



## DELEGATED REPORT

<b>Reference:</b> 20/00979/FUL	<b>Site:</b> Highway Land Adjacent All Saints Church Drake Road Chafford Hundred Grays Essex
<b>Ward:</b> Chafford And North Stifford	<b>Proposal:</b> The placement of a mobile converted London taxi to be used as hot drinks and cold food business

Plan Number(s):		
Reference	Name	Received
1359 - 01	Existing Site Layout	29th September 2020
1359 - 02	Proposed Site Layout	29th September 2020

The application is also accompanied by: - Planning Statement	
<b>Applicant:</b> Mr Terence Hedges	<b>Validated:</b> 1 October 2020 <b>Date of expiry:</b> 17 December 2020 (Extension agreed with applicant)
<b>Case Officer:</b> Kasey-Rae Prince	

### 1.0 DESCRIPTION OF PROPOSAL

This application seeks the stationing of a converted London Taxi Cab during the daytime, to sell hot drinks, mainly coffee, and cold food.

### 2.0 SITE DESCRIPTION

The converted London Taxi Cab is to be stationed upon a triangular piece of hard landscaping that is located between the highway known as Drake Road and Warren Gorge Car Park. The area of land is separated from the car park by two trees, the site is located within a residential area which is also nearby commercial

facilities.

### 3.0 RELEVANT HISTORY

None relevant

### 4.0 CONSULTATIONS AND REPRESENTATIONS

Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

#### PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There have been 8 letters in support of the proposal and 4 who object. A summary of the objections received can be found below;

- The proposal is to be located upon a bend in the Highway, therefore creating a hazard to pedestrians and vehicles.
- The proposal may create a visual obstruction to cars exiting the car park
- The proposal may result in additional traffic
- There will be an increase in litter at the site
- There may be an increase in noise and smells at the site
- The proposal would have a negative impact upon the nearby Café which already provides a similar service
- Would create overlooking into nearby properties
- Out of character
- Would create additional pollution

#### HIGHWAYS:

No Objections subject to the use not interfering with the statutory utilities which might need to access the site.

#### ASSETS:

No Objections from Corporate Property as land is owned by Highways.

#### ENVIRONMENTAL HEALTH:

No Objections subject to owner registering the business with the Thurrock Council Food Team

### 5.0 POLICY CONTEXT

#### National Planning Policy Framework

The NPPF was published on 27 March 2012 and amended on 24 July 2018 and again on 19 February 2019. Paragraph 10 of the Framework sets out a presumption

in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

2. Achieving sustainable development
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
11. Making effective use of land

### Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Determining a planning application
- Ensuring the vitality of town centres
- Use of Planning Conditions

### **Local Planning Policy**

#### Thurrock Local Development Framework (as amended) 2015

The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

#### **Thematic Policies:**

- CSTP22 - Thurrock Design
- CSTP23 - Thurrock Character and Distinctiveness

#### **Policies for the Management of Development:**

- PMD1 (Minimising Pollution and Impacts on Amenity)

- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

### Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

### Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## **6.0 ASSESSMENT**

### Principle of Development

The application seeks permission for the use of land for the siting of a converted London Taxi Cab, to provide hot drinks and cold food. The scale of the proposal would not conflict with the objectives of the predominantly residential area which has some local amenities in the close vicinity. The proposal would not be objectionable in principle subject to compliance with Development Management Policies.

### Design and amenity

The application site would introduce a converted London Taxi Cab to be stationed on a currently vacant piece of hard landscaping adjacent to Drake Road; the Taxi would be present during the hours of 08:00 to 18:00 Mondays to Sundays. Whilst the Taxi would internally be converted, it would retain the overall appearance of a Taxi Cab.

Located both adjacent and opposite on the other side of Drake Road are two parking areas to facilitate the parade of shops and surrounding amenities. Whilst the use of a converted taxi may appear somewhat out of character, given its high visibility, and it would appear somewhat isolated upon the piece of land, the scale and mobile nature of the facility would be such that the proposals would not appear significantly out of character or represent an overly dominant feature given its surrounding context.

Given the location of the proposal, such that it would be relatively sited away from any surrounding properties or buildings and on the basis of the responses from

consultees, it is considered that there would be no detrimental impacts to neighbouring properties and buildings in accordance with policy PMD1. Nonetheless, it is recommended that a condition be imposed in relation to opening hours to prevent any harm from arising.

#### Parking and highways issues

The Corporate property team was contacted in relation to the proposal, given that the Taxi is to be sited upon Highways owned land. The Council's Highways team were formally served noticed in regards to the proposal. No objections were received.

The land in which the Taxi Cab is to be stationed is located within close proximity to a bend in Drake Road, there were concerns that the proposal could result in an obstruction in visibility, customers parking may obstruct the bend and that the area of hardstanding may not be accessible. Information has been provided addressing these concerns, as a result the council's Highways officer raised no objections to the proposal and does not consider there would be any adverse impact on the free flow of traffic and pedestrian movements in and around the site. This is due to the fact the Taxi Cab would be well set back from the Highway, in regards to customer parking there is various parking areas within close proximity to the site which would provide adequate off street parking. An existing dropped kerb is to be used in order to provide access. The application is therefore considered to comply with Policies PMD8 and PMD9.

#### Noise, Air Quality and Litter

The Council's Environmental Health Officer has advised that the applicant to contact the Council's Food Team for advice and register as a food handler. The applicant has indicated that there would be no hot food prepared or sold, hot drinks are to be prepared at the site, and as such no extraction details were required. It was also indicated by the applicant, that once stationed at the site, the vehicle engine will be switched off, as such no additional pollution will be created than that of other vehicles using the nearby car park. The cold foods sold would be predominantly incidental to the main use of the vehicle for the sale of hot drinks, mainly coffee.

It is acknowledged that the proposal would generate waste, therefore there are concerns in regards to litter at the site. However, the applicant has confirmed that they will maintain the surrounding area and that waste and litter will be disposed of correctly. Therefore, there is no objection regarding the proposal.

#### Other matters

The planning application does not include advert consent, as such the display of the sign is not considered with this application. If the applicant intends to display an advertisement that requires consent, they would have to apply for separate advertisement consent.

It was also highlighted that the proposal, may result in a negative impact upon the nearby café given a similar service is to be provided. However, upon consideration the existing café provides hot food and indoor seating, therefore the service and use it provided differs significantly from the predominantly coffee provider proposed within this current application. On balance the proposal should not create a significantly

detrimental impact upon custom to the café and there would be no planning reason to refuse this application on the basis of competition.

## 7.0 RECOMMENDATION

Approve, subject to the following conditions:

### TIME LIMIT

- 1 The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Act 2004.

### PLANS

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Number(s):		
Reference	Name	Received
1359 - 01	Existing Site Layout	29th September 2020
1359 - 02	Proposed Site Layout	29th September 2020

Reason: For the avoidance of doubt and the interest of proper planning.

### USE

- 3 The converted London Taxi Cab shall only be used for the purposes of selling hot drinks and incidental cold foods to take away only and for no other purposes.

Reason: In order to define the scope of the planning permission and in the interests of neighbour and local amenities and to ensure that the development remains integrated with its immediate surroundings as required by policies PMD1, PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### HOURS OF OPERATION

- 4 The London Taxi Cab coffee facility shall only be open to customers during the following times 0800 hours and 1800 hours Mondays to Sundays. The converted London Taxi Cab shall be brought to the site no more than 30 minutes prior to these operating times, and shall remain on the site for no longer than 1 hour beyond its permitted operating times. Any times outside of these periods the converted London Taxi Cab shall not be parked or left on the application site.

Reason: In the interests of neighbour and visual amenities, and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**Informatives:**

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - 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.

2. The applicant's attention is drawn to the fact that no consideration, consent or permission has been granted for any advertisement, banners or lighting associated with the proposed use which may require separate permission or consent for the Local Planning Authority.
3. The applicant's attention is drawn to the response from the Environmental Health officer dated 18/11/202 which advised that the business should be registered with the Thurrock Council Food Team.
4. The applicant's attention is drawn to the Highways consultation responses dated 9/11/2020 which advised that whilst it has no objections to the proposed use, this is subject to statutory utilities being satisfied with its location and that it does not interfere with any of their assets.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

	Report Author	Checked	Sign off
Initials	KPA	NJH	NJH
Date	15/12/2020	15.12.20	15.12.20