

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/01/2022
Planning Development Manager authorisation:	SCE	07.01.2022
Admin checks / despatch completed	DB	07.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	07/01/2022

Application: 21/01536/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr Azzouz El-Mahraoui - Coffeelink Ltd

Address: The Old Store Room Manningtree Railway Station Station Road

Development: Proposed conversion of old store room at railway station into a coffee kiosk.

1. Town / Parish Council

Lawford Parish Council Have not commented on this application

2. Consultation Responses

ECC Highways Dept
21.12.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. 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. It is noted that the proposal is set well back from the highway and is similar to a previous application (19/01697/FUL) which the Highway Authority did not raise an objection to, considering these factors:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
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Colchester, CO7 7LT

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully

functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

07/01991/LUPRO P	Proposed lawful use - single storey car park deck to provide 149 spaces constructed over existing surface level car park.	Lawford Use Certificate Granted	25.02.2008
08/00643/DETER M	Track renewal including sleepers and ballast.	Application Not Required	06.05.2008
08/00820/TPO	1 x Oak Tree (T1) - crown lift, particularly lower branch over existing car park, and crown reduction.	Approved	23.06.2008
14/00273/FUL	New passenger lifts to the existing subway under the tracks and relocation of the subway staircase on platform two.	Approved	02.05.2014
15/01916/TPO	1 No. Oak - remove all deadwood within crown and crown reduce by 25%	Approved	19.01.2016
19/01697/FUL	Converting old storeroom at railway station (B8) to a coffee kiosk (A1/A3).	Withdrawn	06.01.2020

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

EN5 Areas of Outstanding Natural Beauty (AONB's)

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Adopted Policies

SP7 Place Shaping Principles

Relevant Emerging Policies

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to The Old Store Room, Manningtree Railway Station, Station Road, Lawford. The current use of the building is for an old storeroom and it is located on the station platform.

Use Classes Order Update

On 21st July 2020 radical changes to the Use Classes Order were made through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This included the revocation of Use Classes A, B1 and D, and the introduction of new Use Class E (Commercial Business and Service). The current retail use now falls within the new Class E.

The uses to be revoked (and replaced with the new Use Classes) include hot food takeaways falling under sui generis use from 1st September 2020.

Description of Proposal

The application seeks full planning permission for the change of use from the Old Store Room (Class B8) to a coffee kiosk (Class E).

There will be minor amendments to the internal layout only with no external changes.

Assessment

The main considerations in this instance are;

- Principle of Development and Compatibility of Use;
- Design and Appearance
- Residential Amenities;
- Accessibility;
- Area of Outstanding Natural Beauty (AONB); And
- Representations.

Principle of Development and Compatibility of Use

Paragraph 86 of the National Planning Policy Framework seeks to promote the vitality of town centres by ensuring that policies and decisions are positive, promote competitive long-term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries.

The new use classes order amendments reflect a radical overhaul to the planning regime to allow the flexibility the system needs to revitalise and secure the longevity of our High Streets and town centres. The site lies within the settlement boundary of Manningtree.

The proposed Class E use to a coffee kiosk can be considered a main town centre use and is typically seen at train stations, which is consistent with adopted and emerging local policy requirements encouraging this type of use within Town Centres.

Overall, therefore, the proposed change of use would be consistent with the character of the area and local and national policy.

Design and Appearance

There are no external alterations proposed with limited alterations to the internal appearance of the building to facilitate the use. It is therefore considered that the proposed change of use will not cause any visual impact upon Station Road.

Residential Amenities

There are no immediate neighbours to the application site and therefore the proposed conversion is not considered to cause any significant impact.

The proposed coffee shop will be open 05:30 - 17:30 Monday to Friday, 06:00 -15:00 Saturday and 09:00 - 14:00 Sunday and Bank Holidays. The application form states that there will be only one full time employee at the application site. It is therefore considered that the opening times proposed are considered acceptable and in keeping with this type of use.

Having regard to the character of the area, any impact on residential amenities from the proposed use cannot be considered significantly harmful to warrant refusal of planning permission on this basis.

Accessibility

The site is located within in a highly sustainable local centre in easy walking distance of residential properties and public transport.

Prospective clientele will be using the train and will either park in the station car park, be dropped off or will be using public transport.

Essex Highway Authority have been consulted on this application and have stated that 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. It is noted that the proposal is set well back from the highway and is similar to a previous application (19/01697/FUL) which the Highway Authority did not raise an objection to, considering these factors the Highway does not object.

Area of Outstanding Natural Beauty

Policy EN5 of the Tendring District Plan 2007 states that development which would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB, including the views towards it from outside, will not be permitted. Major development will only be approved if there an overriding national need, and in the absence of any alternative sites outside the AONB. The Council will have regard to the Dedham Vale Management Strategy when determining applications affecting the Dedham Val AOMB. Conflicting proposals will not be permitted. PPL3 of the Emerging Local Plan states that Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale AONB, and its setting, and the setting of the Suffolk Coast and Heaths AONB, including any relevant AONB Management Plan objectives. New development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area affected.

The proposal will not have a substantial impact on the Dedham Vale AONB as the application is for a change of use with no external changes, therefore it is not considered to cause any significant harm to the landscape character of the area.

Representations

Lawford Parish Council have not commented on this application.

52 Letters of objection have been received and the comments have been summarised below:

- Concerns that the station does not need another coffee shop, especially due to the Covid and the reduction in footfall.

In response to the concern above, this is not a material planning consideration and therefore has not been addressed within the report.

- Concerns that there is already adequate facilities on the site.

In response to the concern above, this is not a material planning consideration and therefore has not been addressed within the report.

- Concerns that the coffee shop will affect the viability of a well run and popular business.

In response to the concern above, this is not a material planning consideration and therefore has not been addressed within the report.

- Concerns that the car park is already overloaded and congested.

In response to the concern above, Essex Highways have been consulted on this application and do not object.

6. Recommendation

Approval - Full

7. Conditions

- 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 reports;

- Existing and Proposed Floor Plans and Elevations - Scanned 21 Oct 2021
- Site Plan - Scanned 31 Aug 2021
- Block Plan - Scanned 21 Oct 2021

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

- 3 The use hereby permitted shall only operate between the hours of:

- Monday to Friday - 05:30 – 17:30
- Saturday - 06:00 -15:00
- Sunday and Bank Holidays - 09:00 – 14:00

Reason - To ensure that the use is appropriate within its location.

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.

Highways

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Consent

Please note any new advertisements may require separate planning and/or advertisement consent.

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