

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	21/08/18
Planning Development Manager authorisation:	AN	21/8/18
Admin checks / despatch completed	PW	28/8/18

EN

Application: 18/01170/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr P Lawton

Address: 166 Tower Street Brightlingsea Colchester

Development: Change of use of ground floor C3 garage to Sui Generis commercial laundrette.

1. Town / Parish Council

Brightlingsea Town Council Brightlingsea Town Council has no comment to make on this application.

2. Consultation Responses

Building Control and Access Officer Means of escape from the flat will need clarifying.

ECC Highways Dept The Highway Authority raises an objection to the above application for the following reasons:

1. The proposal will deprive the existing dwelling of its off street parking facilities leading to additional vehicles being parked in the adjoining highway causing conditions of danger and obstruction to road users contrary to the interests of highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

2. The proposal would give rise to additional vehicles being parked over the footway and in the immediacy of a junction in such a manner as to cause conditions of danger, obstruction or congestion of the highway contrary to the interests of highway safety, particularly pedestrians and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. Planning History

N/A

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

PPL1 Development and Flood Risk

PPL8 Conservation Areas

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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

Site Description

The application site is 166 Tower Street, which is located within the parish of Brightlingsea. The building currently comprises of a C3 residential dwelling across three storeys, which forms part of a larger row of terraced properties. The character of the area is urban, with residential and commercial properties to all sides. The site falls within the Settlement Development Boundary for Brightlingsea within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. Part of the rear of the site falls within the Brightlingsea Conservation Area, whilst the whole site falls within Flood Zone 3.

Description of Proposal

This application seeks planning permission to convert the ground floor from C3 dwellinghouse use to a laundrette, which is a Sui Generis use.

The proposal will see external changes to the front elevation to include a new signage board for the laundrette business, and a new white UPVC door and window in place of the existing shutter door serving the garage.

Assessment

1. Principle of development

The site falls within the recognised Settlement Development Boundary of Brightlingsea in both the saved and emerging local plans, whilst the surrounding area sees a mixture of residential and commercial uses. Therefore the principle of the change of use of the ground floor from the existing C3 residential use into a Sui Generis use as a laundrette is acceptable subject to the detailed consideration below.

2. Flood Risk

Paragraph 155 of the NPPF (2018) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy QL3 of the Adopted Local Plan and Policy PPL1 of the Emerging Local Plan further state all development proposals should include appropriate measures to respond to the risk of flooding within Flood Zones 2 or 3.

The application site falls within Flood Zone 3 and therefore the applicant has supplied a Flood Risk Assessment that has detailed the potential risk of flooding and included mitigation measures in the event of a flood, such as floor levels being set 75mm above existing and electrical sockets being set at a higher level. The assessment further highlights that the proposed use as a laundrette is a less vulnerable use as per the Environment Agency's Flood risk vulnerability classification table, and will therefore not result in an increased flood risk danger to the existing residential dwellinghouse use.

3. Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the proposal will not result in significant external amendments, the existing ground floor garage will be replaced with a new shop front for the laundrette. The submitted plans however

show a design in-keeping with that at 170 Tower Street and therefore this is considered to be visually acceptable.

4. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

It is considered that there will be minimal impact to surrounding residents. The immediate area is characterised by a mixture of residential and a range of commercial uses. The inclusion of a laundrette will provide no significant negative impacts to any existing amenities in terms of noise, especially given the opening hours of 7am - 7pm every day, whilst the proposed external amendments are minor and will result in a neutral impact to existing amenities.

5. Highways Impacts

Essex County Council as the Highways Authority have been consulted and have raised an objection on the grounds that the proposal will deprive the existing dwelling of its off street parking facilities, and that the proposal would result in additional vehicles being parked over the footway.

However given that the existing garage fails to adhere to Adopted Parking Standards, which state it should have minimum internal dimensions of 7m x 3m, the sites highly sustainable location in reasonable walking distance of key services and public transport, and the small economic benefits gained as a result of the proposal, it is not considered that it would be reasonable to object to the proposed development on these grounds.

6. Heritage Impact

Whilst the rear section of the site falls within the Brightlingsea Conservation Area, all of the proposed external changes are solely to the front elevation, which faces away from the Conservation Area, and therefore on this occasion due to the minimal impacts to the Brightlingsea Conservation Area a heritage statement was not required and the proposal will preserve the character and appearance of the Brightlingsea Conservation Area.

Other Considerations

Brightlingsea Parish Council has no comment to make on the application.

There has been one letter of objection received, with the following concerns;

1. The garage is the only available parking for the property;
2. There is an existing parking issue, which will be increased as a result of the proposal;
3. No demand for a laundrette;
4. Impact to neighbouring amenities;
5. Would set a precedent; and
6. Out of character.

In answer to this, points 1, 2, 4 and 6 have been addressed within the main body of the report above. Point 3 is not a material planning consideration, whilst with regards to point 5 as was highlighted within the principle of development section above; the area is already a mixture of residential and commercial properties. The proposed development is therefore not considered to set a harmful precedent.

6. Recommendation

Approval.

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, drawing number 651/1, the untitled Site Location Plan and the document titled 'Flood Risk Assessment'.

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

- 3 Use of the premises as hereby permitted shall be confined to the hours between 7am and 7pm every day including Sundays and Public Holidays.

Reason - To avoid disturbance in the interest of residential amenity.

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.