

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/12/2018
Planning Development Manager authorisation:	SCE	21.12.18
Admin checks / despatch completed	AP	2/1/19

KL

Application: 18/01660/FUL **Town / Parish:** Bradfield Parish Council

Applicant: Mrs Brenda Leek

Address: The Old Ram and Hoggett Inn Heath Road Bradfield

Development: Change of use of part of dwelling to tea shop, formation of on site car park and reinstatement of vehicular access.

1. Town / Parish Council

Bradfield Parish Council No objection subject to adequate off road parking being made available.

2. Consultation Responses

ECC A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.
Highway
s Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following measures:

1 For the existing vehicular access proposed for customer parking consideration should be given to construct the access to the width of the existing dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the vehicular access do so in a controlled manner utilising the existing drop kerb of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1

2 No unbound materials shall be used in the surface treatment of either vehicular access within 6 metres of the highway boundary

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1

3 Should the existing drop kerb or any part of an access for the customer parking be rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1

4 The development shall not be open until such time as the car parking and turning area, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any

purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the main street does not occur, in the interests of highway safety and in accordance with Policy DM 1

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

Food
Health
and
Safety

No objection or comments to make with respect to this application.

Building
Control
and
Access
Officer

No adverse comments at this time.

3. Planning History

95/00824/FUL	(Ram and Hogget Public House, Heath Road, Bradfield) Conversion of public house to a single domestic dwelling	Approved	31.08.1995
75/00799/FUL	New toilet accommodation	Approved	18.08.1975
81/00174/FUL	Erection of single detached garage	Approved	10.03.1981

	and patio for private use and wall		
82/00162/FUL	Internal alterations and food preparation room including car park extn	Approved	20.04.1982
07/00981/FUL	Conversion of property into two dwellings with associated extensions and alterations plus detached single garage, as amended by drawings received on 28.08.07.	Approved	06.09.2007
09/00859/FUL	Erection of 2 no. single storey dwellings; erection of detached double garage to serve dwellings and new vehicular access.	Withdrawn	12.10.2009
10/60309/HOUEN Q	Replacement windows		15.04.2010
17/00740/HHPNO T	Erection of a single storey pitched roof rear extension 5 metres in depth and 4 metres in maximum height.	Approved	
17/00992/FUL	Rear single storey extension.	Approved	10.08.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PP6 Employment Sites

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies

according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is The Old Ram and Hogget Inn which is a south facing two storey dwelling located within the settlement boundary of Bradfield. The host dwelling is situated within a residential area predominately constructed from detached dwellings.

Proposal

The application seeks planning permission for the change of use of part of the dwelling to a tea shop, formation of onsite car park and reinstatement of vehicular access.

Planning permission was granted under reference 17-00992-FUL for a single storey rear extension to accommodate the kitchen and sun lounge.

Assessment

The main considerations for this application are the principle of development, the design and appearance, impact upon residential amenity and highway safety.

Principle of development

The proposal involves the change of use of part of the dwelling to a business. It is acceptable in principle subject to the detailed consideration against Saved Policy ER7 of the Tendring District Local Plan 2007, which states that the proposed works, will be permitted, and provided it meets the following considerations.

- a) The scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses;

The proposed tea shop is considered to be of an appropriate scale and nature within the locality. The submitted information indicates that the proposal will have opening hours of Monday to Friday 08:00 - 17:00, Saturday 08:00 - 17:00 and Sundays/Bank Holidays 09:00 - 16:00. To the south of Heath Road is 'T.R Autos', a car garage, which is open Monday to Friday 08:30-17:30, Saturday 08:30 - 13:00 and Sunday by appointment. As the surrounding area is primarily residential a

condition will be imposed to ensure that these times are adhered to in order to avoid any noise disturbance in the evenings. It is therefore considered that the proposal is acceptable in this location.

- b) There is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution;

The proposal is to be tea shop served on site. Although the site is located within a residential area, there is good distance to neighbouring properties and therefore it is not considered this will result in significant noise, smell, dirt or other pollution which will impact to adjacent neighbours and is therefore acceptable.

- c) Satisfactory vehicular access and adequate car parking is provided. Major new industrial or warehousing sites including transport storage operations must have direct access onto primary route network;

The site has adequate parking facilities to the front of the building, whilst it is also in within good walking distance of public transport links. Essex County Highways has been consulted on this application and do not raise an objection subject to the following conditions:

- For the existing vehicular access proposed for customer parking consideration should be given to construct the access to the width of the existing dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority. This condition has not been imposed as the existing access is not proposed for the use of the tea shop.
- No unbound materials shall be used within 6 metres of the highway
- If the existing dropped kerb is redundant, this will need to be suitably and permanently closed.
- The car parking and turning area need to be constructed prior to opening the tea shop
- Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

As stated within the Essex Parking Standards Guidance, an A3 use requires 1 parking space per 5 square metres. In this instance the tea shop measures 28 squares metres and therefore the proposal requires 6 parking spaces. The Block Plan Scale 1:200 demonstrates 11 parking spaces however, the spaces fall short of the Essex Parking Standards requirements of a parking space measuring 5.5 metres by 2.9 metres. It is considered that there is sufficient space to the front of the dwelling to accommodate at least 6 parking spaces to serve the tea shop and retain sufficient parking to serve the dwelling.

- d) Mains water together with mains sewerage and/or adequate waste water and trade effluent treatment facilities can be made available;

The proposed tea shop is a small scale business and due to the existing dwelling having access to water and sewerage, it is considered that the proposal is acceptable.

- e) The site has acceptable storage facilities. The open storage of goods, containers, waste materials or finished products will not be allowed where such activity is considered to be visually intrusive;

The plans demonstrate a store room to the rear of the tea shop. Due to the small scale nature of the business, it is considered that the proposal as adequate storage facilities.

- f) In relation to a change of use, that the existing premises are suitable for purpose

The proposal retains part of the existing dwelling to the east of the site and due to the small scale nature of the business it is considered that the proposed tea shop is suitable for this location.

- g) In relation to new sites, the need for a comprehensive Design Brief, including a landscaping scheme has been considered and where necessary prepared;

This criteria is not applicable to this application and therefore it has not been taken into consideration.

- h) Opportunities for promoting the movement of freight by rail or through the districts port are in no way compromised by the development proposal.

This criterion is not applicable to this application and therefore it has not been taken into consideration.

Other Considerations

Bradfield Parish Council have no objection subject to adequate off road parking being made available.

Two letters of observation have been received from neighbouring dwellings raising the following concerns;

1. Access to the rear garden for members of the public for recreational or other purposes could cause considerable annoyance and violation of privacy to neighbouring dwellings
2. Recommendation for parking layout to avoid blocking driveways and reversing onto the main road.

In response to concern 1, the rear garden of the application site is not being considered as part of this planning application. In response to concern 2, the parking has been addressed within the report.

No letters of representation have been received.

Conclusion

In the absence of significant material harm as a result of the development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The coffee shop hereby permitted shall not be open outside the following times;

Monday to Friday 08:00 to 17:00

Saturday 08:00- 17:00

Sunday and Bank Holidays 09:00 -16:00

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

- 3 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety

- 4 Should the existing drop kerb or any part of an access for the customer parking be rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety

- 5 The tea room hereby permitted shall not be open until such time as the car parking and turning area, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the main street does not occur, in the interests of highway safety

- 6 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety

- 7 The reception and storage of building materials shall occur within the curtilage of the site and will be clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Block plan Scale 1:200, Proposed Ground Floor Layout Scale 1:100 and Supplementary Statement dated 02 October 2018.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Safety

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The applicants should be advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to:

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Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO