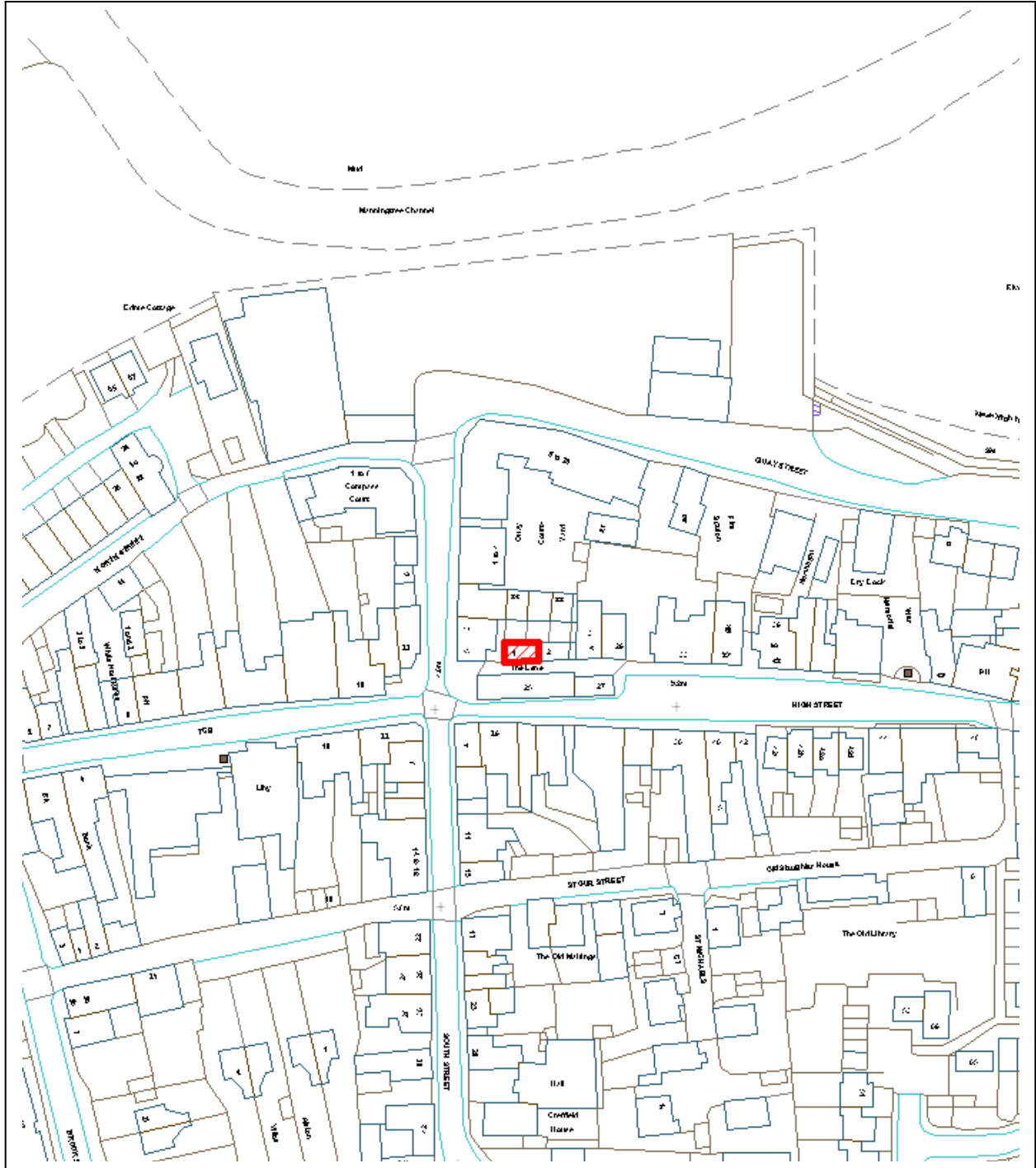


PLANNING COMMITTEE

6 MARCH 2012

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.4 PLANNING APPLICATION - 11/01381/FUL - 1 THE LANE, MANNINGTREE, CO11 1AW



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Application:	11/01381/FUL	Town / Parish: Manningtree Town Council
Applicant:	Manningtree Churches - Mr Malcolm Westwood	
Address:	1 The Lane, Manningtree, CO11 1AW	
Development:	Removal of Condition 2 of 09/00036/FUL to allow permanent use of the premises as a youth cafe/drop-in centre.	

1. Executive Summary

- 1.1 This application proposes the removal of Condition 2 of planning permission 09/00036/FUL to allow permanent use of the premises as a youth cafe/drop-in centre. Condition 2 relates to a 3 year temporary use to enable time to assess the impact of the development upon the retail function of Manningtree Town Centre and residential amenity in the locality.
- 1.2 This proposal is in conflict with policy ER33 of the Local Plan that seeks to protect existing retail uses within areas designated as primary shopping frontage. The proposal would result in the permanent loss of a retail unit and as such would undermine the retail function of Manningtree's Town Centre. Therefore, it is recommended that the application be refused.

Recommendation: Refuse

Reason for Refusal:

It is the policy of the Local Planning Authority as contained with Policy ER33 of the adopted Tendring District Local Plan (2007) to preserve the existing level and balance of Class A1 retail uses in this part of Manningtree from erosion by the introduction of various non-retail uses. This is to maintain the form and attractiveness and the overall vitality and viability of the town centre and the compact form of the main shopping cores. Moreover the policy, which reflects recent government advice contained in PPS4: Planning for Sustainable Economic Growth, states that within the identified Primary Shopping Frontages in the District's town centres proposals for change of use from Class A1 (shops) at ground floor level to Classes A2 - A5 will only be permitted where, amongst other things, the proportion of frontage in A2 to A5 use does not exceed 10% of the length of individual street frontage. Furthermore, the policy states that no non-retail uses will be permitted at ground floor level.

In this case the existing individual street frontage already far exceeds the 10% threshold. It is considered that further changes of use would seriously undermine the retail function. In this instance the proposed mixed use would result in the loss of a potential retail unit with the introduction of a non A1 use, which will have the effect of breaking up the coherence of the shopping centre and compromise the vitality and viability of the area contrary to the aims of the protected shopping frontage policies and the objectives of Planning Policy Statement 4 'Planning for Sustainable Economic Growth'.

2. Planning Policy

National Policy:

PPS1 Delivering Sustainable Development

PPS4 Planning for Sustainable Economic Growth

Local Plan Policy:

Tendring District Council Local Plan 2007

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM1 Access for All

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

ER31 Town Centre Hierarchy and uses

ER33 Non-retail Uses Within Primary Shopping Frontages

EN17 Conservation Areas

3. **Relevant Planning History**

09/00036/FUL	Change of use of shop to youth cafe / drop in centre.	Approved (Temporary Permission for 3 yrs)	14.04.2009
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4. **Consultations**

Public Experience (Environmental Health)	Department of Public Experience - Pollution and Environment have no comments to make on this application.
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Regeneration	Regeneration team do not support this application for the following reasons;
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- The unit is located within Manningtree's primary shopping frontage and a permanent change of use would therefore be contrary to policy ER33.
- There are only 3 vacant shops in the town, and we understand negotiations are currently underway on one of these units with a new occupier.
- The Centre would still be best placed at an edge of centre location, allowing these premises to be used again as an A1 retail shop, thus increasing the retail vitality of the town centre.

5. **Representations**

5.1 Manningtree Town Council objects to this planning application.

5.2 8 letters of objection and 38 letters of support have been received. A summary of the content of the letters and the Officer response is set out below:

Objections

- Noise and disturbance.

Officer Response – This is a town centre location where some degree of noise has to be expected. In this instance, the proposal represents an enclosed and supervised location for teenagers to congregate as opposed to outside where noise and disturbance would be more of an issue. Furthermore, the council's Public Experience department.

- Anti-Social Behaviour.

Officer Response – This is not a material planning consideration and is a matter for the police.

- Loss of an A1 (Retail) unit.

Officer Response – Officers agree that the loss of an A1 unit would be detrimental to the vitality and viability of the Manningtree Town Centre.

Support

- This type of venture is needed in Manningtree and in a centralised location which is easily accessible.

Officer Response – Whilst it is not disputed that this venture represents a much needed community facility, it is not an argument for locating such a use within a protected shopping frontage. A non-A1 use is considered to adversely impact upon the health and vitality of the town centre.

6. Assessment

The main planning considerations are:

- Planning History;
- Policy Context/Retail Function;
- Residential Amenity; and,
- Other considerations.

Context

- 6.1 The application site is located on the northern side of The Lane, within the Manningtree Conservation Area and town centre. Since the granting of temporary planning permission in 2009 the premises have been in use as a youth drop-in centre/café. Prior to this the premises were in use as a 'Pound Shop' and therefore fall within A1 (retail) use. The premises have a frontage of 8 metres and a depth of 4.5 metres. To the north of the site is a retirement complex known as 'Quay Court Yard', to the east is an antiques shop and to the west is a listed building which accommodates a restaurant. The Lane runs parallel to the High Street and has a separate, but continuous retail frontage.

Proposal

- 6.2 This application is for a new permission without any time limit (removal of Condition 2 of planning permission 09/00036/FUL) to allow permanent use of the premises as a youth cafe/drop-in centre. Condition 2 of the previous permission states;

The permitted change of use shall be for a limited period of 3 years starting from the date of this permission. Upon the expiration of this period the use shall cease unless, a prior application has been submitted to and approved by the Local Planning Authority.

Reason - In order to assess the impact of the use upon the amenity of the residents living in the locality and the retail function of Manningtree Town Centre.

Planning History

- 6.3 A temporary planning permission lasting 3 years was granted in 2009 for the change of use of the premises from A1 (retail) to a youth drop-in centre/café (mixed use of A3 and D1). The reason for the permission being temporary was to enable an assessment of the use's impact upon residential amenity and the retail function of Manningtree Town Centre.

Policy Context/Retail Function

- 6.4 The local policy context has not changed since the previous granting of temporary planning permission. The site is designated within the saved Tendring District Local Plan (2007) as being part of the primary shopping frontage in Manningtree. Policy ER33 states that within the primary shopping frontages change of use from Class A1 retail at ground floor level to Classes A2-A5 will only be permitted where the proportion of frontage in A2-A5 use does not exceed 10% of the length of the individual street frontage. The policy also states that any other non-retail uses will not be permitted at ground floor level. This is to ensure that the coherence of shopping centres is not broken up and to maintain the vitality and viability of the centre. A D1 use at first floor level would be acceptable under this policy.
- 6.5 Policy ER31 does allow non-retail uses, including leisure, in town centres, but these should be located outside of the primary shopping areas. This approach is supported by the guidance in PPS4 'Planning for Sustainable Economic Growth'. The provision of community facilities that are easily accessible is an objective of the Local Plan in policy COM4; however, this is subject to there being no other overriding planning constraints. Therefore, whilst this proposal is in an accessible location within the town centre it conflicts with other policies.
- 6.6 The last permanent use of the application site was A1 (retail) use. The proposal, for a youth drop-in centre/café is considered to represent a mixed use proposal of A3 and D1 uses. The frontage of this particular retail frontage is already dominated by restaurant/café uses and as such the proportion of non-A1 uses is well in excess of the 10% maxima. The proposal is, therefore, in conflict with policy ER33.
- 6.7 A recent planning inspectorate decision relating to no. 27 High Street, which is also within the same protected retail frontage, adds weight to the argument that the permanent use of the site for non-A1 purposes would threaten the viability and vitality of the town centre. The appeal dismissal related to the change of use of the premises from A1 (Retail) to A2 (Financial and Professional Services). The inspector concluded by stating that by designating this part of the High Street as an area of protected shopping frontage, the council has demonstrated a commitment to protect its retail function. To allow the proposed change of use would erode the High Street's retail base. The inspector further added that it was clear that the retail offer of the High Street had already been diluted by some changes to non-A1 use which are threatening the viability and vitality of the area.
- 6.8 Therefore having regard to the policy context and the recent appeal decision mentioned above it is considered that the permanent change of use of the premises from A1 retail would adversely impact upon the retail function of Manningtree Town Centre and that a further permission should not be granted.
- 6.9 Policies QL10, QL11, COM1 and COM4 of the adopted Local Plan are also relevant to this application. These policies state, amongst other things, that new development should not materially impact upon the amenities of nearby residents and should be readily accessible to local people.

Residential Amenity

- 6.10 As part of the previous planning application a full assessment of the impact of the proposal upon local resident's amenity was undertaken. At that time it was considered that given the high levels of supervision, the town centre location (where some noise is to be expected) and the presence of late opening public houses and restaurants in the vicinity of the site, the proposed use would not have a significant adverse impact upon the local resident's amenity levels.
- 6.11 Furthermore, it was believed that the proposal represented an enclosed and supervised location for teenagers to congregate as opposed to outside where noise and disturbance would be more of an issue.
- 6.12 The Council's Public Experience (Environmental Health) has confirmed that they have no objections to the proposed permanent change of use of the building. The recorded level of complaints over the 3 year period of the permission has not been significant. Therefore, officers remain of the view that the impact of the use on residential amenity would be acceptable.
- 6.13 The site is readily accessible to local people and is well located for the use proposed.

Background Papers

None.