

<b>Committee date</b>	Tuesday, 4 October 2022
<b>Application reference</b> <b>Site address</b>	22/00893/FUL - Unit 1 26 Benskin Road WD18 0HW
<b>Proposal</b>	Change of use from Class E to B2 - Retrospective application for the flat roof double garage Installation of a recirculating reflow extract system in kitchen
<b>Applicant</b>	MELO BAKERY (2)
<b>Agent</b>	Mr Thomas Lai Hands Design Graphics Ltd
<b>Type of Application</b>	Full Planning Permission
<b>Reason for committee Item</b>	Number of Objections
<b>Target decision date</b>	5 October 2022
<b>Statutory publicity</b>	Neighbour Letters
<b>Case officer</b>	Sam Oguz, sam.oguz@watford.gov.uk
<b>Ward</b>	Vicarage

## 1. Recommendation

- 1.1 That the application be granted conditional planning permission as set out in Section 8 of this report.

## 2. Site and surroundings

- 2.1 The application site has recently been converted to a commercial bakery (Use Class B2) and the application is seeking retrospective permission for this. The site was previously not utilised for a number of years, whilst nearby buildings were converted into flats. The previous workshop was under the Use Class B1, however, since the recent changes to the Use Classes Order, the site is now classified as Class E. The site itself is a single storey building with two newly built garages adjacent to the main building. The site is accessed from Benskin Road from an established entrance. To the north and west of the site are two large warehouses which are accessed off Chester Road. To the east is the residential development of 26 Benskin Road. To the south are properties and rear garden areas of a number of properties on Benskin Road.
- 2.2 The site is not in a conservation area nor does it affect the setting of a listed building.

## 3. Summary of the proposal

### 3.1 Proposal

The proposed scheme can be split into three elements. Firstly, is a retrospective change of use from Class E to Class B2. This is required as the new use as a commercial bakery does not accord with the criteria for a Class E use within a residential area due to impacts on amenity. The second aspect is the erection of a double garage in front of the main building. This is finished in materials to match the external appearance of the bakery. Thirdly, the proposal also includes an internal recirculating reflow extract system for the kitchen. This will contain odours and noise

from the ovens within the building using a sophisticated reflow system. It will result in the removal of the existing flue, with no external extraction required.

### **3.3 Conclusion**

The proposed scheme is for retrospective permission to change the use and includes other development. The double garage has been shown to be a reinstatement on the site and is deemed acceptable. The internal recirculating reflow extract system has received a positive consultation response from Environmental Health and will result in a development with far less impact on nearby residential amenity. The change of use is required as a commercial bakery would fall within Use Class B2 but given the mitigating extraction system, the impacts have been reduced. On this basis, it is considered that the proposal is acceptable and should be granted conditional planning permission, as set out in Section 8 of the report.

## **4. Relevant policies**

4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

## **5. Relevant site history/background information**

5.1 The site was previously a light industrial use as per permissions 02/00833/COU and 93/00033/LUC which reference the B1 Use Class for the site. As this Use Class has been revoked, the site is now Use Class E. a

5.2 This application follows on from a recent application which referenced the bakery. The application 21/01686/FUL was refused on the impact to neighbours as a result of the flue, creating unreasonable disturbance to nearby properties.

## **6. Main considerations**

6.1 The main issues to be considered in the determination of these applications are:

- (a) Principle of development;
- (b) Scale, design and impact on the character and appearance of the area
- (c) Impact on neighbour amenity
- (d) Traffic, highways and parking impacts.

6.2 (a) Principle of development

Whilst the property is located in a predominantly residential area, Use Class E does afford a number of different business operations to be conducted at this site without the need for a change of use. Previous applications have established that the Class E use is not appropriate for this bakery, as mitigation is required to prevent impacts to nearby properties. Given this piece of land has historically been used as a workshop

it has suitable access from Benskin Road. The addition of the double garage and internal extraction system are both works which will support the business.

- 6.3 It is considered that the principle of allowing the proposed use would be acceptable and does not warrant refusal, subject to the mitigation of any adverse impacts. It is also noted that other uses which fall within Use Class B2 would not be suitable for this site, therefore, Condition 3 restricts the site to a commercial bakery.
- 6.4 (b) Scale, design and impact on the character and appearance of the area  
The change of use element of this application would result in no change in the character and appearance of the property. The erection of a double garage adjacent to the main commercial building is subordinate to the main building and is not easily visible from the streetscene. The internal extraction system will be fully internal within the main kitchen area and will not be visible from outside the building. The new system will result in the removal of the existing flue, which has not been granted permission. On this basis, the proposal will have no significant impacts on the character and appearance of the area and is acceptable in terms of scale and design.
- 6.5 An additional factor to consider is that there are many similar commercial uses in this part of Watford, in between residential dwellings. These are historic uses and can be seen across West Watford. Reinstating a commercial use to one of these sites will be supporting a local business and employment within the town.
- 6.5 (c) Impact on neighbour amenity  
Due to the sensitivity of the site, it is important to ensure that neighbouring amenity is protected. As per the Environmental Health comments, the internal extraction system will be fully contained within the main kitchen. As well as removing the existing flue, all odours and noise from the baking ovens will be contained by the system and result in a significant level of mitigation to noise and odour impacts. This is now considered to be at an acceptable level.
- 6.6 The proposed double garage will be used for storage of materials and is built in an underutilised area of land. This will result in no impact on the amenity of neighbouring properties.
- 6.7 With the existing Use Class E, the site could change to a number of different uses within this class. Currently, there are no time restrictions on the site. However, due to the new Use Class being proposed and the siting of nearby residential dwellings, the hours of operation will be restricted as per Condition 4 in Section 8 of the report. This has been agreed by the applicant and the hours will be restricted to 8am-6pm, Monday-Friday. This will protect the amenity of surrounding dwellings.
- 6.8 (d) Traffic, highways and parking impacts.  
The site has an existing paved area to the front which can be used for pick-ups and drop-offs. It is away from the main highway of Benskin Road and will not impact on

the parking within the area. The entrance has existed there for many years and is suitable to serve the site.

## 7. Consultation responses received

### 7.1 Internal Consultees

Environmental Health – WBC:

“There is no external plant with this application so it's reasonable to assume the environmental noise and odour fumes is non-existent.

From the brochure I can see that its modern air filtration system for commercial kitchens, and it explains the process in a reasonable, cooking odour are recirculated back in to the enclosed internal unit for filtration. The unit is stated to be used internally and therefore there is no obvious adverse environmental impact.”

### 7.2 Interested parties

Letters were sent to 14 properties in the surrounding area. Responses have been received from 9 properties. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Noise disruption	The noise emitted from the property and flue should be reduced significantly with the extract reflow system. The site also has an historic use for commercial purposes.
Odour disruption	Odour from the kitchen will be mitigated by the introduction of the reflow system.
Issues in regard to the extractor fan	The existing extractor fan has been implemented without planning permission, previous applications aiming to mitigate this system have been refused. The new proposal should provide a far better experience for those living nearby.
Traffic and parking issues	Please see Section 6.8 of the report
Potential for rodent infestation	This is not a planning consideration and would be dealt with by Environmental Health
Allowing a commercial use on this site	As mentioned, the site has an historic existing Class E Use and changing to Class B2 is acceptable in principle subject to mitigation to reduce the impact on neighbours. This site could be changed to a number of different uses under Class E without any application.

## 8. Recommendation

That planning permission be granted subject to the following conditions:

1. The existing external flue shall be removed and the recirculating reflow extract system shall be installed, as per drawing number 010722-E, within two months of the date of the decision. It shall be retained at all times.

Reason: To ensure the operation of the kitchen does not give rise to noise or odour disturbance to nearby existing and future residential occupiers.

2. The development shall be carried out in accordance with the following drawings, unless otherwise approved in writing by the Local Planning Authority. The following drawings are hereby approved:

- Drawing Number: 010722-A
- Drawing Number: 010722-B
- Drawing Number: 010722-C
- Drawing Number: 010722-D
- Drawing Number: 010722-E

Reason: For the avoidance of doubt and the interests of proper planning.

3. The use of the building shall only be as a commercial bakery and for no other use within Use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure any other use has suitable mitigation for noise, odours and industrial activity in order to protect the amenity of adjoining residential properties.

4. No commercial activity shall be carried out at the property outside of the hours of 0800 to 1800 on Mondays to Fridays and at no time on weekends.

Reason: To protect the amenity of adjacent residential uses in accordance Policy SE22 of Watford's District Plan 2000.