

Parish: EAST BERGHOLT

Location: Fountain House Stores, The Street

Proposal: Change of Use from Class A1 (Hardware Store) to Class A3 (Tea Room)

Applicant: Mrs M L Rowsell

Case Officer: Chris Tivey

Date for Determination: 09.05.08

SITE

1. The application site comprises a vacant retail unit previously used as a hardware store. Fountain House Stores have in fact moved to the adjoining unit (to the south) which was previously used as a gallery.
2. The site is within the East Bergholt Conservation Area and within the village centre, approximately 100 metres from the village car park.
3. The internal floor space of the unit, the subject of the application, is 61m².

PROPOSAL

4. Planning permission is sought to change the use of the A1 retail unit to a tea room providing approximately 20 covers. The applicant considers that the proposal would provide a much needed service within the village within which she has been a resident for 14 years.
5. Minor alterations to the internal arrangement of the building would be carried out to comply with Building Regulations.
6. It is also proposed to utilise the rear courtyard area which would provide space for two tables (approximately 8 covers). It is proposed that the tea room would employ 1 full-time and 3 part-time members of staff.

RELEVANT HISTORY

7. None relevant to this application.

PLANNING POLICIES

8. The following Development Plan Policies are applicable to this proposal:

- EM01 (General Employment)
- SP04 (Shopping in Local Centres and Villages)
- CR20 (Protecting Existing Village Facilities)
- CR21 (New Village Facilities)
- CN08 (Conservation Areas)

This report only includes policy references. For further details please see Page 4.

OBSERVATIONS

9. PC – No objection subject to the use being restricted to a tea room and not to be used as a take-away.
10. Environmental Health – The described use as a tea room is unlikely to have a significant impact on neighbouring properties. It is understood that concerns have been raised about the use of the courtyard seating area: any loss of residential amenity (above what could be experienced as a Class A1 use) is likely to be minimal. Of greater concern is that by authorising an A3 use, the site could be established for a more unsuitable restaurant use, without the need for a further planning consent. Therefore restrictive conditions are recommended as reflected below.

REPRESENTATIONS

11. Two letters of support, a petition of support comprising 25 signatories and 2 letters raising objections to the proposal have been received. The two letters that highlight objections cover the following issues:
 - Use of courtyard would infringe upon peace and privacy.
 - Cooking and food smells would cause a nuisance.
 - Any increase in height of the side wall would cause light restrictions.

PLANNING CONSIDERATIONS

12. The scale of the outdoor seating area within the courtyard is such that it is unlikely to give rise to general noise and disturbance, to the detriment of the occupiers of Ye Olde House and Fountain House. It is an area that could be utilised in the normal day to day running of the unit as a retail shop and by virtue of its scale, would have a very limited impact.
13. Whilst the proposal involves the loss of an existing A1 facility, there is no net loss due to the fact that the hardware stores are utilising the space occupied previously by a gallery. It would provide an additional offer to visitors of East Bergholt and in the main appears to be widely supported by the local community.
14. With respect to the concerns over cooking smells, the proposal is purely for a tea room and falling within Class A3, a take-away as referred to by one of the objectors would fall within Class A5 and would not fall within the scope of this permission. However, as with most tea rooms, any form of cooking would normally be limited to baking potatoes and soups which would not give rise to a material loss of residential amenity to surrounding properties. Environmental Health have however suggested that no mechanical extraction equipment be installed without the prior written consent of the Council.
15. Concerns over an increase in height of the boundary treatment by use of trellis or other means to the side wall of the courtyard is unfounded. However, should the applicant wish to increase the height of their boundary treatment they would need to submit a further application for planning permission as it would involve development to a means of enclosure that surrounds a listed building (Fountain House and Ye Olde House).
16. The proposal would add to the vitality and viability of the Conservation Area and it is recommended that planning permission be granted.

REASON FOR APPROVAL (Both applications)

17. The proposed change of use of the application site to a Class A3 tea room would protect the general amenities of the area in addition to enhancing the character of the Conservation Area. The proposal would, therefore, be compliant with Policies EM01, SP04, CR20, CR21 and CN08 of the Babergh District Local Plan Alteration No.2 (2006).

RECOMMENDATION

18. Grant planning permission subject to the following conditions.
- Hours of use restricted to 9.00 to 18.00hours Monday to Saturday & 10.00 to 17.00 hours Sundays and Bank Holidays.
 - No means of electronic sound amplification to be installed anywhere on the premises without prior submission of details to the Planning Authority.
 - No mechanical ventilation equipment or air conditioning equipment to be installed without prior submission of details to the Planning Authority.
 - No external lighting to be installed in the courtyard area with prior submission of details to the Planning Authority .