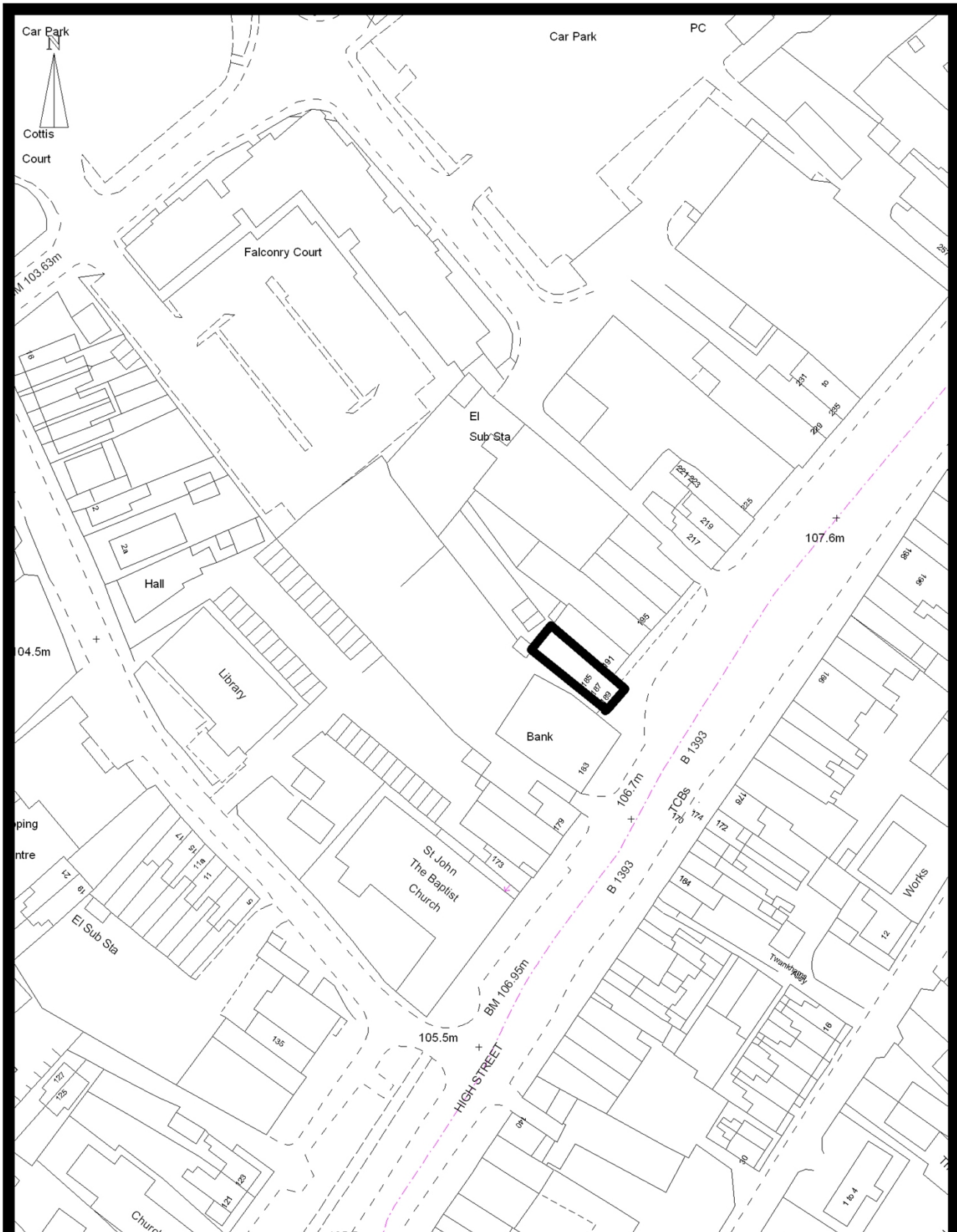
#### Conclusion

Whilst this application does not comply with the percentage requirements of policy STC7, it does comply with the First Deposit Local Plan Alterations, and is in line with the Structure Plan and Government Guidance.

It is regretted that the change has already occurred, but this would not warrant a refusal of itself. The recommendation is therefore for approval.

#### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL - Committee had no objection to this application, however concern was expressed in regard to compliance with Local Plan policies regarding retail facilities. Of particular concern is the impact of a proliferation of restaurants in the High Street on prices for retail shop space.



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**APPLICATION No:** EPF/893/05

Report Item No: 6

**SITE ADDRESS:**  
33 LABURNUM ROAD, COOPERSALE, EPPING

**PARISH:** Epping

**APPLICANT:** Mr and Mrs Hudson

**DESCRIPTION OF PROPOSAL:**  
Two storey side and single storey rear extension. (Revised application)

**RECOMMENDED DECISION: Grant Permission**

1. To be commenced within 5 years.
2. Materials shall match existing.
3. Balcony not to be formed.

**Description of Proposal:**

The proposal is for a two storey side extension and part two storey part single storey rear extension. The side extension extends to the side boundary, but is set back at first floor from the front elevation, with the first floor being housed within the roofspace with a dormer to the front, and a half hipped roof.

To the rear the proposed extension is 3.m deep and is single storey adjacent to the boundary with the other half of the pair of semis. The first floor element to the rear is only 1.5m deep. The proposal provides a kitchen/breakfast room and study at ground floor with a bedroom and bathroom above.

**Description of Site:**

A semi detached house located on the western side of the road surrounded by other similar houses.

**Relevant History:**

Two storey side and rear extension refused earlier this year as

insufficient step back from front elevation to prevent terracing effect.

Relevant Policies:

Local Plan Policy DBE10 - Design of residential extensions.

Issues and Considerations:

The main issues are design, impact on the street scene and impact upon neighbours.

Design

- Side extension would be subordinate to the main dwelling, with the first floor within the roof and a reduced ridge line and the first floor set well back from the front elevation. Matching materials and window detailing. Appearance is satisfactory.

Impact on Street Scene.

- No gap to flank boundary but 2m set back from the front combined with lower ridge and half hip, will minimise the terracing effect.
- Other similarly designed extensions have been accepted in this particular estate in recent years as an exception to the normal restrictions.

Impact on Neighbours.

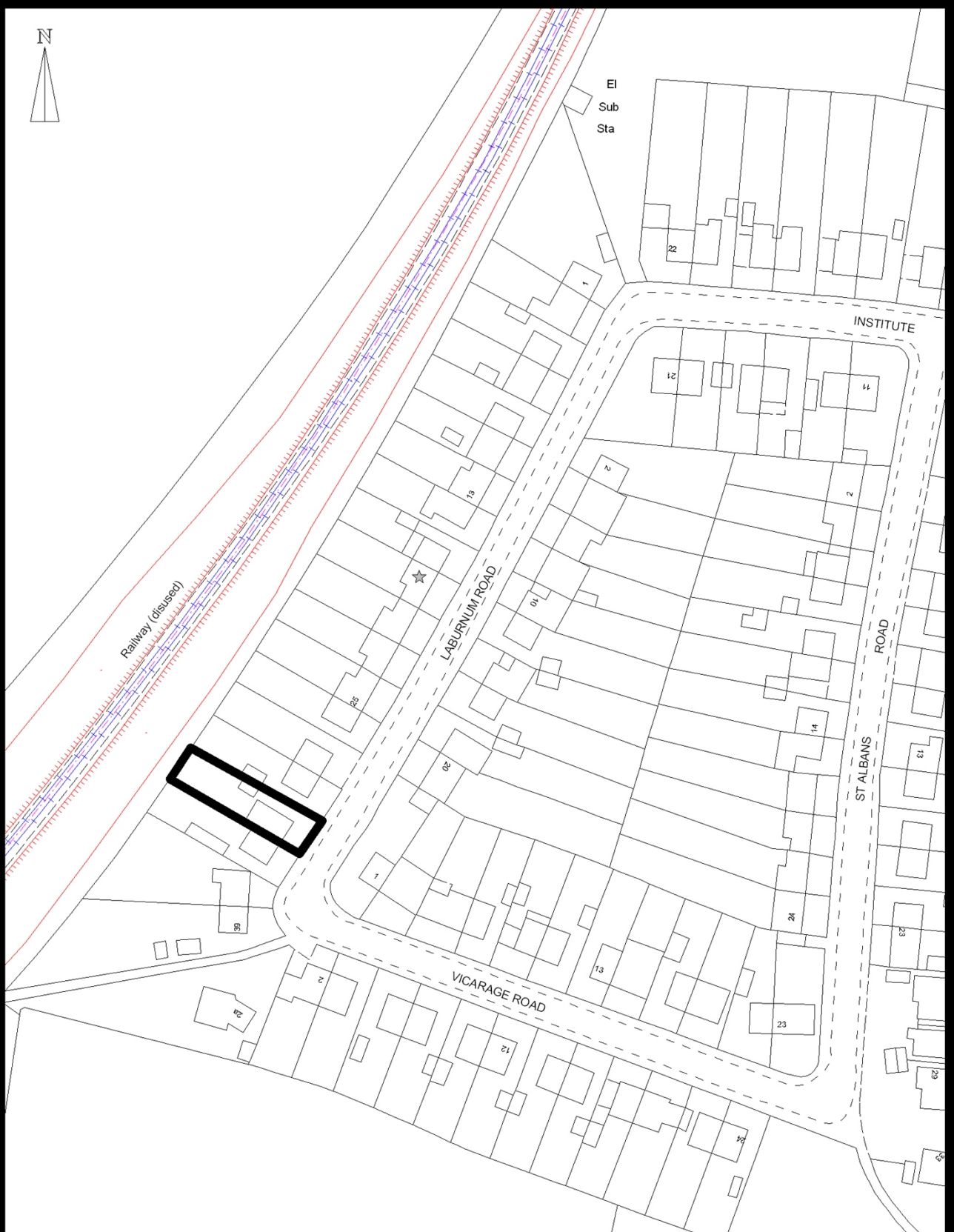
- No significant loss of light to neighbours.
- No overlooking as a result of the proposal.

Conclusion.

- Designed in consultation with the planning officer to reduce terracing effect of the side extension.
- Other similar developments in the locality on houses of the same basic design.
- No significant impact on neighbours.
- Recommend approval.

**SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL - Committee objected to this application and were concerned at the creation of a terracing effect since the side extension will abut the boundary with no stepback at first floor.



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**APPLICATION No:** EPF/649/05

Report Item No: 7

**SITE ADDRESS:**  
36 HIGH ROAD, NORTH WEALD

**PARISH:** North Weald

**APPLICANT:** Peter Botterell

**DESCRIPTION OF PROPOSAL:**

Change of use from A2 to mixed use A3 restaurant and A5 take-away, and installation of fume extraction ducting/flue.  
(Revised application)

**RECOMMENDED DECISION: Grant Permission**

1. To be commenced within 5 years.
2. Materials shall match existing.
3. The use hereby permitted shall not be open to customers outside the hours of 9.00 am to 9.00 pm Monday to Saturday and not at all on Sundays or public holidays.
4. Prior to the commencement of the use hereby approved a scheme shall be submitted for litter bins on the forecourt area and approved in writing by the Local Planning Authority, and installed prior to the first opening of the premises.
5. Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
6. Noise from air conditioning unit and other plant

The rating level of noise (as defined by BS4142:1997) emitted from any kitchen extract unit, air conditioning and other mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.



7. Adequate provision for foul drainage from the kitchen shall be submitted to and approved by the Local Authority. Drains serving the kitchens in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained while the site is in use.
  
8. Prior to the premises being brought into use for the purposes hereby permitted, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.

Description of Proposal:

Change of use of A2 (professional & financial services) to A3 use for restaurant and takeaway service, and installation of fume extraction ducting to side of building (revised application).

Description of Site:

The property is a two storey detached building, divided into two ground floor shop units with residential accommodation above. There is an integral garage in a two storey extension on the west flank, and a flat roofed single storey extension wrapping around the garage. The ground floor units are used as a Post Office (No. 40) and No. 38 is apparently unused, although its last use was that of a hairdresser, an A1 use.

The surrounding area is predominately residential.

Relevant History:

EPF/675/00 - Change of use to A2 use - Approved  
EPF/1306/00 - Conversion of garage into shop and extension  
- Refused  
EPF/1179/01 - First floor extension and loft conversion  
-Approved  
EPF/51/05 - Change of use from A2 to A3 use - Refused

Policies Applied:

STC10 Change of use of shops  
DBE9 Amenity  
RP5 Nuisance developments  
T14 & 17 Highways

## Issues and Considerations:

The main issues in this application concern the effect of this proposal on the retail facilities of the area, its effects on the amenities of residents of surrounding properties, and highway issues, and whether it overcomes the reason for the previous refusal which was the loss of amenity caused by smells and odours from the cooking, and a lack of information regarding the proposed extraction system.

### Loss of Retail Unit

Policy STC10 of the Local Plan states that the Council will resist a change of use of a village shop unless it can be demonstrated there is no market demand or the use will continue at another location in the locality.

In this case permission was granted in 2000 to change the use from A1 (retail) to A2 (financial and professional services). It would appear that this permission has not been implemented, although it is still extant. The last use of the unit was as a hairdressers (an A1 use), which was certainly in situ in 2003. The unit is not within a shopping parade, nor is it isolated facility providing an essential service.

Therefore it is considered that the change of use to an A3 unit would not be detrimental to the overall retail provision in North Weald.

### Neighbouring Amenity

The proposed use restaurant and takeaway has a potential to impact on the surrounding area because of noise from customers, cooking smells and odours, and litter.

The proposal would see English and Italian food served between 9am and 9pm Monday to Saturday with a takeaway service provided. There would be some 15-20m<sup>2</sup> of seated area within the premises. An extraction system would be installed, and four parking spaces provided on the front forecourt. There is a residential flat above the shop unit.

Due to the size of the premises it is considered that most of the business generated will be for takeaway foods. The site is some 12m from the nearest residential properties in Dukes Close to the south, 23m from dwelling houses across the main road to the west, 12m from residential units at 40 High Street to the north, and the Village Hall is 17m to the east.

It is the case that full technical details of the proposed extraction system have now been provided, which have met the Environmental Health Officers concerns over smell and odour nuisance. It is also the case that the extraction system has a

very high flue which will reduce the disturbance caused to neighbours. However it is recognised that no system is 100% effective and will degrade with time, even if maintained properly, and they have commented that the use is likely to lead to some loss of amenity at neighbouring residential premises due to cooking odours. However they are also of the opinion that this loss of amenity is not so bad as to justify a refusal, and would be difficult to defend on appeal. The extraction system can be conditioned so that it meets current technical specifications, is maintained regularly and is not noisy.

In this area there is a large number of residential properties in close proximity to the unit, including the properties in Duke Close. The rear garden of No. 1 Dukes Close backs onto the site and there are a number of others that are close to the site. It is the case that the Environmental Health Officers will be able to take action if the smell or odours from the site does have an adverse effect on these premises under Environmental legislation. With regard to the flat above the shop the current occupant has raised no objection to the scheme. It is considered that the possible disturbance from noise and smell can be negated by the use of the appropriate conditions as explained above.

It is acknowledged that there will be some disturbance from customers using the parking spaces outside normal working hours, but on balance this is not significant enough to warrant a refusal due to the relatively early closing time proposed and the provision of parking spaces on the main road frontage which is subject to traffic noise in any event.

#### Highways

Most of the objections received refer to the possibility of parking on the main road and in Dukes Close by customers. However this is not a particular big unit that can accommodate a large amount of customers, and the site has 4 external parking spaces and 2 internal ones in the garage. The current parking standards for Essex require a parking provision of 4 spaces for this size of development. It is also the case that it is on a main road served by bus routes. The County Highways Department have raised no objections on the grounds of road safety. Therefore a refusal on these grounds could not be sustained.

#### Visual Impact

The extraction vent stack would be installed along the front elevation of the existing chimneystack on the south elevation, and surrounded by a brick facing to match the adjacent chimney. The top 0.5m of the vent would be unfaced and above the ridgeline. In this position it would not be very noticeable or obtrusive.

## Other Matters

Objections have been raised on the grounds that the use will generate unacceptable amounts of litter, attract vermin, and cause groups of youths to gather causing anti-social behaviour. This, however, can be dealt with under separate environmental and criminal legislation. The applicant has offered to install two litter bins outside the premises (which can be conditioned) to encourage users not to dispose of their litter onto the ground.

## Conclusion

This is a balanced case, but it is considered that the revised scheme has provided technical details of the extraction system, which has allowed the Environmental Health Officers to make a full examination of the proposal. This has resulted in it being considered that odour and smell nuisance can be reduced to acceptable levels which will not cause an unacceptable loss of amenity for local residents. Therefore the recommendation is for approval.

### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL - Object. The adverse impact on neighbouring properties remains the basis of the Parish Council's objection. This is principally due to the impact associated with litter, noise, increased traffic nuisance, inadequate parking provision and cooking smells.

40 HIGH ROAD - I will be the most adversely affected by this environmentally unacceptable proposal. The extraction system will be an eyesore and the whole village will stink of Mr Botterells Take Away. There are more than enough food outlets in the village already. I have young children whose sleep will be disrupted by the noise, abusive yobs, cars revving up and slamming doors. Insufficient parking on site, rubbish will be scatted about. (Two letters received)

1 DUKES CLOSE - Object, will generate litter in the area, noise will be generated and will attract groups of people to linger on the Green. Increase in traffic and parking will be dangerous.

3 DUKES CLOSE - Object, car parking will cause disturbance, use will generate more problems with rats, youngsters are a problem, this will make it worse, will create more rubbish, and generate smells.

2 DUKES CLOSE - Object, this will have a detrimental effect on our property. Parking has always been a problem and will be aggravated by this proposal. It will cause litter and the noise and smell of the extractor fan will have a negative effect on our property.

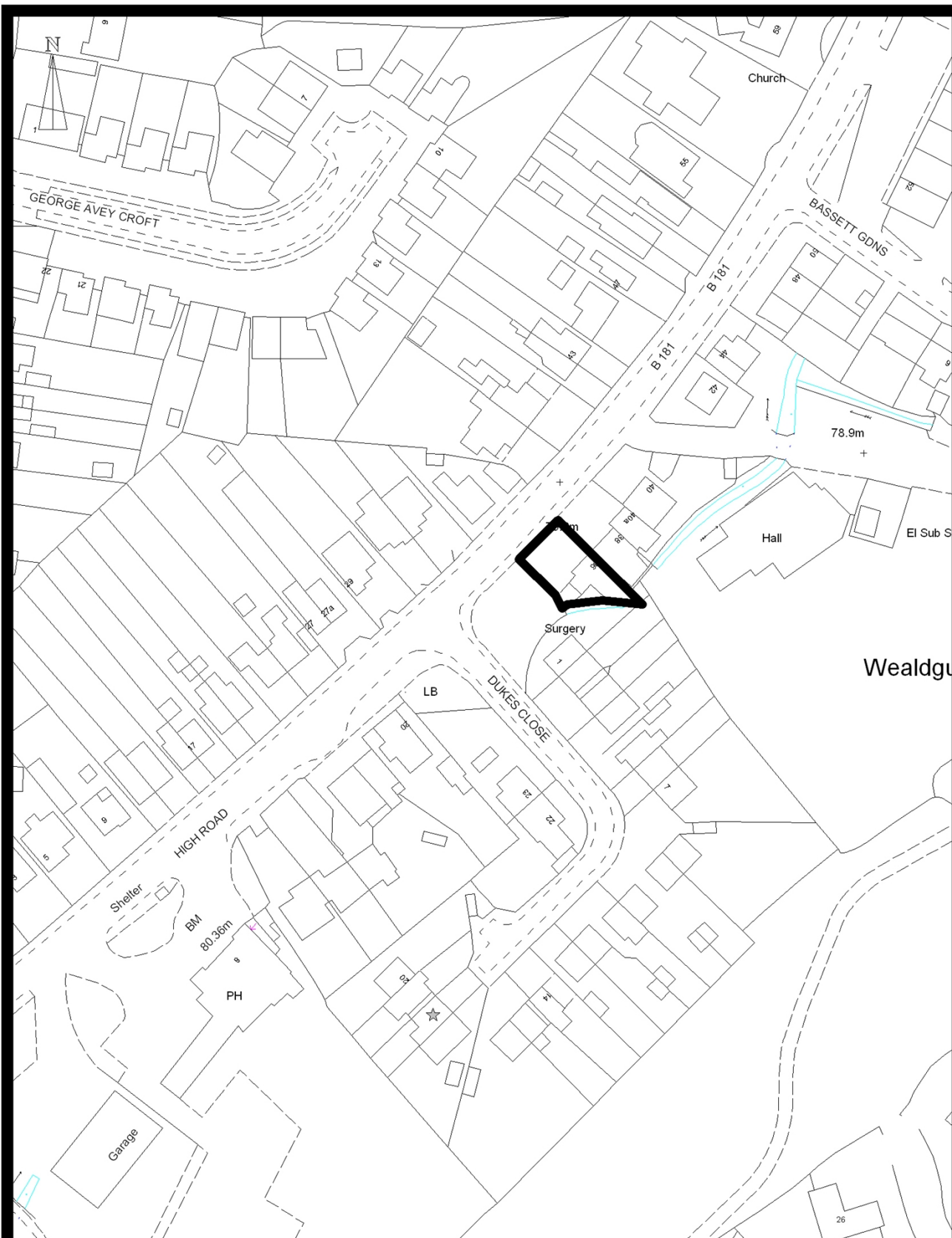
31 HIGH ROAD - Object, this has not changed since the previous application. It will cause unwelcome disturbance, mess, rats and gatherings of local yobs. The smell will be unpleasant

22 DUKES CLOSE - Object, As per my previous correspondence I still strongly object. This will cause fumes, litter and

traffic parking problems. (2 letters received).

33 HIGH ROAD - Object, parking has decreased since the last application due to the introduction of double yellow lines in the High Road. Therefore traffic and parking will be increased and dangerous. Litter and rubbish will encourage vermin.

45 HIGH ROAD - High Road is already busy and dangerous this will increase the danger. Will increase litter and North Weald already have enough food and take away outlets. Any increase will decrease the quality of life and significantly increase the traffic danger in our village.



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