

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	25 th Feb 2020
Planning Development Manager authorisation:	TF	01/03/2021
Admin checks / despatch completed	CC	01.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	01.03.2021

Application: 20/01605/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr Robert Smith

Address: Blue Sari Restaurant Heath Road St Osyth

Development: Proposed change of use of ground floor to serviced office accommodation with associated bin and bike storage and retention of existing car park.

1. Town / Parish Council

St Osyth Parish Council
22.01.2021

No objections.

Following a conversation as to the history of the property, Councillors voted 8 to 4 in favour of the application.

2. Consultation Responses

TDC UU Open Spaces
05.01.2021

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear.

No contribution is being requested from Open Spaces on this occasion.

TDC Building Control and
Access Officer
21.12.2020

No adverse comments at this time.

ECC Highways Dept
22.01.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2010. It is noted that the current car park and vehicular access will be unchanged and as such the proposal offers adequate parking and turning.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

TDC Waste Management
18.12.2020

Bin storage area for flats must be accessible via hardstanding flat access surface with minimal walking distance to public highway to transport waste and recycling by the operative. Bin storage area to be of sufficient size to accommodate receptacles for both recycling and residual waste storage for the two residential units.

TDC Environmental
Protection
12.01.2021

Contaminated Land - the site in question is a piece of registered, historical contaminated land; taking into the account the proposal and the lack of ground works taking place, we are requesting a watching brief in relation to an unexpected ground contamination; we request the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

3. Planning History

92/01209/FUL	(The Beehive Inn, Heath Road, St Osyth) Rebuilding and repositioning of public house	Approved	15.12.1992
95/00098/FUL	(The Beehive Inn, Chisbon Heath, St Osyth) Retention and completion of car park, installation of LPG tank, resiting of oil tank. Erection of perimeter fences, access lighting and landscaping	Approved	04.04.1995
97/00091/FUL	(Beehive Public House, Heath Road, Chisbon Heath, St Osyth) Redevelopment of car parking and changes to landscaping and gardens and pitch roof to entrance lobby	Approved	06.03.1997
12/01016/FUL	Retention of caravan for use as a rest room and changing room for female staff and storage.	Approved	17.12.2012
15/01884/FUL	Retention of caravan for use as a rest and changing room for female apprentices or staff and also some storage.	Approved	09.08.2016
20/30064/PREAPP	Demolition of existing premises and proposed erection of 8 dwellings.	Refused	15.05.2020
20/01605/FUL	Proposed change of use of ground floor to serviced office accommodation with associated bin and bike storage and retention of existing car park.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- 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
- ER10 Small Scale Employment Sites in Villages
- ER32 Town Centre Uses Outside Existing Town Centres

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

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL3 Sustainable Design
- PP13 The Rural Economy

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and

adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal

Site Description

The application relates to the premises formerly known as the Beehive Inn; the existing building is the outcome of planning approval 92/01209/FUL and has the appearance of a domestic dwelling.

The immediate area is predominantly characterised by larger properties set on spacious plots interspersed between mature vegetation. This pattern of built form viewed in conjunction with roadside hedges and intervening vegetation promotes a semi-rural character and appearance.

The Public House use ceased in around 2010; the subsequent tenants who operated the premises as a restaurant did not apply for a change of use. The building has been vacant since the last restaurant operator ceased to trade – further, the ancillary first floor flat was also rented out as a separate unit of accommodation.

The site benefits from a large car park.

Description of Proposal

As submitted, the application proposed the change of use of ground floor to serviced office accommodation and the subdivision of the very large first flat in to two separate flats. During the determination of the application changes to the Development Plan (inasmuch as the Council being able to demonstrate more than adequate housing land supply for at least 6.5 years) would have meant that creation of an additional residential unit would have resulted in an unsustainable form of development and the application would likely have been refused. Following successful negotiations, the application was amended and the proposed residential provision was omitted from the description of the development.

The application proposes the change of use of 340sqm of restaurant to nine 'pods' of work space for the use of businesses that have either de-centralised or need to down-size due to the economic situation.

Assessment

The main planning considerations are:

- Employment/Economy;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Representations; and,
- Other Considerations.

Employment/Economy:

Whilst the thrust of both local and national policy is to direct new jobs to existing built up areas and centres of employment, it is recognised that the District's rural areas and open countryside also make an important contribution to the overall economy of the District and so the Council should seek to achieve sustainable economic growth of its rural economy. To help stimulate and diversify the changing rural economy, the retention of employment opportunities in villages is supported

and, in rural locations, the visual impact on the landscape character of the countryside will be an important consideration.

Many small scale employment activities can be accommodated in small communities, which can provide much needed local employment opportunity and help to retain the working population. Sites must be properly located to avoid causing traffic problems, noise and disturbance to local residents and harm to village character.

Saved Policies ER7 and ER10 do not restrict business proposals for sites within the Settlement Boundary and emerging Policy PP13 supports growth in the rural economy.

The application is accompanied by an extremely detailed diary of events in regards to the downfall of the public house and later the restaurant and more than sufficient information has been submitted to adequately demonstrate that the marketing of the premises has been unsuccessful. In regards to Policy ER7, the change of use of the existing premises are considered suitable for conversion and works involved are likely to be limited to the installation of partition walls only. There is no increase in footprint proposed and, when compared to the potential for visitors to the site associated with a public house or restaurant – the number of vehicular movements could be comparable.

Layout, Scale and Appearance:

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The works are for tantamount to internal alterations only, notwithstanding this in regards to the alternate use, the scale of the development proposed is likely to be comparable to the existing level of activity – and less in the context of the likely hours of operation.

Amenities of Existing & Future Occupiers:

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In regards to the amenity of existing occupiers, the scale of the development proposed is likely to be comparable to the existing level of activity – and less in the context of the likely hours of operation.

Highways:

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Highways Authority comments that the current car park and vehicular access will be unchanged and as such the proposal offers adequate parking and turning; from a highway and transportation perspective the impact of the proposal is acceptable.

Representations:

St Osyth Parish Council have no objections to the proposal.

Other Considerations:

Environmental Protection’s request for a condition requiring a watching brief as a consequence of the site in question is a piece of registered, historical contaminated land is not considered to comply with Paragraph 55 of the NPPF as it is both unnecessary and not relevant to the development to be permitted as there is no land being ‘broken’.

In regards to the hours of operation; it is considered that a balanced approach between protecting the amenity of nearby residents in conjunction with users of the offices would be to limit the hours of operation from 06:00am to midnight.

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:- 2781, revision 3B, received 10th February 2021.

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

- 3 The use as a central office hub shall only be permissible between the following hours:- 06:00-midnight seven days per week.

Reason - In the interests of residential amenity.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO