

There have been no other letters of representation received.

Conclusion

In the lack of significant material harm resulting from the proposed development, this application 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, the untitled Block Plan, the untitled elevational drawings and the untitled floor layout plan.

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

- 3 The mobile home hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Number 63 Tile Barn Lane, Lawford.

Reason - The site is unsuitable for an additional independent residential unit and has been approved as a residential annexe ancillary to the dwelling at Number 63 Tile Barn Lane, Lawford.

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.

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	02/04/2019
Planning Development Manager authorisation:	SCE	03.04.19
Admin checks / despatch completed	AP	3/4/19

Application: 18/02111/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Miss Chantelle Hussein

Address: Unit 1 Braziers Farm Beach Road St Osyth

Development: Change of use from existing B1 to A1.

1. Town / Parish Council

Mr Parish Clerk St Osyth Parish Council No objections.

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The site is located within an existing 30-mph speed limit and the premises will be accessed from the existing vehicle access that serves other businesses on this site. The proposal is at the end of a private access and retains adequate room and provision for off street parking and turning, for the premises therefore

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

Informative 1:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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

06/00132/FUL	Conversion of farm building into two chalets (phase one).	Withdrawn	10.02.2006
12/00538/FUL	Erection of two storey workshops and offices / stores and single	Refused	23.07.2012

	storey disabled accommodation (following the building being burnt down).		
12/01248/FUL	Erection of two storey workshops and offices/single storey disabled accommodation. (Following building being burnt down)	Approved	03.05.2013
18/02111/FUL	Change of use from existing B1 to A1.	Current	
01/00265/FUL	Alterations and change of use of existing farm building to Class B1 light industrial units	Approved	17.05.2001
01/00852/FUL	Compound to store gas cylinders (renewal of TEN/98/00401/FUL)	Approved	25.07.2001
93/00036/FUL	Compound to store gas cylinders	Approved	20.07.1993
95/00841/FUL	Compound to store gas cylinders (Renewal of planning permission TEN/93/0036)	Approved	08.01.1996
96/00279/FUL	Gas compound	Withdrawn	17.06.1996
98/00401/FUL	Compound to store gas cylinders (renewal of TEN/95/0841)	Approved	01.05.1998
06/00132/FUL	Conversion of farm building into two chalets (phase one).	Withdrawn	10.02.2006
08/01269/FUL	Change of use of 1 acre site from agricultural to operating centre for 7.5 tonne grab lorry.		17.10.2008
12/00320/FUL	Erection of detached garage with playroom / study over.	Approved	17.05.2012
12/00538/FUL	Erection of two storey workshops and offices / stores and single storey disabled accommodation (following the building being burnt down).	Refused	23.07.2012
12/01248/FUL	Erection of two storey workshops and offices/single storey disabled accommodation. (Following building being burnt down)	Approved	03.05.2013
14/00497/DISCON	Discharge of conditions 02 (Materials), 03 (Landscaping), 05 (Fencing), 06 (Lighting), 15 (Parking), 16 (Vehicular Turning Facility), 17 (Sub-Standard Access), 18 (Wheel and Underbody Cleaning Facility) and	Approved	07.05.2014

	19 (On-Site Parking) of approved planning application 12/01248/FUL.		
15/00938/FUL	Proposed new small storage units.	Approved	09.12.2015
16/00085/DISCON	Discharge of conditions 3 (Materials), 4 (Landscaping), 10 (vehicular turning), and 13 (Parking) of approved planning application 15/00938/FUL.	Approved	14.03.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

ER7 Business, Industrial and Warehouse Proposals

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

PP13 The Rural Economy

CP1 Sustainable Transport and Accessibility

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 a purpose built complex comprising six B1(c) business units approved under 12/01248/FUL with a dedicated access and parking area to the front. The site has a gated entrance and is enclosed by a dense laurel hedgerow to its front boundary. The application relates specifically to unit 1 located at the northern end of the building. The site is located outside the defined settlement boundary of St Osyth.

Description of Proposal

The application seeks a change of use of Unit 1 from B1(c) (formerly used as an office and waiting area for storage) to A1 Retail to be used as a hairdressers.

Appraisal

The main considerations are;

- Principle of Development and Compatibility of Uses;
- Impact on Neighbouring Amenities;
- Highway Considerations; and,
- Representations.

Principle of Development and Compatibility of Uses

A1 uses are usually directed towards town centre locations but the site is already an established commercial site within close proximity to the built up area of St Osyth and will not result in any material harm. The proposed use ensures that the unit is retained for employment, contributes positively to vitality of the village by bringing a vacant unit back into use and adding to the mix of uses offered within the area.

The applicant intends to open the hairdressers between 9am to 6pm Monday to Friday and 9am to 5pm Saturday with no opening on Sundays and Bank Holidays. This falls inside the approved opening times of the adjoining commercial units and is therefore considered appropriate. A condition will be added to reflect the opening hours of the units as a whole allowing the proposed use to operate within the required times but also allowing some flexibility whilst remaining in line with the other units.

Impact on Neighbouring Amenities

The unit is located to the northern end of the building adjacent to Brazier's Farm but no other residential properties are located close to the site.

The siting of the unit retains an ample distance of 25 metres to the only neighbouring property and will not result in any noise or disturbance or harm to the amenities of the occupants of Brazier's Farm.

Highway Considerations

In terms of highway safety and traffic generation, the site is well related to the highway network, the Highway Authority has not objected to the scheme as the existing access and ample parking area to the frontage meets the requirements for the new use.

Representations

St Osyth Parish Council raise no objection.

No other letters of representation have been received.

Conclusion

In the absence of any material harm, 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: 1:200 Detailed Block Plan, 1:100 Proposed Elevation Plans and 1:100 Proposed Floor Plans.

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

- 3 The operating hours of the use of Unit 1 hereby approved shall be between the hours of 07:30 - 18:00 Monday to Friday and 08:00 - 16:00 on Saturdays. There shall be no working on Sundays and Public Holidays.

Reason - To be in line with the operating hours of the other units of Braziers Farm, in the interests of neighbouring residential amenity.

- 4 The premises shall be used solely for the purpose and use as a Hairdressers and for no other form of use including any other use with Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or those permitted by the Town and County Planning (General Permitted Development (England) Order) 2015 (as amended).

Reason - To ensure that the use is appropriate to the locality and to safeguard the character of the area. The Local Planning Authority wish to be able to review alternative uses before being imposed on the area.

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.