

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	26/11/2018
Planning Development Manager authorisation:	SCE	27.11.18
Admin checks / despatch completed	XAL	28/11/18

Application: 18/01364/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr E Caro

Address: Unit D2 Seaden Court Clacton On Sea

Development: Change of use from industrial to gymnastics training.

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

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

Building Control and
Access Officer

There is a material change of use. Therefore the building will need to comply with M1 (Access and use) amongst others.

3. Planning History

18/01364/FUL

Change of use from industrial to
gymnastics training.

Current

4. Relevant Policies / Government Guidance

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
- ER2 Principal Business and Industrial Areas
- ER3 Protection of Employment Land
- ER4 Non-Employment Uses in Employment Areas
- 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
- PP6 Employment Sites
- HP5 Open Space, Sports & Recreation Facilities

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 Unit D2, Seaden Court, Clacton on Sea which is located on the northern side of Stephenson Road and within Gorse Lane Industrial Estate. The site also lies within the Settlement Development Boundary of Clacton on Sea. The site contains a single storey industrial building.

Proposal

The application seeks planning permission for the change of use from industrial to gymnastics training.

Assessment

The main considerations for this application are the principle of development, design and appearance, impact upon neighbouring amenities and parking.

Principle of Development

The site lies within an area allocation for employment uses under Policy ER2 and ER3 of the adopted Tendring District Local Plan 2007 and Policy PP6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) these policies state that change of use to non-employment uses is not permitted unless it has been proven that the site is not viable for an employment use. No such evidence has been submitted with the application. However, Policy ER4 of the Saved Plan states that proposals for indoor leisure uses may be acceptable on existing employment areas. However, the Council needs to be satisfied that more suitable locations within or on the edge of the town centres are not available.

Paragraph 86 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require application for main town centre uses to be location in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

At the case officers request a sequential test has been undertaken in relation to alternative town centre locations. The sequential test is basic however it carries out the key assessment and in this case, no sequentially preferable sites have been found. It is therefore considered that the proposal complies with the NPPF and above policies.

A condition will be imposed restricting the use of the building to gymnastics training and other indoor leisure activities as applied for and for no other purpose within Use Class D2 as the specific employment and highway implications of an alternative use would need to be assessed.

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 will have a neutral impact upon the character of the area.

Impact upon neighbouring amenities

Due to the location of the application site, there will be no impact upon neighbouring amenities.

Parking

Essex Highways have been consulted on this application and do not raise any objection. The application site currently provides 4 parking spaces serving the existing B1 use. The change of use from B1 to D2 does require additional parking as stated within Essex Parking Standards Guidance. Although the proposal does not provide additional parking spaces, as the application site is located within a sustainable location and there is on street parking available, it is considered that the proposal will not cause any significant impact upon highway safety.

Other Considerations

Clacton is non parished.

4 letters of representation have been received raising the following concern:

1. Concerns over the lack of parking

The concern raised above has been addressed in the report.

Conclusion

Having taken all of the considerations into account, it is considered that there is not significant material harm as a result of the development and therefore 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 Number 4946-1-1

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

- 3 The use of the building hereby permitted shall be solely as gymnastics training and other indoor leisure activities and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) order 2015 or permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision revoking and re-enacting that order with or without modification).

Reason - The site lies within an allocated employment site under Policy ER2 of the Tendring District Local Plan 2007 and Policy PP6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) and approval has been granted subject to a

sequential test having been passed. Any other alternative use of the building would need to be assessed in relation to the specific employment and highway implications of the use upon formal application having been made.

8. Informatives

Building Control Comments

There is a material change of use. Therefore the building will need to comply with M1 (Access and use) amongst others.

Highways

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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