

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/08/18
Planning Development Manager authorisation:	SCE	28.08.18
Admin checks / despatch completed	AP SB	29/8/18 29/08/18

Application: 18/00947/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr George Hicks
Address: 26A The Parade Walton On The Naze Essex
Development: Change of use to sweet shop A1 use

1. Town / Parish Council

Frinton & Walton Town
Council

Recommend the proposal for approval.

2. Consultation Responses

Not Applicable

3. Planning History

18/00947/FUL	Change of use to sweet shop A1 use	Current
18/01103/ADV	Proposed signage (non illuminated) for sweet shop.	Current

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

EN17 Conservation Areas

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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site is situated on the northern side of The Parade, Walton on the Naze and is located within the Frinton and Walton Conservation Area. The existing use for the site is for a taxi office serving 'Shore Taxi's'.

The surrounding area comprises of a mixture of town centre uses. To the east of the site is a pizza takeaway and a public house and to the south east is Walton Pier.

Proposal

The application seeks planning permission for the change of use from a taxi office to a sweet shop. The existing building comprises of the taxi office to the ground floor with a flat to the first floor. There are no external alterations proposed.

Assessment

The main considerations for this application are:

- Principle of development
- Design and Appearance
- Impact upon neighbouring amenities
- Impact upon the Conservation Area

Principle of development

The application site does not fall within Walton Town centre boundary and is therefore not protected for retail use. Whilst the character of the surrounding area is a mixture of residential and

commercial, the existing site has a well established taxi office use, surrounded by other commercial uses and close to the Town Centre. Therefore, the principle of the taxi office to a sweet shop use in this location is considered acceptable subject to the detailed considerations below.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The application does not propose any external changes and therefore it is unlikely that there will be any significant impact upon the street scene of The Parade. As there are other shops in the locality, it is not considered that the proposal will cause any significant impact upon the Street scene of The Parade.

The new signage for the proposal is being dealt with under planning application 18/01103/ADV.

Impact upon neighbouring amenities

The application site is at the end of a terrace of buildings, which comprises of mainly shops to the ground floor with flats to the first floor. The proposed opening hours are 8am - 8pm Monday to Sunday including Bank holidays. There are other shops along The Parade which will be open later than the proposal including the public house, 'The Tavern'. It is therefore considered that the reduction in opening hours is an improvement to neighbouring amenities.

Impact upon the Conservation Area

EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

A heritage statement has been submitted to justify the impact the change of use will have upon the Conservation Area. Due to the works being internal as well as other commercial businesses within the vicinity, it is considered that the proposed change will have a neutral impact upon the Conservation Area.

Other considerations

Frinton and Walton Town Council recommend the application for approval.

No letters of representation have been received.

Conclusion

In the absence of significant material harm as a result of the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: Site Plan – scale 1:1250.

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

- 3 The sweet shop hereby permitted shall not be open outside the following times;

Monday to Sunday 08:00 to 20:00

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO