

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	08/08/2018
Planning Development Manager authorisation:	AN	9/8/18
Admin checks / despatch completed	AL	10/08/18.

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Application: 18/00946/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Miss Lucy Reid

Address: 66 Tower Street Brightlingsea Colchester

Development: Change of use from Community Hall (Use Class D1) to a Holistic Fitness, Yoga and Pilates Studio (Use Class D2) with ancillary cafe area (~~Use Class A3~~).

1. Town / Parish Council

Brightlingsea Town Council Support application.

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Environmental Protection EP have no comments to make based on the Café only serving cold food and that the installation of an extraction system is not included or required as part of this application.

3. Planning History

79/01631/FUL	Alterations and extns	Approved	22.01.1980
11/00446/FUL	Construction of new disabled accessible ramp to the front of the property in accordance with part M of the Building Regulations.	Approved	12.05.2011

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

COM3 Protection of Existing Local Services and Facilities

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

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

HP2 Community Facilities

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. Paragraph 213 of the NPPF (2018) 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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the Salvation Army community centre building at 66 Tower Street, Brightlingsea. The building is situated on the western side of Tower Street within short walking

distance to the main high street to the north. Tower Street is predominantly characterised by residential dwellings with an occasional commercial premises due to the close proximity to the town centre.

The building is 1.5 storey in height (mostly vaulted ceiling), brick built and traditional in appearance with a ramped front access and small rear garden area. Internally there is a large main hall area with a kitchen, toilet facilities, office and storage areas.

Description of Proposal

The application seeks full planning permission for the change of use from Community Hall (Use Class D1) to a Holistic Fitness, Yoga and Pilates Studio (Use Class D2) with ancillary cafe area. There will be no external alterations to the building and only some minor alterations to the internal layout.

Assessment

The main considerations are;

- Loss of a Community Facility;
- Compatibility of uses and Impact on Residential Amenities;
- Parking Provision; and,
- Representations.

Loss of a Community Facility

The existing building has a long standing use as a community hall with no restrictions and falling within Use Class D1. The proposed use is for a Holistic Fitness, Yoga and Pilates Studio falling within Use Class D2 including an ancillary cafe area.

The nature of the proposed use is therefore comparable to the existing use providing a facility for the community to attend fitness and meditation classes, gathering and socialising within the ancillary cafe area.

Whilst the proposed change of use could be considered as a loss of a community facility, the D2 use is considered an appropriate and viable alternative in this residential area in close proximity to the town centre and other amenities.

The building currently lies vacant and the proposed use will bring the building back into use in a suitable manner.

Compatibility of uses and Impact on Residential Amenities

The application site is bounded on all sides by existing residential development. The nature of the intended use with its holistic and relaxation characteristics means that there will be no significant noise or disturbance emanating from the building. The opening hours proposed are 8am to 9pm Mondays to Sundays (including bank holidays) with the cafe area closing earlier at 6pm every evening. The 9pm finish is acceptable in this location and will not result in any significant disturbance to neighbouring properties and any statutory noise nuisance that may occur would be controlled by Environmental Health legislation. The existing community centre use is historic with no restrictive conditions. Comings and goings will be limited due to class sizes/members and the cafe area is only small operating ancillary to the D2 use.

Consideration has been given to the permitted changes allowed through the Use Classes Order from a D2 Use and it is not considered expedient to restrict the use given that the opening hours are restricted and there are other amenities and commercial premises in the locality such as a late night opening takeaway.

Parking Provision

There is no existing parking provision for the building and no space on site to provide parking. The use of the building is comparable to the existing in terms of the likely number of visitors and users of the building. Furthermore, it is located in a mainly residential and easily accessible location in close proximity to public transport links.

The lack of parking for the intended use in this location is not considered to raise any highway safety concerns.

Representations

Brightlingsea Town Council supports the application.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed floor plan drawing.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The D2 use hereby permitted shall only be open during the hours of 8:00am to 9:00pm and the ancillary cafe open during the hours of 8:00am to 6:00pm daily.

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

8. Informatives

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.

Extraction or Ventilation Systems Informative

Please note that any extraction or ventilation systems required in connection with either the D2 or A3 uses will require the benefit of planning permission.

Highways Informative

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