



Appeal Decision

Site visit made on 28 November 2006

By **B C Scott** BA(Hons) Urban & Regional Planning MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date 13 December 2006

Appeal Ref: APP/J1535/A/06/2021937

230 High Road, Loughton, IG10 1ET.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Costa Coffee against the decision of Epping Forest District Council.
- The application ref: EPF/2176/05, dated 8 December 2005, was refused by notice dated 1 February 2006.
- The development proposed is a change of use to mixed A1/A3 (coffee shop).

Preliminary Matters

1. The appeal premises comprise a vacant shop.
2. Since its decision, the Council has adopted Local Plan Alterations in July 2006 (LPA), which I apply.

Decision

3. I allow the appeal and grant planning permission for a change of use to mixed A1/A3 (coffee shop) at 230 High Road, Loughton, IG10 1ET, in accordance with the terms of the application number EPF/2176/05, dated 8 December 2005, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The premises shall be used solely as a mixed A1/A3 use and at no time shall become an A3 use only, without the prior written approval of the Local Planning Authority.
 - 3) There shall be no cooking on the premises at any time.

Reasons

4. The appeal premises are part of Loughton Town Centre, which is identified in the Epping Forest Local Plan 1998 as a principal centre. Policies of the LPA for such centres are directed at safeguarding their character and enhancing their role in the face of competitive pressures from larger centres. The LPA Proposals Map shows the appeal premises to be within a recognised Key Retail Frontage (KRF). The Council states that: 'there is 74% retail presence within the shopping centre'. Many restaurant/cafes (A3) type establishments exist within the KRFs. The proposed development would reduce a retail (A1) use at the premises and would add to existing A3 uses in the centre; its effect on the character and vitality of the centre is the main issue in this case.

5. LPA Policy TC4 is designed to protect the retail character of KRFs. The Council accept that the proposed development would satisfy the criteria listed in that policy, which provide for up to 30% of non-retail frontages. Given the 74% retail presence and bearing in mind that an A1 use would be retained in part, I have no reason to conclude that the retail character of the frontage would be harmed by the proposed development.
6. Government policy recognises the need for a diversity of uses in shopping areas and this is reflected in LPA Policy TC2 that aims to safeguard and strengthen an appropriate mix of uses in centres. The Parties dispute the similarity of the A3 component of the proposed mixed use in relation to the existing A3 type establishments. I am referred to several appeal decisions and many examples of mixed-use developments elsewhere in support of the contention that the proposed development would not function primarily as a café/restaurant with merely ancillary retail sales.
7. The centre is focussed upon High Street and is characterised by most of it having KRFs. I observed that the centre has a lively, vibrant nature with strong pedestrian footfall as much in the vicinity of the vacant appeal premises as anywhere I examined all the existing A3 type establishments I am referred to and formed the view that they are not all the same and differ from the proposed development for various reasons: some do not keep shop hours; some have restricted or no dining areas; most have dining areas at the front – some incorporating the pavement. Moreover, I saw that the A3 establishments do not comprise geographical concentrations, even where they are neighbours, because of their differences and their distribution. From submissions, I am satisfied that the proposed development is not an enterprise that would attract little additional pedestrian traffic (or dwell time) or fail to provide a lively image, because of its mixed-use nature.
8. Given all those things, the evidence before me points to a reasonable mix of uses in the centre and not a harmful proliferation of A3 establishments, in accordance with the aim of Policy TC2. Accordingly, I conclude that the proposed development would not be harmful to the character and vitality of the centre
9. I understand the concern in representations about further competition to existing establishments but I am mindful of the fact that the planning system does not exist to restrict competition.
10. As my conclusion, above, is largely governed by the mixed-use nature of the proposed development, I impose all the Council's suggested conditions that are directed at retaining that mix. I do not impose the Council's suggested condition for essential drainage because that is a matter adequately covered by other legislation.

B C Scott

INSPECTOR