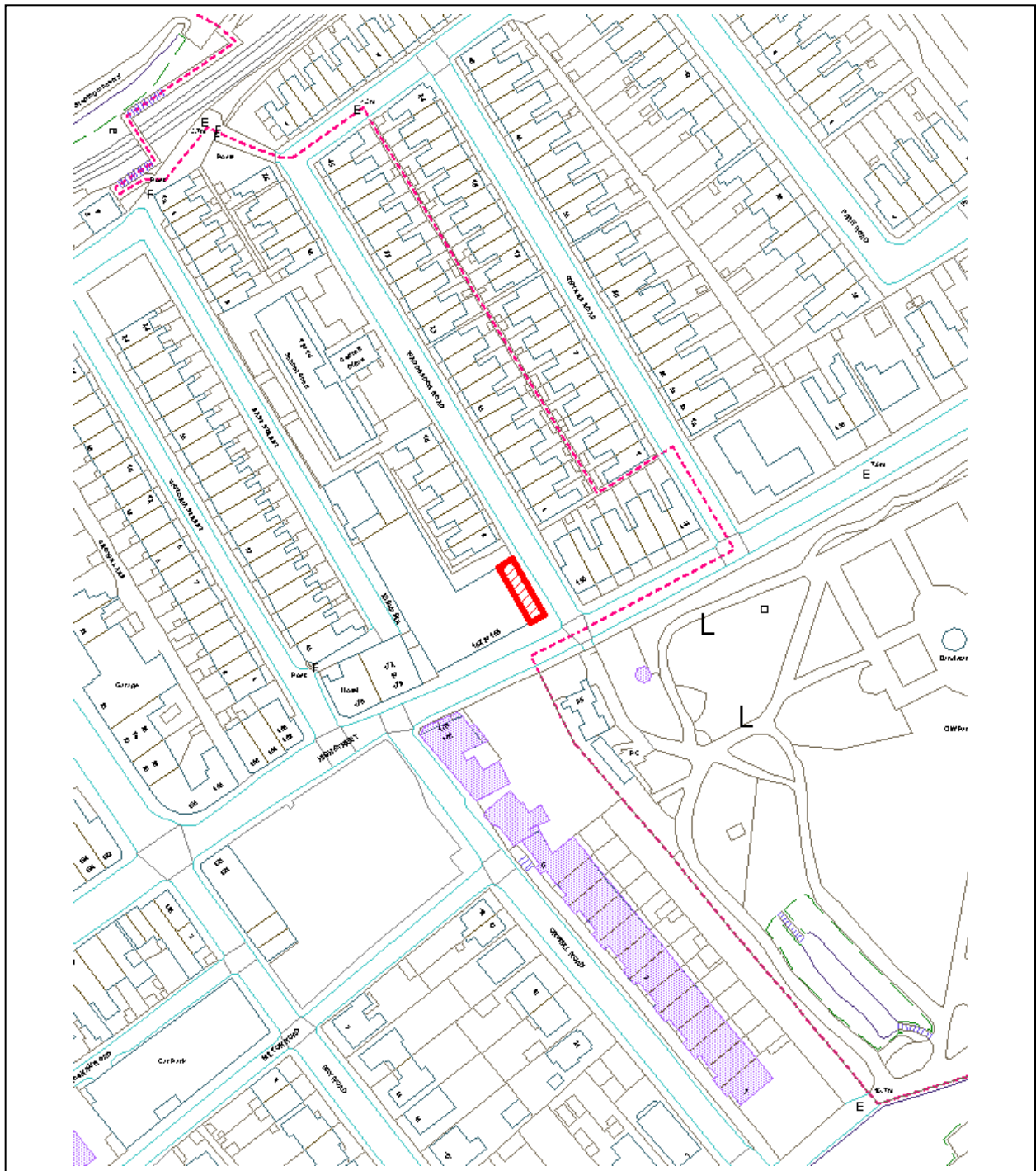


PLANNING COMMITTEE

27 MAY 2014

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 14/00421/FUL - 158 HIGH STREET HARWICH, ESSEX, CO12 3AT



DO NOT SCALE

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Application:	14/00421/FUL	Town / Parish: Harwich Town Council
Applicant:	Mrs Sonya McCready	
Address:	158 High Street Harwich CO12 3AT	
Development:	Change the use of second hand furniture shop to licensed wine bar.	

1. **Executive Summary**

- 1.1. This application has been referred to Planning Committee at the request of Councillor G. Calver.
- 1.2. The proposal is for the change of use of a former second hand furniture shop to a licensed wine bar.
- 1.3. It is considered that subject to conditions to control the proposed opening hours and the use of the land to the rear the proposal will result in no material harm to residential amenity or existing uses and vitality of the town centre.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Opening hours 1000-0000 Monday to Thursday and Sunday and 1000-0100 Friday and Saturday.
4. The courtyard/smoking area to the rear of the site shall only be accessed by a double door lobby
5. The courtyard/smoking area to the rear of the site shall not be use after 2200 hours.
6. The courtyard/smoking area to the rear of the site shall not be used as a drinking area.

2. **Planning Policy**

National Policy

National Planning Policy Framework 2012

States that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL6 Urban Regeneration Areas

QL11 Environmental Impacts and Compatibility of Uses

ER31 Town Centre Hierarchy and Uses

COM22 Noise Pollution

HAR12 Dovercourt Town Centre Regeneration Area

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the
Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development

SD2 Urban Settlements

SD8 Transport and Accessibility

SD9 Design of New Development

PRO4 Priority Areas for Regeneration

PRO5 Town, District, Village and Neighbourhood Centres

3. Relevant Planning History

None

4. Consultations

- 4.1. Environmental Health - The Councils Environmental Health Officer visited the site and as the applicants have control of the residential area at first floor, it is considered that this will effectively self-control any issues possibly arising from loud music etc. Furthermore the applicants live to the rear of the proposal which would provide a level of control. Based on this no objection is raised to the proposal subject to the following conditions:
 - The smoking area to the rear should only be accessed up to 2200hrs.
 - The smoking area to the rear should only be accessed by a double door lobby
 - Hours of operation should be consistent with a nearby licensed premises, that is: no live music after 0100 hours and opening hours of the premises: 1000-0000 Monday to Thursday and Sunday. 1000-0100 Friday and Saturday.
- 4.2. Regeneration – The Regeneration Team support this application as it will help improve the vitality and vibrancy of Dovercourt Town Centre and provide an additional offer for the night time economy. It will also employ 4 new staff.
- 4.3. Essex County Council Highway – do not wish to object to the proposal.
- 4.4. Harwich Town Council - have no objection to the application on condition that the opening hours, which will be subject to a licensing application area restricted to that of a standard licence.

5. Representations

- 5.1 One letter of representation has been received which expresses concern regarding the following:
- 5.2 Noise and disturbance – in particular reference with any potential license extensions and music licences and disruption from people leaving the premises late.
- 5.3 Privacy – whether the outside area will be used as garden/drinking area for the wine bar

6. Assessment

The main planning considerations are:

- Planning Policy
- Residential Amenity
- Town Centre Impact

Proposal

- 6.1. This application seeks planning permission for the change of use of No. 158 High Street, Harwich to a licensed wine bar. It was formally a second hand furniture shop.
- 6.2. The proposal is for the change of use only and does not involve external alterations which require planning permission. The internal works have been carried out and are almost completed, these do not require planning permission.

Site Location

- 6.3. The application site is situated to the north of the High Street in Harwich on the corner with Waddesdon Road.

Planning Policy

- 6.4. The site is located within the defined Town Centre and within an area of regeneration in the Tendring District Local Plan 2007 and the Tendring District Local Plan Proposed Submission Draft 2012.
- 6.5. Policy ER31 of the Tendring District Local Plan 2007 states that development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted. Policy PRO5 of the Tendring District Local Plan Proposed Submission Draft 2012 states that defined centres will be the focus for 'town centre uses' which include retail, leisure, commercial, office, tourism and cultural development and community facilities. It also states that the Council will promote a mix of appropriate town centre uses within these defined centres with 'active street frontages' at ground floor level.
- 6.6. Furthermore, the site is located within an area of regeneration where Policy HAR12 of the Tendring District Local Plan 2007 states that appropriate mixed-use development (including residential use) will be encouraged in order to bring about the repair and restoration of historic buildings. Policy PRO4 of the Tendring District Local Plan Proposed Submission Draft 2012 states that these areas will be the focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

- 6.7. It is considered that the proposed wine bar is a suitable town centre use, that would help improve the vibrancy and vitality of this area of the town centre.

Residential Amenity

- 6.8. There are residential properties within close proximity to the site; the closest is No. 2 Waddesdon Road which is located to the rear of the site. This property is a two-storey end of terrace property that has the flank/side elevation facing the application site which has one window in at first floor level.
- 6.9. The area to the rear of the site is proposed to be used as a smoking area. The Council's Senior Environmental Health Officer has been to site and considers that with a double door arrangement to access this section, which would reduce the amount of noise disturbance and a condition to ensure that the area is not used after 2200 hours, that there would be no significant adverse impact on the amenities on the neighbouring residents. After 2200 hours, people wishing to smoke can use the front of the site, which is further away from any residential property. Furthermore, the first floor of the building is owned by the applicant and is proposed to be used as a bed and breakfast which would effectively provide some self-control over the level of disturbance.
- 6.10. The application form does not specify any proposed opening hours, however, these will need to be restricted as part of this application to prevent any adverse impact on the amenities of the neighbouring residents. The Council's Senior Environmental Health Officer is of the view that the hours of operation should be consistent with nearby licensed premises and be 1000 hours to 0000 hours Monday to Thursday and Sunday and 1000 hours to 0100 hours Friday and Saturday.
- 6.11. It is considered that subject to these conditions the proposal would not result in any significant adverse impact on the amenities of neighbouring residents. In fact there are similar uses within the town centre which are located in close proximity to residential properties and subject to appropriate controls such as the conditions recommended do not cause any adverse impact.

Other Issues

- 6.12. Operating hours may be subject to further scrutiny via the Licensing Act 2003, which is required in addition to planning permission. This is dealt with by separate legislation and is still under consideration.

Background Papers

None