

17/00191/COUNO T	Conversion of offices to 4 no. two bedroom flats.	Determination	18.05.2017
18/30012/PREAPP	Change of use from B1 to D2. Proposal to use building as a group fitness facility.		01.03.2018
18/01118/FUL	Change of use to new funeral home and associated alterations.	Withdrawn	16.07.2018
18/01180/FUL	Change of use to A1 retail and minor external alterations.	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

ER32a Primary Shopping Area

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PP5 Town Centre Uses

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 268 High Street, Harwich, a two storey building which lies vacant and previously used as offices. The application site is located within the Harwich town centre boundary and the site lies within the Primary Shopping Area.

Proposal

This application seeks planning permission for the following:

- the change of use from offices to an A1 funeral care
- new stairs, access ramp and entrance door,
- new access ramp and security door to service entrance,
- timber fence
- Replacement shop front windows.

Assessment

The main considerations for this application are;

- Principle of development
- Visual Appearance
- Impact upon neighbouring amenities
- Parking Provision
- Other Considerations

Principle of development

The site lies within the settlement development boundary for the area as defined within both the adopted and emerging Tendring District Local Plans. The site is located within a primary shopping frontage and the town centre boundary.

The proposed use ensures that the unit is retained for employment, contributes positively to the vitality of the town centre by bringing a vacant unit back into use and adding to the mix of uses within the town centre. Therefore, the principle of development is acceptable subject to the detailed consideration below.

Visual 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).

The area is characterised by a mixture of shops, takeaways and residential properties. The corner plot location of the building lends itself to a retail use given the large glazing to the front of the premises and its prominent siting. The proposed development will result in predominately internal amendments however there are some amendments to the external appearance; new stairs, access ramp and entrance door, new access ramp and security door to service entrance, timber fence and replacement shop front windows.

The proposed ramps to the building will be visible to the street scene however due to the minor nature of the proposals, an existing ramp being in situ and that the proposals are set back from the highway, it is considered that they will not be visually prominent and therefore will not cause any harm to the street scene or the character of the area as a whole.

The timber fence located to the north elevation will be visible to the street scene of Hill Road however the fence will screen the eastern elevation from the residential amenities to the North West and therefore it is considered that the proposal will not cause any significant impact upon Hill Road.

The replacement shop windows will not cause any significant impact upon the street scene as they will replicate the existing windows and is therefore considered to be acceptable in terms of design and appearance.

The proposed condenser unit will be located along the Eastern elevation and therefore will be visible to the street scene of Hill Road. However, due to the proposal being set back from the highway and there being other examples within the vicinity, the proposal is not considered to have any significant impact upon the street scene.

It is therefore considered that due to the building being set back from the street scene, the proposed changes will not result in any material harm to the street scene or character of the area.

Impact upon 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). The application site is located within the town centre location comprising of predominantly retail uses.

The proposed opening hours for the funeral care branch will be Monday to Sunday 8.30 am - 5.30pm to members of the public. The funeral care branch will be open to employees only between the hours of 11pm and 7am. As a town centre location, late night comings and goings can be expected and there other uses along the frontage such as the cop op daily to the west (294-296 High Street) opening until 10pm. It is therefore considered that the proposal will not cause any significant harm to the nearby residential properties. A condition will be imposed to ensure that the opening times are restricted to employees only between the hours of 11pm and 7am.

The proposed external alterations will be visible to the neighbouring dwellings along Hill Road, however given the sufficient distance and the minor nature of the alterations, they are not considered to cause any significant impact upon residential amenities.

A noise assessment has been submitted as part of this application as the application proposes the installation of one refrigeration condenser. The results demonstrate that the cumulative plant noise emissions should be in line with the requirements stated by Tendring District Council and therefore it is considered that the proposal will not cause any impact upon the surrounding residential or commercial amenities.

Parking provision

Essex County Highways have been consulted on this application and observed that the red line boundary plans extends over land between the site and radius of Hill Road which is considered to

be highway although it does not affect the highway or highway user. The applicant has served a certificate B notice to rectify this issue.

Essex County Highways have no objection to the proposal subject to the following conditions:
-No doors/windows shall open over or into the highway and no rain water harvesting or collection equipment shall oversail or encroach in the highway.
Other considerations

Harwich Town Council have no objection to this application.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the 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: Drawing No. CFNH-11-101 Rev B, CFNH-11-101 Rev A, CFNH-11-003 Rev F, CFNH-11-105

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

- 3 The funeral care hereby permitted shall not be open outside the following times to members of the public:
Monday to Sunday 08:30 - 17:30.

The funeral care hereby permitted shall only be open to employees within the following times:
Monday to Sunday 23:00 -07:00.

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

- 4 No doors/windows shall open over or into the highway, and no rainwater harvesting or collection equipment shall oversail or encroach into the highway.

Reason - To protect and preserve the integrity and fabric of the highway in the interests of highway safety.

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.

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.

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