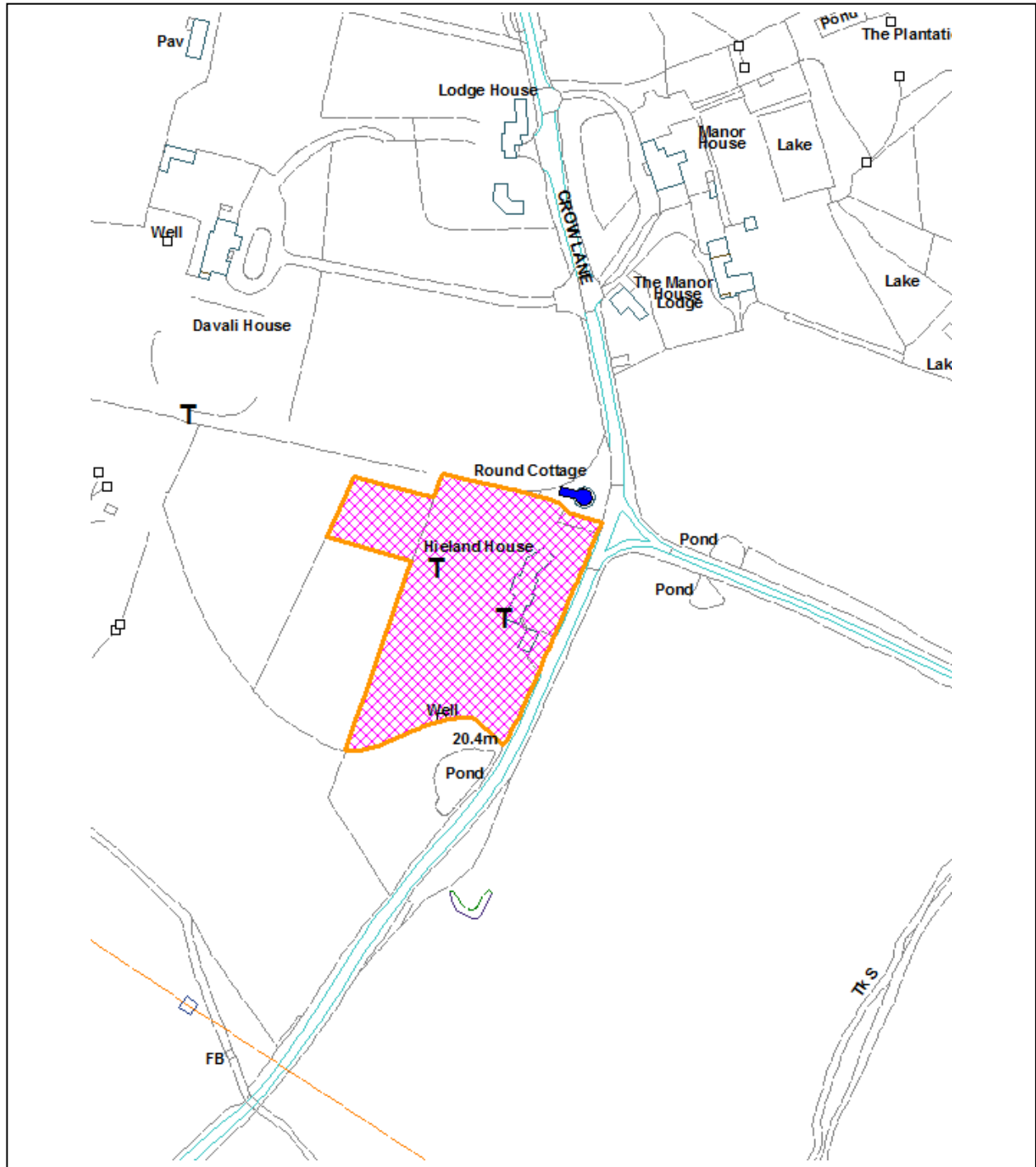


PLANNING COMMITTEE

31 October 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/01070/FUL - HIELAND HOUSE, CROW LANE, TENDRING, CO16 9AW



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Application:	17/01070/FUL	Town / Parish: Tendring Parish Council
Applicant:	Mr D Messenger - EHG Capital Ltd	
Address:	Hieland House Crow Lane Tendring CO16 9AW	
Development:	Use of property as a beauty spa and for functions during the day time only.	

1. **Executive Summary**

- 1.1 This planning application has been called in by Cllr Guglielmi on the basis of previous planning refusals and in view of the level of objections received from local residents. Cllr Guglielmi has confirmed that he neither supports or objects to the proposal.
- 1.2 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The area is predominantly rural in character.
- 1.3 This application is for the change of use of Hieland House from a domestic dwelling to a venue for functions and beauty spa treatments. There are no alterations or extensions proposed to the property.
- 1.4 The site has been the subject of two recent planning refusals concerning the use of the property for functions including weddings. Both applications proposed 14 events a year (predominantly weddings) extending on beyond 7pm and ceasing at midnight. The applications were both refused due to the adverse impact upon local residents.
- 1.5 This application is for the change of use of Hieland House to allow it to be used as a beauty spa and for holding functions during the day only. There are no alterations or extensions proposed to the property. The only external works involve amendments to the access drive and provision of a car parking area. The proposed hours of operation are 8am-7pm (Monday – Saturday) and 10am-4pm (Sundays).
- 1.6 In the absence of any objections from the Council's Environmental Health Department, Essex County Council Highways and the Council's Trees and Landscaping Officer the development, in accordance with the conditions recommended below, is considered to be acceptable in respect of its impact upon residential amenity, highway safety, heritage impacts and visual amenity and tree concerns. As such the application is recommended for approval.

Recommendation: Approve

Conditions:

- Time Limit
- Operating hours of 8am-7pm (Monday-Saturday) and 10am-4pm (Sundays)
- Visibility splays to access (2.4 metres by 48 metres to the north and 2.4 metres x 55 metres to the south)
- Vehicular turning/parking facilities provided prior to first use and retained thereafter

- No unbound materials within first 6m of access
- Access to be constructed at right angles to road at a width of no less than 6m
- No gates to be installed to access
- Details of RPA's of trees to northern boundary and use of 'no dig' technology in areas where parking extends into those areas.
- All parking spaces being 2.9m x 5.5m in size
- No amplified music throughout the site
- Details of external lighting scheme
- Details of an overspill parking area for 20 vehicles
- Foul drainage strategy
- Accordance with approval plans

2. **Planning Policy**

NPPF National Planning Policy Framework

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

ER16 Tourism and Leisure Uses

COM22 Noise Pollution

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

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

PP8 Tourism

PPL3 The Rural Landscape

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

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, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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 216 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.

3. Relevant Planning History

16/00925/FUL	Use of property for wedding and similar functions.	Refused	21.10.2016
16/01920/FUL	Use of property for weddings and similar functions.	Refused	04.04.2017
17/01070/FUL	Use of property as a beauty spa and for functions during the day time only.	Current	

4. Consultations

Environmental Protection	Do not have any comments on this application. Anything that has been asked for previously in regards to noise from events there previously still stand.
Regeneration	The Regeneration Team supports this application for the property to be used as a Beauty Spa and for functions during the daytime only, as the applicant had stated this new business will create up to 4 new full time jobs for the area.
Tree & Landscape Officer	<p>The proposed construction of the new car parking area on the existing lawn has the potential to adversely affect the trees situated on the front boundary of the application site and the land to the north.</p> <p>A site visit reveals that the proposed car park is in a location where there appears to be sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees.</p> <p>If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary.</p> <p>If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig'</p>

construction techniques should be provided. This information should be in accordance with BS5837 2012 Trees in relation to design, demolition and construction Recommendations and could be provided prior to the determination of the planning application.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 55 metres to the south and 2.4 metres by 48 metres to the north, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.
- The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.
- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

5. Representations

5.1 Tendring Parish Council objects to this application. Observations made:

- Not sustainable

- Not suitable for the amount of traffic on a rural lane
- Not materially different from the previous application
- Not needed or wanted in residential area

5.2 A total of 16 objections have been received. The comments received are summarised below:

- noise to local residents, effecting sleep and enjoyment of property.
- dangerous bend on narrow country lane and concerns over increased level of traffic utilising the site.
- not on mains drainage/likelihood for septic tank to overflow.
- no economic benefit to local community.
- already sufficient level of spa venues in the locality.
- residential area and therefore no need for a commercial enterprise in this location.
- firework displays upsetting pets and wildlife.
- car parking provision inadequate.
- loss of residential unit.
- building already used in past for functions/office use without planning permission in place.

5.3 1 letter of support has been received stating the following points;

- brings in much needed employment.
- wonderful facilities for local people.
- Crow Lane is not a busy road.
- Property set well away from all but one property.
- There is a need for facilities like this in our community.

6. **Assessment**

6.1 The main planning considerations are:

- Site Description
- Proposal
- Planning History
- Principle of Development
- Highway Considerations
- Residential Amenities
- Heritage Impact
- Tree/Landscaping Considerations

Site Description

6.2 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The property is set within spacious grounds behind a frontage wall with entrance piers. To the north of the site are a number of detached properties most of which are set within large grounds. Directly to the north is a listed building known as Round Cottage. To the south is woodland. There are three existing vehicular access points, one adjacent to the northern boundary and an 'in' and 'out' arrangement to the centre of the plot.

6.3 The surrounding area is largely agricultural in character although a cricket ground and a restaurant are located at the northern end of the lane towards Tendring village.

- 6.4 As stated above the house has been extended with two wings on the northern and southern side of the original core of the dwelling. The northern wing is currently utilised as office space in conjunction with the applicant's wedding business. The southern wing contains the main entrance and the function room. The northern boundary of the plot is well screened by existing timber fencing and trees and shrubs.

Proposal

- 6.5 This application is solely for the change of use of Hieland House to allow it to be used as a beauty spa and for holding functions during the day only. There are no alterations or extensions proposed to the property. The only external works involve amendments to the access drive and provision of a car parking area.
- 6.6 Following a refusal for use of the property for evening functions, this proposal is now for alternative day time activities/functions including use as a beauty spa. The functions envisaged include coffee mornings, fund raising occasions, business meetings/conferences, funeral wakes and other similar functions.
- 6.7 The beauty spa will take place within the northern wing of the building including a hairdressing area and nail bar at ground floor and facilities for massage and similar therapies at first floor. The beauty spa element would accommodate no more than 8 customers at any one time and would employ 4 members of staff.
- 6.8 Functions would be held within the large extension to the southern wing. The function area would accommodate a maximum of 48 guests and could employ up to 6 staff. All catering is to be undertaken on site.
- 6.9 The hours of operation proposed for both the beauty spa and function activities is 8am – 7pm Mondays to Saturdays and 10am – 4pm on Sundays.
- 6.10 A new internal access road and parking area is proposed. The parking area would serve 22 spaces. This area is in addition to the 6 parking/garage spaces available to the applicant for himself and staff. In respect of the ability to provide overspill car parking, the land immediately to the west of the proposed car park is grass but there is a concrete roadway which serves this area. It would be suitable as an informal parking area for up to 20 vehicles.

Planning History

- 6.11 A sporadic function use has been operating from the property over last two years ancillary to the use of the existing dwellinghouse. The sporadic nature of the functions ensures that a material change of use of the building has not occurred and its lawful use remains that of a dwelling. These functions have included a number of weddings, birthday parties and anniversaries and fund raising events.
- 6.12 The site has been the subject of two recent planning refusals concerning the use of the property for functions including weddings. Both applications proposed 14 events a year (predominantly weddings) extending on beyond 7pm and ceasing at midnight. The applications were both refused. The first application (16/00925/FUL) on the basis that the submitted acoustic survey did not accurately assess the development proposals and the second application (16/01920/FUL) due to the adverse impact of functions extending up until midnight upon the residential amenity of local residents. The refusal in particular made reference to the use of amplified music and noise associated with people leaving events late at night including the closing of car doors and the starting up of engines in close

proximity to the adjacent property. This refusal of planning permission is now the subject of an appeal still in progress.

Principle of Development

- 6.13 The site is located in a rural location outside of any defined settlement boundary. The National Planning Policy Framework at paragraph 28 supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and seeks to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Emerging Policy PP13 reflects this stance and supports the conversion and re-use of buildings in the countryside to employment, leisure and tourism uses.

In this instance, the proposed function/beauty spa uses will employ up to 10 members of staff (6 staff members for functions and 4 staff members for the beauty spa element) and through the use of the venue for functions will bring people into the area assisting in the growth of the rural economy. The use of the venue for charity/fundraising events will also provide a meeting place for the local community promoting social cohesion.

- 6.14 As such the development would be in accordance with Government Guidance as contained in the National Planning Policy Framework, which supports economic growth and the expansion of all types of business and enterprise in rural areas. Consideration therefore turns to the detailed aspects of the proposals and particularly, given the previous reason for refusal, the impact upon local residents' amenities.

Highways Considerations

- 6.15 In view of the proposed change from a domestic use to a leisure use and highway implications this could cause a site specific Transport Statement has been carried out. The statement concludes the following;

'The proposed change of use would include the improvement of the site access. The site access currently has a substandard visibility envelope. The visibility envelope which would be available with the revised site access arrangements would meet nationally recognised design standards. Annual vehicle movements are expected to be similar with the proposed uses as compared to the extant residential use. There will be increases in weekend flows however these will largely be compensated for by decreases in weekday flows such that there would be a net increase of less than 5%.

Based on the findings of this Highways Statement it can be concluded that the effect of granting consent for this development in transport and highway terms would not cause noticeable harm and consequently could not be considered as having a severe effect'.

- 6.16 Essex County Council Highways have reviewed the proposals and the findings of the transport statement and do not object to the application subject to the conditions stated above concerning the provision of visibility splays to the new centralised access, the parking/turning area being provided prior to first use, no unbound material in first 6m of highway access, the vehicular access being to a width of 6m and formed at right angles to the road, no gates to the site access and parking spaces being 2.9m x 5.5m in size. These requirements will be secured through the use of appropriately worded conditions.
- 6.17 In terms of parking provision, the layout shows that 22 parking spaces would be provided on the land to the north of the building. This area is in addition to the existing 6 spaces provided for staff. The Council's parking standards state that for function/conference

centres in rural areas parking provision shall be determined on each proposals individual merits. The supporting documentation states that a maximum of 48 guests could be at an event. Whilst it is acknowledged that some guests may attend a function via minibus or taxi an overspill parking area should be agreed. The applicant has confirmed that they are open to a condition securing details of an overspill parking area to the west of the proposed parking arrangement. This would provide parking for 20 additional vehicles, which is considered to be acceptable.

Residential Amenities

- 6.18 The use of the property for functions has the potential to impact upon residents living to the north of the application site, through noise and disturbance from the use of the building itself and from the use of the proposed car parking.
- 6.19 As stated above, the previous applications were refused on the basis that the 14 events extending up until midnight would adversely impact upon nearby resident's amenity, particularly in respect of the use of amplified music and the noise/disturbance associated with people and vehicles leaving functions late at night.
- 6.20 The proposal now under consideration removes all evening/late night functions from the scheme by proposing a finish time for events of 7pm (Monday to Saturdays) and 4pm (Sundays). Furthermore the proposal, due to the nature of the functions occurring during the daytime, does not involve the provision of any amplified music.
- 6.21 The acoustic survey which accompanied the previously refused application is largely irrelevant to this proposal as no amplified music is proposed along with significantly earlier finishing times. Notwithstanding this point, the acoustic survey did conclude that the noise levels created from music would be below the ambient levels at identified receptors.
- 6.22 Therefore the early finishing times of functions and the absence of any amplified music ensures that the impact upon local residents, in terms of noise and disturbance from both the use of the building for functions and as a beauty spa along with the use of parking areas, falls within acceptable tolerances. The parking areas are in close proximity to the neighbouring property at 'Round Cottage'. However, due to the early evening finishing times and nature of the functions/uses proposed, i.e. conferences, fund raising events, coffee mornings and the beauty spa use, the noise associated with the use of the parking areas would be staggered and take place at times more sympathetic to nearby resident's amenity.
- 6.23 The Council's Environmental Health Team has confirmed that they have no comments to make upon the application but state that their previous comments in respect to noise stand. Again many of the conditions they previously requested are irrelevant to this proposal due to the absence of amplified music. However, conditions will be attached ensuring that no amplified music is used throughout the site and that the hours of operation proposed are strictly adhered to.

Heritage Impact

- 6.24 Directly to the north of the site is a Grade II Listed Building known as 'Round Cottage'. This is a lodge dating back to the 19th Century and is octagonal in shape. The construction of the parking area will be close proximity to the listed property. However, the parking will consist of a gravel surface and will be supplemented by planting. Furthermore, the parking spaces will replace an existing driveway.
- 6.25 The impact upon the setting of the adjacent listed building is therefore considered to be minimal.

Visual Amenity/Trees

- 6.26 The only external changes proposed are those to the access and through the creation of an external parking area. The parking area would be set to the side and rear of the property on its northern side and therefore be largely screened in views from Crow Lane by the existing property, current vegetation and by the existing wall to the front of the site. The impact upon visual amenity from the proposals would therefore be minor.
- 6.27 In regard to the car park area and the impact upon existing trees, the Council's Trees Officer has commented as below;
- 6.28 'A site visit reveals that the proposed car park is in a location with sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees. In terms of the construction of the car park the development proposal does not threaten harm to the existing trees on the application site or adjacent land. If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary. If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig' construction techniques should be provided'.
- 6.29 As such a condition is recommended to secure details of the Root Protection Areas of the trees on the northern boundary along with the use of 'no dig' technology if the parking areas extend into those protection areas.

Background Papers

None