

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	01/10/18
Planning Development Manager authorisation:	AN	4/10/18
Admin checks / despatch completed	ER	4/10/18

Application: 18/01268/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Ms Rebecca Cole - The Uber Salon Ltd

Address: Victory Flat Victory House Plough Road

Development: Proposed extension of the Uber Salon to incorporate the flat above, existing flat to be converted into beauty treatment rooms.

1. Town / Parish Council

Great Bentley Parish Council

The application was discussed by the Parish Council on 6th September 2018.

The Parish Council supports the application but highlights that this property is situated alongside an already congested road and requests that customer parking is directed to the free car park adjacent to the railway station.

2. Consultation Responses

ECC Highways Dept

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

Informative 1: 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

There are no objections to the above application but would suggest that a condition be applied which restricts noisy works and construction times whilst works are being carried to: 08:00 - 18.00hrs Monday to Friday, 08.00- 13.00hrs Saturdays, no works on Sundays and bank holidays.

Building Control and Access Officer

No comment.

3. Planning History

N/A

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL8 Conservation Areas

SPL3 Sustainable Design

Local Planning Guidance

NPPF National Planning Policy Framework July 2018

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 Victory House, which is located on the western side of Plough Road, within the parish of Great Bentley. The character of the surrounding area is largely urban, with numerous residential and commercial properties to all sides. The site is situated within the Settlement Boundary of Great Bentley, as agreed within both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft, and also falls within the Great Bentley Conservation Area.

Proposal

This application seeks planning permission for the conversion of the existing first floor C3 residential unit into an extension of 'The Uber Salon', currently located below. The property is proposed to be used for beauty treatment rooms.

The proposed works are all internal, whilst the number of employees will increase from 1 full time and 1 part time employee to 1 full time and 2 full time employees.

Assessment

1. Principle of Development

The application site is located within the defined Settlement Development Boundary of Great Bentley, surrounded by a number of residential and commercial units. There is therefore no principle objection to the loss of a residential unit for additional commercial space, that will also show expansion of a local business and result in a small increase in employment opportunities.

2. Impact to surrounding area

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).

Policy EN17 of the Adopted Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area.

The application site falls within the Great Bentley Conservation Area, and accordingly the applicant has submitted a Heritage Statement to justify that the works involved will result in a neutral or positive impact to the surrounding area. The proposed changes are all internal in order to facilitate the conversion into the required treatment rooms, and therefore will have a neutral impact to the character of the area and result in no harm to the Great Bentley Conservation Area.

3. Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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 proposed works are internal only, resulting in no additional impacts to the neighbouring properties located to the north and south. Further, it is noted that the opening hours are 9am - 9pm Monday to Friday and 9am - 4pm Saturday. Whilst the midweek hours are relatively late, it is also acknowledged that the surrounding area features a number of commercial units with similar

opening times, including the Tesco Supermarket, whilst the noise associated with the proposed use will not be excessive. Therefore the harm is not sufficient to require a reason for refusal.

4. Highways

Essex County Council as the Highways Authority have been consulted and raise no objection to the proposed works.

With regards to car parking, there are no facilities to account for this. However, it is acknowledged that this is also the current situation, whilst the use is well established and sited within a highly sustainable location, in particular there is a train station in close proximity. Therefore, the lack of parking facilities is not sufficient to warrant a reason for refusal.

Other Considerations

Great Bentley Parish Council support the application, however request customer parking is directed to the free car park adjacent to the railway station.

There have been no other letters of representation received.

Conclusion

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

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, documents titled 'Existing Layout' and 'Proposal for Change of Use Amendment Plan 1'.

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 9am - 9pm Monday to Friday and 9am - 4pm Saturday.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.