

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	02/01/2019
Planning Development Manager authorisation:	SCE	02.01.19
Admin checks / despatch completed	AP	2/1/19

Application: 18/01855/FUL **Town / Parish:** Frinton & Walton Town Council *RL*

Applicant: The Town Council of Frinton and Walton

Address: Walton On The Naze Delivery Office 99 High Street Walton On The Naze

Development: Conversion of the old Post Office into Public Toilets.

1. Town / Parish Council

Frinton and Walton Town Council Noted.

2. Consultation Responses

Waste Management No comments.

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

Building Control and Access Officer No comments at this stage.

3. Planning History

05/02035/FUL	Change of use from A1 (post office) to a mix use comprising part A1 (post office) and part A3 (tea room)	Approved	30.03.2006
06/01495/FUL	Use of land in front of building for outside seating in connection with the adjacent tea room (Use Class A3).	Approved	20.12.2006
07/00326/FUL	Alterations and extension to the existing premises to retain the post office facility and create a nursery for 40 children.	Approved	05.09.2007
07/01843/FUL	Alterations and extension to the existing premises to retain the post office and create a nursery facility for children 0-5 years (Variation to planning permission 07/00326/FUL).	Approved	19.02.2008
08/00343/TCA	3 No. trees - fell	Approved	25.03.2008

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

COM3 Protection of Existing Local Services and Facilities

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

EN17 Conservation Areas

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

SPL3 Sustainable Design

HP2 Community Facilities

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 the former Walton on the Naze Delivery Office located at 99 High Street, Walton within the Town Centre Boundary, Settlement Development Boundary and Conservation Area of Walton.

The application relates to the front, southern corner portion of the building with a Children's Nursery to the side and rear approved in 2007.

Description of Proposal

The application proposes the conversion of the front corner portion of the building, formally the post office facility of the delivery office, to a public toilet facility comprising male, female and disabled toilets with baby changing facilities and a small office area for the 2 part time attendants.

The internal alterations comprise the erection of internal dividing walls to what is currently an open plan space. The alterations to the external appearance extend to the addition of obscure glazing to the lower half of the 2 front elevation windows and 1 side elevation window only.

Additional information received by the Agent confirms that the necessary ventilation will be located on the flat roof area and not be visible. The facility will be open 9am to 5pm seven days a week.

Assessment

The main considerations in this instance are;

- Principle of Development and Compatibility of Uses;
- Loss of Community Facility;
- Design and Impact on Heritage Assets;

Principle of Development and Compatibility of Uses

Saved Policy COM4 of the adopted Tendring District Local Plan 2007 deals with the provision of new community facilities stating that permission will be granted for the change of use of a building within settlement boundaries for appropriate community uses provided the proposed facility is readily accessible to local people and not detrimental to the character and amenities of the area.

The site is located within the Town Centre Boundary of Walton on the High Street being the main thoroughfare for pedestrians and users of the town's facilities. Furthermore, the site is directly opposite the main public car park for the town. The proposed facility is therefore in a highly sustainable location being readily accessible to local people and easily accessible for the new attendant staff.

The Council's Waste Officer and Environmental Protection Officer raises no objection to the development. The use will be a complementary use in this town centre location and will not be harmful to the character of the area.

Loss of Community Facility

Saved Policy COM3 of the adopted Tendring District Local Plan 2007 states that in order to ensure that basic community facilities and local services are retained redevelopment that would result in their loss will not be permitted unless there is adequate provision of similar facilities within reasonable walking distance. These sentiments are carried forward within emerging Policy HP2 of the Draft Local Plan 2017.

The Agent was contacted on 22nd November 2018 and asked to provide additional information regarding the relocation of the post office facility for the town. Although no response was received to this point, the Post Office website shows that the facility has been relocated to within the Co-op Store a short distance to the east of the site on the opposite side of the road.

Therefore, the Council are satisfied that there is adequate provision of a post office facility for the town within reasonable walking distance and the conversion of the premises will not result in a detrimental impact to the community facilities offered within the area.

Design and Impact on Heritage Assets

The alterations to the external appearance of the building are minimal, with 3 windows being obscure glazed to the lower half. The building has always been in a community facility use and the proposed use will not be materially harmful. The character and appearance of the conservation will therefore be preserved.

Representations

Frinton and Walton Town Council noted the application at their meeting on 22nd November 2018.

1 letter of support has been received stating that the closure of the Mill Lane toilets means this is a well needed facility that will be located in an ideal central location opposite the main public car park.

1 letter of objection has been received from the owner of the adjoining nursery building raising the following concerns;

- Unsuitable use next to children's nursery.
- Very costly for the Town Council and likely to lead to the facility to be unattended.
- May lead to the closure of the nursery as current clients would reconsider using a nursery sited next to a public toilet.

There is an identified need for the facility due to the closure of the Mill Lane conveniences. This is an appropriate town centre location. This is the main high street area where people will pass and congregate regardless of this use being made available. The cost of the facility and its upkeep are not material planning considerations. In the absence of any material environmental harm identified there can be no justified reason to refuse planning permission due its proximity to a nursery or any other neighbouring uses/premises.

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 development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: 1812/04, Drawing No: 1812/05 and Drawing No: 1812/06.

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

- 3 The facilities hereby approved shall only be open during the hours of 9.00am and 5.00pm daily.

Reason - To ensure the use 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.

Signage Informative

Please note that any signage may require advertisement consent.