

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	10/10/2019
Planning Development Manager authorisation:	AN	10/10/2019
Admin checks / despatch completed	Xue	10/10/19.
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	10/10/19

**Application:** 19/00843/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr Andrew Booth - Naglotech

**Address:** St Osyth Methodist Church Chapel Lane St Osyth

**Development:** Change of use to offices.

### 1. Town / Parish Council

St Osyth Parish Council No objections.

### 2. Consultation Responses

Essex County Council  
Heritage The application is for the change of use to offices.

The above concerns the former St Osyth Methodist Church dating from 1855, which can be considered a non-designated heritage asset. The application site is located within the St Osyth Conservation Area.

As the scheme appears to propose solely the change of use of a vacant church, with no impact on historic fabric, no objection. However, should historic finishes or other elements of significance be uncovered during the course of the works, their retention and preservation is strongly encouraged.

ECC Highways Dept The supporting information submitted with the application has been fully considered by the Highway Authority. From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The proposal would intensify the use of the existing Chapel Lane junction to Spring Road which has deficiencies in geometric layout width and visibility splay provision. This is caused by the alignment constraint of the existing buildings to each side of Chapel Lane and the narrow footways to each side of the junction on Spring Road, where the buildings abut directly to the back edge of the footways.

2. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference would lead to a would lead to an unacceptable degree of hazard to all highway users and deterioration in the efficiency of the through road as a traffic carrier.

3. As far as can be determined from submitted plans there does not appear to be enough space within the site to enable vehicles visiting the site to turn and approach the Spring Road carriageway in a forward gear. Of particular concern is vehicles having to reverse the long distance from the development site along Chapel Lane and out onto Spring Road, with reduced visibility. This would result in an unacceptable degree of hazard for both emerging and approaching vehicles and to other highway users to the detriment of highway safety.

4. The overall parking provision is considered to be inadequate as submitted and therefore if permitted, would set a precedent for future similar developments, which would likely lead to inappropriate parking detrimental to the general safety of all highway users.

The proposal is therefore contrary to policies DM1, DM7 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### NOTES:

i. Chapel Lane is a private narrow road with no pedestrian footways on either side leading down to the proposed site; Chapel Lane is for the majority only wide enough for a single vehicle with no scope to provide any passing places. The proposal will have the potential to lead to an intensification in vehicle movements as a result of this proposal.

ii. There are no details on the provision of covered cycle parking facilities for employees/ visitors to the premises particularly as stated in the covering letter that some of the employees live locally to St Osyth.

iii. There are no details in relation to deliveries to the business and the size and frequency of these vehicles and how they will access the premises. It is unclear whether the area beyond the Methodist Church is a potential turning area for all vehicles using Chapel Lane or is purely for access to the Telephone Exchange.

iv. The details on the block plan show 4 parking spaces and the office will have 8 employees working from the proposed premises.

v. There is little in the way of on street parking on Spring Road with the road subjected to existing no waiting restrictions and limited waiting bays for the use of the existing shops in the vicinity of this area.

### **3. Planning History**

93/00351/FUL	Alterations and extension	Approved	05.05.1993
09/00406/FUL	Proposed double entrance doors and canopy to front elevation and demolition of existing store building to create car parking area.	Refused	11.06.2009
09/00407/CON	Proposed double entrance doors and canopy to front elevation and demolition of existing store building		07.05.2009

to create car parking area.

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

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

EN17 Conservation Areas

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

PPL8 Conservation Areas

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 relates to St Osyth Methodist Church which is located within the settlement development boundary of St Osyth and within the St Osyth Conservation Area.

The use of the church ceased in May 2019 due to lack of attendance. The physical structure of the former Church includes the main area of worship a single side addition and a small courtyard area. The existing front of the building has two porched doors either side of a central feature window. As indicated on the Site Plan the detached store building has already been removed.

### Description of Proposal

This application seeks full planning permission for the change of use to offices with associated parking.

The works will involve external changes, and the hours of operation are to be 8.30am to 5.30pm Monday to Friday. The site will employ 10 members of staff.

### Assessment

Paragraph 80 of the National Planning Policy Framework (2019) states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 127 of the National Planning Policy Framework (2019) states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Adopted Policy ER7 states that in considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites, the Council will need to be satisfied that:

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

*The surrounding area is predominately residential with some commercial uses within walking distance. The site itself has operated as a church for a long time. The use will allow for an employment use in a sustainable location and does not involve any external changes. Overall, it is therefore considered to be an appropriate use in this locality given the lawful use and level of activity which would be associated with that use in full operation.*

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

*The site is located adjacent to residential properties to the north, east, south and south-east. However, while the proposal could result in a degree of noise disturbance through the comings and goings of vehicles, this will not largely differ to the sites existing use. Given this, and that the*

opening hours of 8.30am to 5.30pm Monday to Friday, the proposal is considered to be acceptable in this sustainable location given the existing use of the building.

c) satisfactory vehicular access and adequate car parking is provided;

*The proposed offices will be accessed via the existing access along Church Lane. There are parking spaces to the rear of the building which as stated on the application form can accommodate up to 5 parking spaces.*

*Essex Highways Authority have been consulted on this application and have objected on the basis that the proposal would intensify the use of the existing Chapel Lane junction to Spring Road, the proposal would lead to an unacceptable degree of hazard to all highway users, does not appear to be enough space within the site to enable vehicles visiting the site to turn and approach the Spring Road carriageway, not sufficient parking provision. However, due to the comings and goings of the existing lawful use when in full operation and due to the sites sustainable location, it is considered that, on balance, the proposed change of use will not cause any material harm to highway safety and that the economic benefits of the proposal outweigh the parking and highway safety concerns given the existing use and associated levels of activity when in full operation.*

*The existing use for a church falls under D1. The use requires 1 space per 10 sq metres. The proposed B1 use requires 1 space per 30 sq metres. The change of use from D1 to B1 requires less parking as stated within Essex Parking Standards Guidance, this reflects the likely level of activity associated with the existing church use when in full operation. From the plans provided it is possible that the site can accommodate up to 4 car parking spaces which falls under the 7 space requirement. However as the site is located within a sustainable location and there is on street parking available, it is considered that the proposal will not cause any significant impact upon highway safety. A condition will be imposed for cycle parking to be provided on site.*

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

*The applicant has stated within the application form, that the foul sewerage will be disposed of by mains sewer and there is a commercial bin provided on site to dispose of waste.*

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;

*This is not applicable.*

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

*The site has been operating as a church for a number of years. Given this and that there are numerous surrounding examples of commercial uses, this site is considered to be acceptable for the proposed use.*

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

*This is not applicable.*

h) opportunities for promoting the movement of freight by rail or through the district's ports are in no way compromised by the development.

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

Heritage impact

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

The application site is located within the St Osyth Conservation Area, it is considered that due to the application being sited at the end of Chapel Lane reducing its prominence as well as the proposal not altering the external appearance of the existing building. It is therefore considered that the proposal will preserve the setting of the Conservation Area and will bring the building back into use.

The Historic Environment Consultant has commented on this application and has stated that the former St Osyth Methodist Church dating from 1855, which can be considered a non-designated heritage asset. The application site is located within the St Osyth Conservation Area. As the scheme appears to propose solely the change of use of a vacant church, with no impact on historic fabric, there is no objection to the application. However, should historic finishes or other elements of significance be uncovered during the course of the works, their retention and preservation is strongly encouraged.

#### Other Considerations

St Osyth Parish Council have no objections on this application.

No letters of representation have been received.

### 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 development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing No. MSCD/2, Heritage Statement dated August 2019.

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

- 3 The hereby permitted use shall only operate between the hours of 08:30 and 17:30 Monday to Friday. There shall be no working on Saturdays, Sundays or Public Holidays.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity.

- 4 The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety

### 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.

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