

**Extract from the agenda of Area Planning Subcommittee East – 14 September 2011**

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1254/11
<b>SITE ADDRESS:</b>	156-158 High Street Ongar Essex CM5 9JJ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mrs Kristina Ponsford
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of ground floor from shop (A1 Use Class) to a mixed use comprising childrens soft play area (D2 Use Class) and coffee shop (A3 Use Class).
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=528995](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=528995)

**REASON FOR REFUSAL**

- 1 The proposal would result in the loss of a double frontage shop use (Use Class A1) from the key retail frontage of the Ongar town centre, as defined in the Epping Forest District Local Plan and Alterations. It would increase the proportion of non-retail frontage within the key retail frontage, exacerbating the impact of an already excessively high proportion of non-retail frontage on the vitality and viability of the shopping centre. The use would threaten the long term vitality and viability of the shopping centre by undermining its retail function and therefore contribute to a threat to its position in the hierarchy of town centres within the District. Accordingly, the proposal is contrary to policies TC1 and TC4 of the Epping Forest District Local Plan and Alterations.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

Permission is sought to change the existing use of the commercial premises from retail (A1 use) into a mixed use comprising a children's soft play area (D2 use) and coffee shop (A3 use). The first floor use will remain unchanged as residential accommodation.

**Description of Site:**

The unit lies to the east of High Street, Ongar. It is a double frontage commercial retail unit and it is presently vacant with residential accommodation above at first floor level. The entrance into the flat is accessed through a side doorway. The adjacent unit to the north, No 162, is a restaurant (A3 use) and the immediate southern boundary is demarcated by a narrow road that provides access to St Martins Mews. Beyond this lies No. 150, a commercial unit that trades as Ongar Hardware store (A1 use).

The unit lies within Ongar Town centre boundary and is also within its key frontage. The building is a listed building and the site lies within the Conservation Area boundary.

The internal useable floor area measures approximately 254 square metres.

### **Relevant History:**

No recent/ relevant history

### **Policies Applied:**

TC1 – Town centre hierarchy  
TC3 – Town centre  
TC4 – Non retail frontage  
HC7 and HC10 – Conservation area/ listed building  
DBE9 – Neighbour amenity

### **Representation**

16 properties consulted and one letter of representation has been received.

154 HIGH STREET – Objection: We have had many unsatisfactory dealings with this applicant with regards to access to our property. The police have been called on occasions when whilst heavily pregnant my wife was denied access off of the High Street. I am led to believe he has mislead the managers to this project as to which land he owns. Even last week the police were called when a lockable post was being erected by an employee of the applicants to block our access.

ONGAR TOWN COUNCIL – Ongar Town Council considered this proposal to be appropriate and innovative use of the premises in the centre of Ongar and support this application. The applicant has indicated that the portion of the premises designated as “café” will serve beverages and baked potatoes. Ongar Town Council believes that consideration should be given to imposing a condition preventing the serving of other kinds of hot food.

Although not a planning issue, Ongar Town Council believes there should be adequate safeguarding for children visiting the premises.

### **Issues and Considerations:**

The key issues for consideration relevant to this application are the impact on the vitality and viability of the town centre. Also considered is the amenity and living conditions of nearby residential properties.

### **Principle of change of use - Vitality and Viability of Retail Centre**

The premises are presently vacant although the last known use was as a retail shop unit. The double fronted unit is identified in the Adopted Plans Map as one within the town centre of Ongar. The Council's Town Centre policies TC1 and TC3, seek to safeguard and encourage a range of local shopping facilities to meet the essential needs of residents while encouraging the long term viability and vitality of the area.

The Town Council supports the proposed change of use of this unit because it will be an innovative use of the premises. This view is supported by policy TC1 which supports proposals that sustain or improve the vitality of town centre locations. There are no similar existing uses within the town centre, as such it is considered that this is an innovative use of the site that will benefit the vitality of the town centre.

The policy also seeks uses which will either 'maintain or not adversely affect their position in the Town Centre Hierarchy'. Policy TC3 reinforces the approach to controlling land use in designated town centres. The proposed change of use will bring a vacant unit into use preventing dead daytime frontage, thus it satisfies requirement (iv) of this policy. The use of the premises as a children's play area with a coffee shop will encourage visitors to the site during the daytime and evening during the opening times proposed. The residential accommodation above will not be compromised and the ground floor will continue to serve as a commercial unit. Due to its position within this town centre location, the proposed use satisfies the criteria contained within policy TC3.

The site is however within the key frontage of the Town Centre. The other key policy issue therefore will be the loss of an A1 retail unit that forms part of the Key Frontage of Ongar High Street and what impact this will have on the future long term vitality and viability of this town centre.

PPS4 - Planning for sustainable economic growth emphasizes the Government's objective to maintain vitality and viability in town centres, to promote sustainable economic growth. Council policy TC4, seeks to safeguard and encourage a range of local shopping facilities to meet the essential needs of residents because this will enhance the long term viability and vitality of the area.

The subject site is presently vacant and the applicant advises the unit has been vacant for 3 to 4 years. A material consideration is the length of time the property has remained vacant. There is no supplementary evidence submitted with the application to prove how long this property has been vacant and whether the unit has been actively marketed for its present A1 use.

Policy TC4 from the Local Plan Alterations 2006 requires that non-retail frontage within the key frontage areas should not exceed the 30% threshold. Taken from the November 2009 town centre survey, Ongar Town Centre stands at approximately 53% non-retail; as such it has already excessively breached this limit. Should the proposed change of use take place, this would result in a further increase and also the loss of a double frontage retail unit.

Adjoining shop premises No. 162 is a non-retail unit trading as a restaurant A3 use. The proposal will therefore result in three adjacent non-retail units, which in addition fails to meet with policy TC4 (ii).

Consideration has been given to the proposed trading hours which suggest the opening times will be from 9.30 am until 5.30pm; this will promote the day time use of the unit. However, the loss of this double retail frontage in the key frontage will harm the long term future viability and vitality of the town centre.

Whilst the proposed use is innovative and would add benefit to the range of uses within the town centre, the loss of the double unit and its failure to comply with policy TC4 clearly indicates this proposal would cause harm to the vitality and viability of the Ongar town centre. The aim of

policies TC1 and TC4 is of critical importance and since the limit on the proportion of non-retail frontage within the town centre has already been exceeded, the policies are in danger of being devalued. The loss of 2 retail units that would arise if this proposal is allowed would further undermine the qualities that make the town centre attractive to shoppers to the detriment of the whole centre. Consequently, the proposal also threatens its place in the strategic hierarchy contrary to policy TC1 and TC4.

#### Conservation and Listed Building

The building is listed and is also within a Conservation Area. The Conservation officer does not wish to object because there will be no material harm to the fabric of the listed building nor will the proposed use be detrimental on this part of the conservation area.

#### Neighbour Amenity

Policy DBE9 requires new development should not result in loss of amenity to neighbouring occupiers in relation to smell, noise or other disturbance.

There are residential units above the shop unit and the occupiers of No. 154 object on grounds of potential interference with future access to their property. Whilst this has been noted, it is considered the use of this double frontage unit as a mixed use children's soft play area and coffee shop should not result in any interference with the access to their property. Subject to a limitation on the hours of use it will also not result in any excessive increase in noise or disturbance that will harm neighbouring occupier amenity.

The proposal would therefore be acceptable in terms of neighbouring occupier's amenity.

#### **Conclusion:**

Whilst the proposed use is innovative, there is no supporting information to demonstrate what attempts have been made to actively market and let the premises as a retail unit. In addition, the non-retail use in the key frontage has exceeded the thresholds in policy TC4 and the adjacent site to the north is presently non-retail use. As such the further loss of another 2 retail units will result in cumulative harm to the viability and vitality of the town centre. Such harm threatens the place of Ongar Town Centre in the strategic hierarchy.

In light of the above appraisal, this proposal fails to meet with local plan policies and as such the recommendation is for refusal.

***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:***

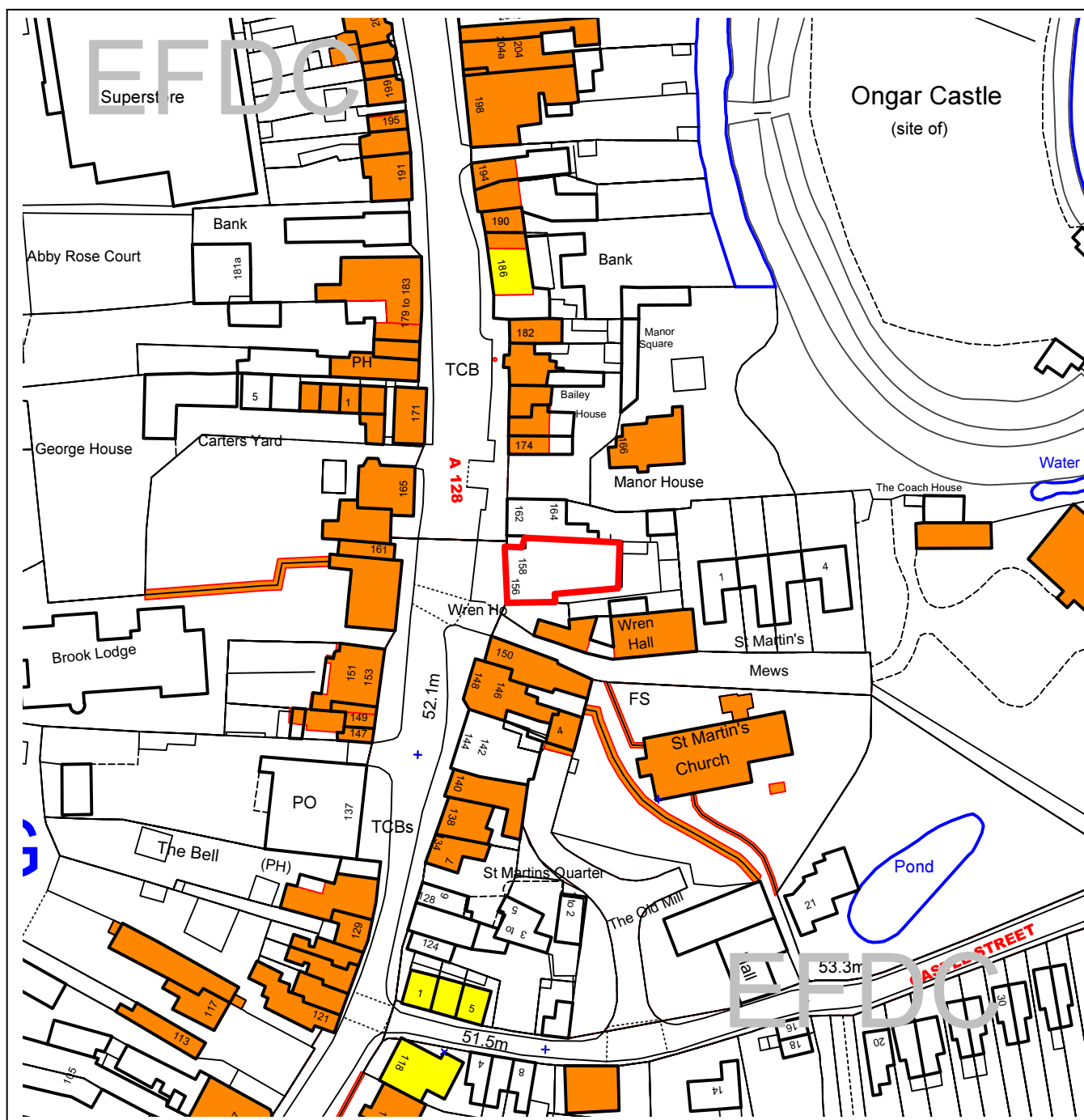
***Planning Application Case Officer: Paula Onyia  
Direct Line Telephone Number: 01992 564103***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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### Site Name:

156-158 High Street, Ongar  
CM5 9JJ

### Scale of Plot:

1/1250