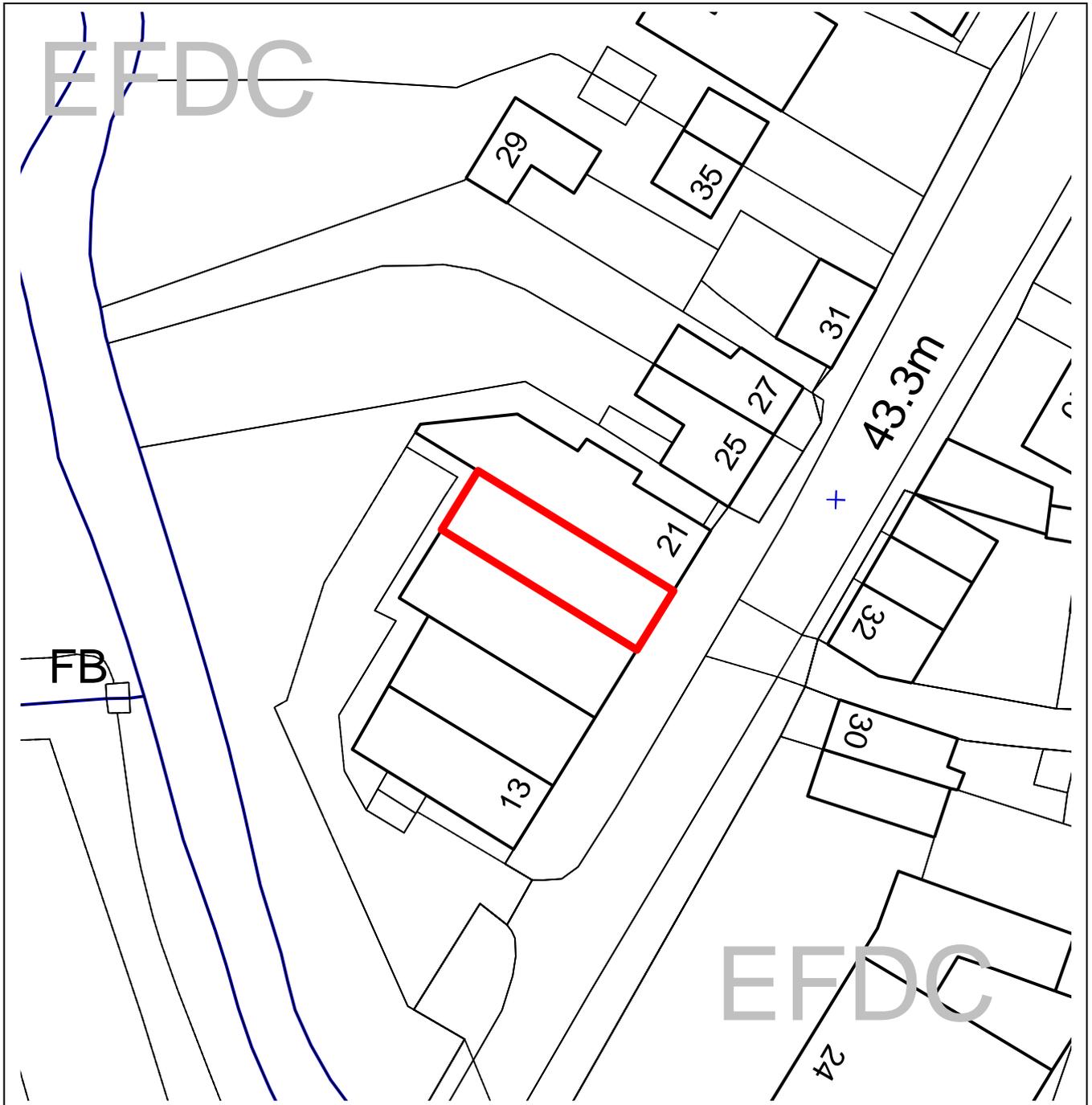




Epping Forest District Council



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1928/19
Site Name:	Delimores 19 High Street Ongar Essex CM5 9DS
Scale of Plot:	1:500

APPLICATION No:	EPF/1928/19
SITE ADDRESS:	Delimores 19 High Street Ongar Essex CM5 9DS
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Ms Sharon Britton
DESCRIPTION OF PROPOSAL:	Application for Variation of Condition 3 "opening hours" for EPF/1320/18. (Conversion of hairdressers A1 use to cafe A3 use and alterations to shopfront).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=627033

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The cafe hereby permitted shall not be open for customers other than between 0730hr and 18230hrs Mondays to Saturdays, 0930hrs to 1400hrs on Sundays, and at no time on Bank Holidays. No food preparation within the premises shall take place more than 30 minutes before the opening time above.
- 3 The extract ventilation system incorporating anti-vibration mountings and incorporating filters shall be maintained in full accordance with the details approved by the Local Planning Authority at the time of installation for the duration of the use.
- 4 Grease separators fitted to any drainage serving the kitchen previously approved by the Local Authority shall be maintained in working order in accordance for the duration of the use.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The site comprises a ground floor shop unit on the west side of the High Street, towards its southern end. The property lies in a mid-terrace position within a two storey block comprising ground floor shops with independent flats above, accessed from the rear. Ground floor commercial units include a glaziers, launderette, pet shop and newsagent / supermarket. An open area at the southern end and the rear is used for parking by residents and businesses. There is also a parking layby in front of this parade of shops

The site lies in a fringe town centre location, Ongar Brook abuts the southern edge of the car parking area and this and adjoining land remains in the Green Belt. Opposite is a car sales site and veterinary surgery adjacent and there are residential units to the north.

The site lies in the Chipping Ongar Conservation Area.

Description of Proposal:

Permission is sought for a variation of opening hours of the existing café. The use is currently limited to trading between 0730hrs and 1400hrs Mondays to Saturdays, 0930hrs to 1400hrs on Sundays, and at no time on Bank Holidays. No food preparation is permitted more than 30 minutes prior to the start of trading.

The extended hours proposed alter the closing time on Mondays to Saturdays until 1830hrs, no other changes are proposed.

Relevant History:

EPF/0518/17 Change of use from hairdressers to pizzeria restaurant and takeaway with extraction unit to rear. This application proposed trading hours of noon-11pm seven days a week and was refused on grounds of evening and night time disturbance.

EPF/1320/18 Change of use to café approved, subject to conditions including trading hours as above, shopfront finishes and extract ventilation installation.

Policies Applied:

Adopted Local Plan:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the quality of the rural and built environment
RP5a	Adverse environmental impacts
TC3	Town Centre function.
DBE9	Loss of Amenity

NPPF (February 2109):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

6 – Building a strong, competitive economy – paragraph 80

7 – Ensuring the viability of town centres – paragraph 85

12 – Achieving well designed places – paragraph 127

Epping Forest District Local Plan (Submission Version) 2017:

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12 July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

POLICY	WEIGHT AFFORDED
E2 - Employment – centre hierarchy / retail	Significant
DM9 - High Quality Design	Significant
DM21 - Local environmental impacts, pollution and land contamination	Significant
P4 - Ongar	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: 05 September 2019

Number of neighbours consulted: Eighteen

Site notice posted: No, not required

Responses received: Objections have been received to the application, from 15, 17, 17A, 19A, 19B HIGH STREET, including a petition signed by occupiers of 12 High Street addresses in the vicinity. One further response has been received from a High Street resident who has not given their address. Objectors raise the following concerns:

- Noise and disturbance from the existing use – including customers and staff and from smoking at front and rear.
- Nuisance from smells, particularly when rear doors are left open in the summer.
- Noise from extractor system
- Parking issues – blocking of residents bays, impact on road and on surrounding businesses.as a result of indiscriminate customer parking

One further response has been received in support the application from another business in the block, commenting that the additional footfall has had a positive benefit on their trade.

Parish Council: Ongar Parish Council has commented as under:

I would like to bring your attention to the following issues that residents have complained about:

- *Staff has been known to arrive as early as 5:45 am to start preparing the cafe for opening at 7:30 am and not 30 minutes before opening.*
- *The cafe emits odours even with the extraction units and especially during the warm weather when the doors are open.*
- *There is excessive noise caused by the cafe staff at the rear and by patrons out the front.*
- *Residents parking access is blocked by vehicles.*
- *Residents have been abused by people parking inconsiderately.*
- *Parked vehicles exceeding the permitted parking time.*
- *The other shop keepers have reported an impact upon their business because the lay-by is full and turnaround is slow. The other shopkeepers report that they and their customers need to park as close as possible because they are moving heavy items; delivering laundry, collecting laundry, collecting animal feed and bedding from the pet shop.*

- *People who are unable to park in the lay-by, will then park in the road with their wheels on the footpath and obstructing it and forcing pedestrians into the road, especially pushchairs and mobility scooters.*

I am informed that these issues are a problem now, and residents fear that they will get worse if the opening hours are extended. The Council want all businesses in Ongar to be successful, but not to the detriment of residents and so these concerns should be addressed when considering this application.

Main Issues and Considerations:

The application relates to the extension of trading hours only and should be primarily considered as such.

The site lies in the High Street within a commercial parade. Other units in the parade trade during the day, including the supermarket adjacent at no.21 which advertises trading hours of 7am – 7.30pm Monday to Saturday and 8am – 1pm Sundays. In this context, extending trading hours will contribute to the viability and vitality of the town centre during what may be regarded as normal trading hours.

Local residents have raised a number of issues around noise, smells and vibration and vehicle parking, matters which are capable of control through other powers. Environmental Health staff have spent considerable time monitoring the operations of the site and have not to date found evidence of a nuisance that would warrant further action. The extract ventilation system meets statutory requirements (and accords with the requirements of the conditions of the original permission), and allegations of noise disturbance have not been substantiated. Highway controls are in place with single yellow lines operational 8am – 6pm Mondays to Saturdays and it is a matter for the Highway Authority as to how these are enforced.

Notwithstanding any such concerns, in planning terms the proposed extension of hours is within the core trading hours of the centre at a time when ambient activity is at its peak. Opening the premises during this period would not have a disproportionate additional impact in the local context.

Conclusion:

In broad planning terms, the proposed alteration of hours at a time of the day when surrounding businesses will be operational and there is a high level of general activity. While noting concerns raised by residents, these have not been substantiated, and would not be solved by refusing the current application.

The proposal is therefore considered to comply with relevant planning policy and it is recommended that planning permission be granted

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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