

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	19/09/2018
Planning Development Manager authorisation:	SCE	21.09.18
Admin checks / despatch completed	RJ	21/9/18

YHE

Application: 18/01241/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Aaron Perera

Address: 135 Old Road Clacton On Sea Essex

Development: Change of use from A1 retail to sui generis (barber and tattoo shop).

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

Environmental Protection I have reviewed the application and have no adverse comment to make.

Licensing Section No comments.

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

3. Planning History

00/01534/FUL	Proposed addition to pet shop	Approved	19.10.2000
99/00964/FUL	Deletion of Condition 1 imposed upon planning permission CLA/51/69 relating to the use of the forecourt for trading purposes	Approved	31.08.1999
09/01190/FUL	Change of use from pet shop (A1) to Beauty Parlour (Sui Generis).	Approved	11.01.2010
17/00788/FUL	Part conversion of ground floor	Approved	04.07.2017

from beauty parlour (sui generis) to C3 (residential).

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

ER31 Town Centre Hierarchy and Uses

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 relates to 135 Old Road, Clacton on Sea. The vacant unit lies within the Settlement Development Boundary for Clacton which is also defined as a Major Town Centre within the Town Centre Hierarchy and Uses set out within Saved Policy ER31 of the adopted Tendring District Local Plan.

Old Road is characterised by retail and commercial uses with shop frontages dominating the street scene. There are existing residential properties above and the rear of the majority of the units.

Directly adjacent to the unit is Shh Boutique to the north and the residential units of 'Key Court' with a Pizza Hut Delivery at ground floor level.

Description of Proposal

The application seeks permission for the change of use from A1 retail to Sui Generis Barber and Tattoo shop.

No physical alterations to the building are proposed.

Assessment

The main considerations in this instance are;

- Principle of Development and Compatibility of Uses;
- Residential Amenities;
- Parking; and,
- Representations.

Principle of Development and Compatibility of Uses

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 an established row of commercial uses within close proximity to the main shopping thoroughfare and centre of Clacton. The site is not within a protected shopping frontage area and the loss of retail use is not contrary to policy.

The proposed use ensures that the unit is retained for employment, contributes positively to vitality of the town centre by bringing a vacant unit back into use and adding to the mix of uses within the town centre. The proposed use is a recognised town centre use appropriate to the character of the area. The application form states that the use will employ 3 members of staff.

The applicant intends to open from 9am to 5pm most days opening a little later from 10am to 8pm on Fridays being closed on Sundays. This will allow for some later evening appointments on the most suitable end of week period. Given the location of the site surrounded by commercial uses the opening time is considered acceptable.

Residential Amenities

It is noted that the rear portion of the building has had a recent approval for the conversion to a small residential dwelling. The nature of the proposed use may result in some noise and disturbance from the tattoo and barber equipment. However, having regard to the predominantly commercial character of the locality, the impact on residential amenities from the proposed use cannot be considered significantly harmful. The opening times are not excessive and any noise will be during sociable hours.

Parking

The site is located in a highly sustainable location in close proximity to public transport. Essex County Council Highway Authority raises no objection to the application.

Representation

The site is located within the non-parished area of Clacton on Sea.

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

- 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 use hereby permitted shall only be open during the hours of:

9:00am to 5:00pm Monday to Thursday
10:00am to 8:00pm Friday
9:00am to 4:00pm Saturday and Bank Holidays
Closed on Sunday

Reason - To ensure the use of the site is appropriate to the locality.

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.