

12/00095/COU**CHANGE OF USE FROM A1 TO A3 (RESTAURANTS AND CAFÉS)****APPLICANT: MR MOHAMMED ASHIK****ZONING: RESIDENTIAL****PARISH: GREAT WAKERING PARISH COUNCIL****WARD: FOULNESS AND GREAT WAKERING**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1138 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 20 June 2012, with any applications being referred to this meeting of the Committee. The item was referred by Cllr C G Seagers.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

- 1.1 This application is for the change in use of vacant premises in Great Wakering to Class A3 (Restaurants and Cafés).
- 1.2 The site is within the Great Wakering Conservation Area. There is a Chinese takeaway in the adjacent property and an undertakers, local supermarket and further takeaway and shops to the east. Almost opposite is The Anchor public house. There are residential properties to the west and north. The building to which the application relates is a two storey end terrace. The site is approximately 405m² in area and provides parking for two vehicles on hardstanding at the side of the building with a further garage and a garden to the rear.

2.1 RELEVANT HISTORY

Members may recall a previous application (04/01507/COU) refused by the Planning Services Committee on 17th February 2005. This was for a change in use of the ground floor to a takeaway with a new bin store and car park to the rear. It was refused by Members for the following reasons:-

1. The proposal would have a serious and adverse effect on the amenity enjoyed by occupants of neighbouring properties and the surrounding area, taken together with the adjacent A3 use, by reason of excessive noise, disturbance, litter, smells and general pedestrian and vehicular activity, particularly late in the evenings, within the vicinity of the site.

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2. The proposal involves the loss of a further retail unit within a local neighbourhood shopping parade, as outlined within the adoptive Local Plan, and would contribute to a decline in the attractiveness and function of this neighbourhood shopping parade, and would be contrary to Policy SAT 4 of the adopted Local Plan and Policy SAT 5 of the draft Replacement Local Plan.
- 2.2 Subsequent to the above refusal an application, reference 05/00745/COU, for a change in use from retail to Class A2 (estate agents) was approved on 15 November 2005. This permission is known to have been implemented as an application for advert consent, 06/00157/ADV, was granted on 19 April 2006 and the site visit in accordance with the application process recorded the premises in use by Bateman Property Agents. Council records relating to business rates have the premises as being empty from April 2008 with no subsequent use.
 - 2.3 Application 10/00599/COU for a change in use to a Class A5 (Take-Away) was refused on 15 December 2010 for the following reasons:-
 1. The proposal would have a serious and adverse effect on the amenity enjoyed by occupants of neighbouring properties and the surrounding area, taken together with the adjacent A5 use, by reason of excessive noise, disturbance, litter, smells and general pedestrian and vehicular activity, particularly late in the evenings, within the vicinity of the site.
 2. The proposal, by virtue of the conspicuous positioning, size and industrial appearance of the ventilator/extractor system, is considered to be detrimental to the character and appearance of the Great Wakering Conservation Area contrary to saved Local Plan Policy BC1 and the guidance of PPS5.
- 3.1 PROPOSAL

The floor plan provides a gross internal floor space of 54.5m² of which 21m² is for the main seating/dining area and the remainder is for corridors, toilets, the kitchen and other staff areas.
 - 3.2 It is proposed to open at lunchtimes from noon until 2.30 pm and in the evenings from 6.30 pm to midnight (11.30 pm On Sundays and Bank Holidays). It is proposed to have two full-time and two part-time employees.
 - 3.3 It is not known what type of food or dining experience would be provided, but this is not a material planning consideration.
- 4.1 CONSIDERATIONS

The parking standards for Class A3 are a maximum of 1 space per 5m². As the dining area is 21m² this would equate to a maximum of five spaces.

There are two spaces on the site and it is considered these would likely be used by staff and that there would be no customer parking. Subject to availability there is some parking provision on the northern side of the High Street directly outside the premises. The Local Highways Authority has no objection to the proposal, which is within the main High Street location of Great Wakering.

- 4.2 The site is located within the Conservation Area. It is proposed to add an extractor ventilation duct to the rear of the property and the Conservation Areas Adviser does not consider that this will be readily visible and raises no objection to the proposal. The extractor duct on 10/00599/COU, which attracted a reason for refusal was on the prominent west side elevation, whereas in this application, in the different position on the rear of the building, it is considered acceptable, subject to colour finish. The proposal is not considered to be contrary to Policy CP2 as it would have a neutral impact on the character and appearance of the Conservation Area.
- 4.3 The neighbourhood consultation process has elicited a significant response. Eleven letters of objection have been received. In addition a petition with 250 names has been received against a hot food outlet. Objections principally relate to on street parking difficulties within this part of the Conservation Area, limited on site parking to serve restaurant staff and the occupants of the flat above, proximity to nearby dwellings and a perceived increase in noise, smells, general nuisance to occupiers of nearby properties and the Conservation Area in general. Many residents appear to consider that the proposal would lead to a take away being the main on site operation.
- 4.4 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There are Local Plan and Core Strategy policies that control the change in use of retail units, however this site has had a previous change in use from Class A1 retail to a Class A2 estate agent use implemented and thus the aim of these policies concerning the loss of a retail use are no longer applicable. These changes from retail policies also require that proposals would not result in the removal of independent means of accessing the upper floors of premises and require the retention of existing shop fronts. In this case such policy requirements would be met. There are no Local Plan or Core Strategy policies restricting a further change in use to Class A3 restaurants and cafés. Although there are other competing food outlets offering dining facilities and/or hot food takeaway in the area these cannot be taken into consideration. It is further noted that the site has been vacant for several years and that the Council should consider suitable proposals for re-use rather than allowing a ground floor premises to remain vacant in the Conservation Area.
- 4.5 The National Planning Policy Framework (NPPF) requires that proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is considered that the proposal

is in accordance with the Local Plan, Core Strategy and the NPPF. It is considered that there are significant levels of local interest in the prevention of further hot food take away units in Great Wakering, with the associated traffic movements and disruption that takes place, and that a condition restricting the sale of take away food is imposed to prevent such disturbance to local residents.

5.1 Representations

5.2 GREAT WAKERING PARISH COUNCIL - Comments:-

We would not be in favour of this application as we believe that this could cause potential parking problems.

There has previously been an application for a take-away at these premises, we believe by the same applicant, which was refused.

Although the current application is for a restaurant, are you able to tell us whether this will include the provision of a take away?

Is there any indication as to what use would be made of the first floor of these premises?

5.3 ECC CONSERVATION AREAS - No objection. Comments:-

The proposed change of use will have little or no physical impact on the Conservation Area. The only physical alteration proposed is the erection of the ventilation duct at the rear of the building. This would not be readily visible from within the Conservation Area.

5.4 ECC HIGHWAYS - No objection.

5.5 NEIGHBOURS - 11 Objections. Main points:-

- Numerous other food outlets in area including pubs, take-aways and café
- Limited parking in Conservation Area
- Extra traffic, noise and parking problems
- Not enough on site parking for proposed use and flat above
- Cooking odours from existing outlets already a nuisance
- Impact on Conservation Area

5.6 PETITION - A petition against a hot food outlet was received with 250 signatures.

5.7 It is proposed that the Committee **RESOLVES**

To **APPROVE** the application, subject to the following conditions:-

- 1 SC4B – Time Limits Full Standard

- 2 The premises shall not be used for the sale of hot food for consumption off the premises.
- 3 The use of the site hereby permitted, shall not take place (whether or not open to customers) and no deliveries shall be taken at the site, outside the hours of 1000 to 2400.
- 4 Before the use hereby permitted commences at the site, details of the proposed external ventilation/filtration/extraction flues or measures to be installed at the site, including details of the external finish/colour, shall be submitted to and approved in writing by the Local Planning Authority. The measures, as approved, shall then be installed at the site prior to the use hereby permitted first commencing and retained at the site thereafter in accordance with the approved drawings at all times.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

Relevant Development Plan Policies and Proposals

CP2 of the Rochford District Council Core Strategy 2011

TP8 of the Rochford District Council Adopted Replacement Local Plan, as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

National Planning Policy Framework 2012

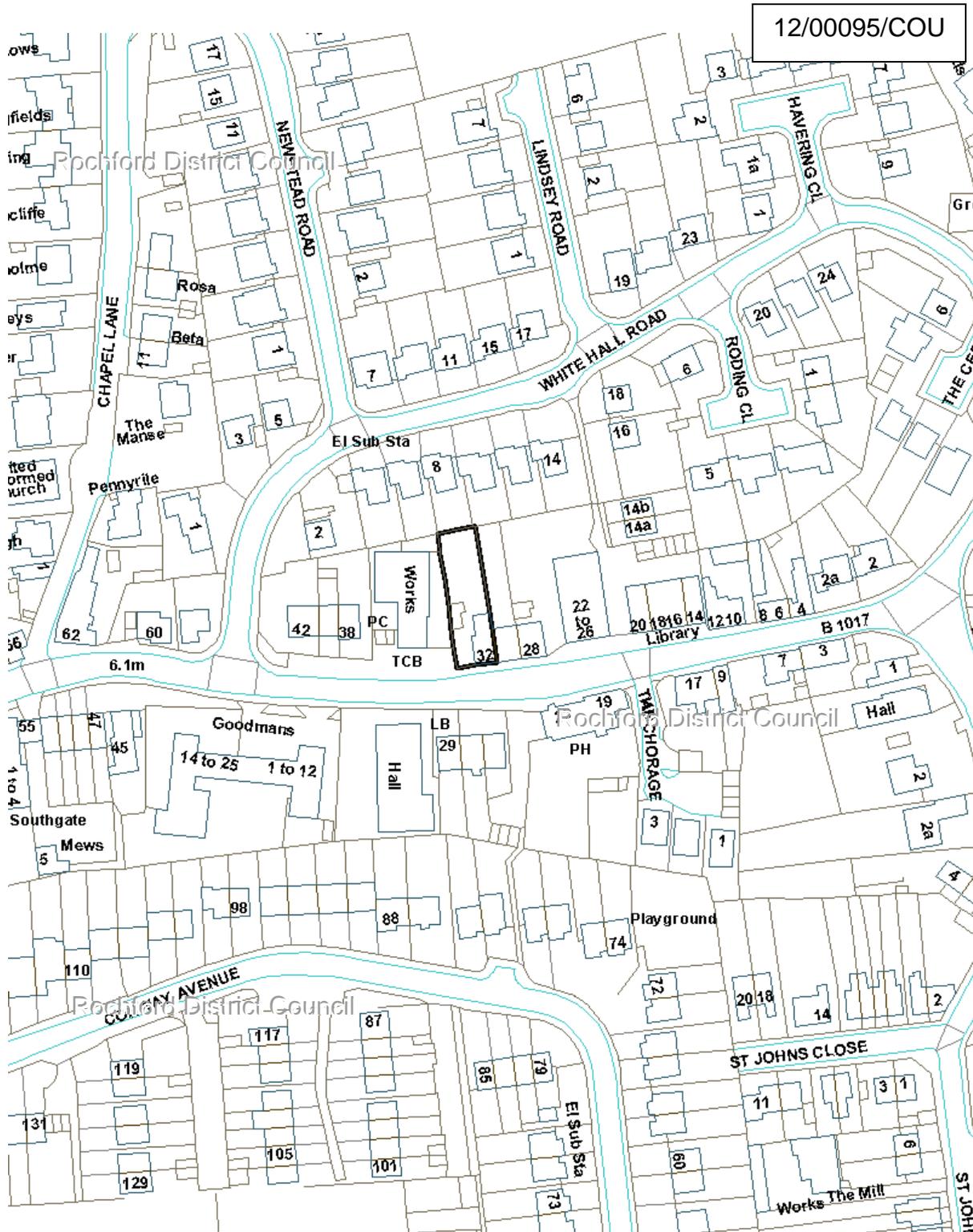
Rochford Parking Standards - Design and Good Practice Supplementary Planning Document adopted December 2010. Based on Parking Standards Design and Good Practice.



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Robert Davis on (01702) 546366.

If you would like this report in large print, Braille or another language please contact 01702 318111.



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