



**REPORT of
CHIEF EXECUTIVE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 SEPTEMBER 2017**

Application Number	FUL/MAL/17/00650
Location	14 High Street Southminster Essex CM0 7AA
Proposal	Conversion of existing former Post Office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) and internal and external changes to the Listed Building including changing a window to a door.
Applicant	Mrs S Mackler
Agent	Guy Clark - Gclarkitecture
Target Decision Date	25 August 2017 EOT: 12.09.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

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Applicant	Mrs S Mackler
Agent	Guy Clark - Gclarkitecture
Target Decision Date	7 August 2017 EOT: 12.09.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

FUL/MAL/17/00650:

APPROVE subject to the conditions (as detailed in Section 8 of this report).

LBC/MAL/17/00651:

GRANT LISTED BUILDING CONSENT subject to the conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Planning permission is sought for the change of use of the application site from use class A1 (former post office) to a mixed bakery shop (A1) and tea room / coffee shop (A3). The development includes internal and external changes to the Listed Building including changing a window on the front elevation of the Listed Building to a door.

3.1.2 The application site is located on the northern side of the High Street within the settlement boundary and conservation area of Southminster. The application relates to a grade II listed, two storey dwelling and the former post office which is a later single storey addition to the listed building. The brick and rendered building is located directly on the High Street. To the west of the old post office is a driveway giving access to a recent development of 6 cottages to the rear (The Hawthorns). To the east there are dwellings and within the surrounding area there are shops, restaurants and takeaways.

3.2 Conclusion

3.2.1 The proposed change of use is considered to contribute to the retail attractiveness, economic viability and vitality of the High Street. The proposed works are not considered to detract from the special architectural or historic interest of the conservation area or the historic significance of the listed building. The site is also in close proximity to public car parks. Therefore, planning permission is recommended to be approved and listed building consent is recommended to be granted.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7
- 17
- 47
- 56
- 118

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State:

- D1 - Design Quality and the Built Environment
- D3 - Conservation and Heritage Assets
- T1 - Sustainable Transport
- E3 - Community Services and Facilities
- S1 - Sustainable Development

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The District's community services and facilities form an important component of urban life in the District. To many residents they are a vital resource in meeting day to day functions and also maintaining a healthy and social lifestyle. In accordance with the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. There are three mutually dependant dimensions to sustainable development: economic, social and environmental. Given the importance of community facilities to local residents, there is a need to secure and maintain the functions of community services and facilities across the District.

5.1.2 In terms of policy designation, Southminster's high street is regarded a Village Centre. Policy E3 of the Council's Local Plan states that development which will help to improve the provision of community services and facilities in a local area will be encouraged, including the relocation, co-location, modernisation and expansion of existing services.

5.1.3 Similarly, the NPPF encourages economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should;

- support 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;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

5.1.4 It is therefore considered that the principle of the proposed development to provide a mixed A1/A3 use is acceptable as it would support economic vitality and viability in retaining and developing a redundant community facility.

5.1.5 Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area and Listed Building

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.
- 5.2.2 The basis of policy D1 of the LDP ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 The application site is located within the Southminster Conservation Area. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used.
- 5.2.4 The only external change to the building is the replacement of a window with panelled timber French doors. The existing window is located on the front elevation of the Listed Building, on the later single-storey addition attached to the southern end of the dwelling, which was formerly the village post office. The internal changes include the removal of an internal partition and the erection of partitions to form a WC. It is considered that the changes are minor and would not result in the loss of historic fabric to the listed building and is considered to preserve the Conservation Area and Listed Building.

5.3 Impact on Residential Amenity

- 5.3.1 The application site is in a village centre location which is characterised by a range of uses including commercial and residential. The environmental health team have some concerns in relation to noise and odour resulting from the proposed change of use on the neighbouring occupiers.
- 5.3.2 It is proposed to change the use of the site from A1 retail to combined A1 retail/A3 restaurant. The applicant has confirmed that there will be no frying or grilling in relation to supplying hot food and that there are no intentions to include any primary cooking in respect of cooking raw or fresh foods. Whilst it is considered that the minor nature of the café-style operations of the proposed use would not result in a detrimental effect upon the amenities of the neighbouring occupiers, the future loss of amenity arises from the potential use of the site and the possibly of foods with particularly strong odors being cooked. The Council must be satisfied of the appropriateness of the site for a restaurant use considering its lifetime and not solely the interest of the applicant. Therefore, it is considered that an appropriate condition could be attached to any positive decision in order to protect the amenities of the neighbouring occupiers from noise and odours.

5.4 Access, Parking and Highway Safety

- 5.4.1 The unit does not benefit from dedicated off road parking; however, it is currently located within close proximity to a public car park. There are good connections to the

site in terms of public transport and therefore, it is not considered that the proposed development would have a detrimental impact on highway safety or the free flow of traffic. Furthermore, the site is currently an A1 use and it is not considered the change to mixed A1/A3 use would increase the traffic to a detrimental level.

5.5 Other Material Considerations

- 5.5.1 It should be noted that the applicant has confirmed that the property is connected to the main sewerage system and not a septic tank. Environmental Health has been re-consulted given their suggested condition; which may therefore be redundant. Any response received will be reported on the Members' Update.

6. ANY RELEVANT SITE HISTORY

- **16/01170/COUPA** - Conversion of existing former post office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) - Prior Approval Refused - 29.11.2016.

This was refused due to the site being within a conservation area and including a listed building. Permitted development rights are therefore not applicable and accordingly this planning application is required.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish Council	Comment	Officer Response
Southminster Parish Council	Object Insufficient car parking increased congestion on the High Street. The narrow entrance to the rear of the property and increased use of the septic tank raise concerns.	Addressed within paragraph 5.3 and 5.5 of the Officers Report

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	Given the previous use of the site and its location within the central area of Southminster, from a highway and transportation perspective, the Highway Authority has no objection to the proposal.	Noted

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Concerns were raised in relation to the potential odours, noise and increased use of septic tank but were considered to be resolved through the imposition of conditions.	Addressed within paragraph 5.4 and 5.5 of the Officers Report
Conservation Officer	No objection	Noted.

7.4 Representations received from Interested Parties (summarised)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Ms Bedwell & Mr Thomas - 3 The Hawthornes Southminste
- Miss Zara Weston - Shire Cottage 2 The Hawthorns Southminster

Objection Comment	Officer Response
Entrance to The Hawthornes is narrow and has 5 blind spots.	Addressed within paragraph 5.4.
Dispute over parking and ownership of the car park and spaces, customers could park in private spaces.	Evidence of the ownership of the land outlined in red on the submitted location plan has been supplied to the Council.
Where will the rubbish be stored?	A plan showing the proposed refuse storage has been supplied and Environmental Health have been consulted; the response will be reported on the Members' Update.

8. PROPOSED CONDITIONS

FUL/MAL/17/00650:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved plans: HS-MA-05.
REASON: In order to ensure that the development is carried out in accordance with the approved details.
3. The use hereby permitted shall not include any primary cooking, that is the application of heat to raw or fresh food in order to cook it, unless an adequate scheme for ventilation is approved by the Local Planning Authority, except for a toaster, microwave, sandwich press and oven of no more than 60cm wide,

The ventilation scheme as agreed shall then be implemented prior to the beneficial occupation of the site for the approved use and retained as such.
REASON: To protect the amenity of the neighbouring occupiers in accordance with policy D1 of the Maldon District Local Development Plan.

4. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

5. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

REASON: To ensure adequate refuse facilities are available in accordance with policy D1 of the Maldon District Local Development Plan.

LBC/MAL/17/00651:

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

REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved plans: HS-MA-05.

REASON: In order to ensure that the development is carried out in accordance with the approved details.

3. All new joinery shall be constructed of hand-painted timber only and retained as such thereafter.

REASON: To ensure that the details of the development do not detract from the listed building in accordance with policy D1 and D3 of the Maldon District Local Plan.

4. Prior to commencement of the development hereby approved, large scale drawings of the new external doors, illustrating elevations at 1:20 and section profiles through the, head, cills, jambs and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To ensure that the details of the development do not detract from the listed building in accordance with policy D1 and D3 of the Maldon District Local Plan.

INFORMATIVES

1. Food Hygiene and Health & Safety

The Applicant is advised to consult Environment Services on any requirements we may have regarding Food Safety and Health & Safety matters at the premises. New food business will need to register with Environment Services 28 days before it commences operation and comply with EC Regulation 852/2004.

2. Notwithstanding the information supplied within the application, this permission does not give consent for any means of ventilation. A further application for Planning Permission and Listed Building Consent may be required.