

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/05/2019
Planning Development Manager authorisation:	SCE	17.05.19
Admin checks / despatch completed	<i>WNE</i>	17/05/19.

Application: 19/00330/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Nicholas Young

Address: The Sheldrake Meadow Way Jaywick

Development: Proposed change of use of ground floor from A4 Drinking Establishment to A1 Retail, its subdivision to create 2 retail units and the installation of 2 new shop fronts to replace the existing central entrance.

1. Town / Parish Council

Clacton non parished.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The premises is located on a one way street and has existing parking restrictions outside the front of the building and has some existing off road parking adjacent to the building therefore:

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

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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

No comments at this stage.

Environmental Protection

Environmental Protection have no objections to make in relation to the above application however the following will need to be considered:

If the applicant wishes to install additional air conditioning units, refrigeration units or extraction units then EP would require details of these including location of installations and specifications of each unit. The reason for this is to assess the noise impact units and to request further information if required.

3. Planning History

02/01863/FUL	Wrought iron perimeter fencing adjacent Meadow Way and Lake Way (Replacement of wooden fence)	Approved	05.12.2002
03/00058/FUL	Replacement fence	Approved	04.03.2003
15/30294/PREAPP	Change of use from public house with flat above to daycare nursery and church activities.	Refused	15.01.2016
15/30315/PREAPP	Change of use to 3 x 3 bedroom flats.		08.01.2016
16/30094/PREAPP	Elevational changes and section building into 4no 3 bedroom houses.	Refused	31.05.2016
18/30250/PREAPP	Proposal to convert the property into 2 retail units at ground floor, conversion of first floor into 1 x 1 bed flat and 2 x 2 bed flats and the addition of a second floor extension to accommodate 2 x 2 bed flats.		30.04.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL6 Urban Regeneration Areas

ER3 Protection of Employment Land

COM3 Protection of Existing Local Services and Facilities

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

PPL1 Development and Flood Risk

PP6 Employment Sites

HP2 Community Facilities

PP14 Priority Areas for Regeneration

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

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 (including Site Description and Proposal)

Site Description

The application relates to the former Sheldrake Public House situated on the north-western side of Meadow Way, Jaywick. The site is located within the settlement development boundary for the area, within Flood Zone 3 and also within an Urban Regeneration Area.

Description

The application seeks planning permission for the change of use of the ground floor from A4 Drinking Establishment to A1 retail. Amended plans received show 2 retail units are proposed with external alterations to the building including the removal of the existing flat roof central entrance and the installation of 2 new shopfront windows and doors. The second entrance to the southern corner of the building is to be retained, serving as a separate entrance to the existing residential accommodation above.

Assessment

The main considerations are;

- Principle of Development;
- Design and Appearance;
- Impact on Neighbours;
- Parking and Accessibility;
- Flood Risk; and,
- Representations.

Principle of Development

The existing permitted use is as a public house (Use Class A4) with a three bedroom flat at first floor level although the pub has been closed for some time. Public houses are important community facilities and as such they are protected by Saved Policy COM3 of the adopted Tendring District Local Plan 2007. This policy sets out three circumstances where losses of public houses will be accepted, one being where there is adequate provision of similar facilities within reasonable walking distance (800 metres). In this case, another pub - the Never Say Die is situated around 480 metres away from the site so there is therefore no conflict with the policy.

The proposed retail units at ground floor level ensure that employment opportunities are retained and alternative local amenities are created to serve the community.

Design and Appearance

The development proposes alterations and additions to the building comprising the removal of the existing flat roof central entrance and the installation of 2 new shopfront windows and doors.

These alterations are fairly minor in nature and will not result in any harm to visual amenity or the character of the area.

Impact on Neighbours

Paragraph 127 of the National Planning Policy Framework 2018 (NPPF) states planning decisions should ensure that developments are visually attractive with a high standard of amenity for existing and future users. Saved Policy QL11 states development will only be permitted where it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The building is positioned on its rear boundary and has three dwellings to the immediate north in very close proximity. The proposed use as 2 shops is likely to generate less noise and disturbance than the late hours and potential noise from clientele associated with a public house.

The accompanying application form states that opening hours of 7am to 11pm are sought. Given the nature of the proposed use and the current permitted use, on balance these hours are considered acceptable and will not result in any materially harmful impact to neighbouring amenities.

Parking and Accessibility

The development would be served by a total of 8 parking spaces to the front of the building.

The Council's adopted Parking Standards require retail uses to be served by 1 space per 20 sqm, therefore requiring 11 spaces in this instance.

However, it is recognised that the existing use as an A4 drinking establishment would require a total of 41 spaces in order to comply with the adopted standards. Given that the site is in a highly sustainable location served by good public transport links the shortfall is not considered harmful and is notably better than the current deficit associated with the permitted public house use.

Flood Risk

The site lies within Flood Zone 3 (high risk). A public house is classed as a 'more vulnerable' use and a shop is classed as a 'less vulnerable' use by the Environment Agency. The sequential and exception tests also do not apply in relation to changes of use.

The proposed use does not raise any concerns regarding flood risk.

Representations

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

No letters of representation received.

Conclusion

For the reasons set out above, 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. 02 Rev A.

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

- 3 The retail use hereby approved shall be open between the hours of 07:00 - 23:00 Monday to Saturday and 07:00 - 21:00 on Sundays and Bank Holidays.

Reason - In the interests of neighbouring residential amenity.

- 4 Prior to the commencement of the use hereby approved, if any extraction, air conditioning or refrigeration equipment is to be installed, details shall be submitted to and approved in writing by the Local Planning Authority. Any equipment shall be satisfactorily installed and maintained in the approved form and operational manner thereafter.

Reason - 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 Agent, 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.

Advert Consent

Please note that advertisement consent may be required for any new signage to the retail uses hereby approved.

Highways Informatives

1. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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