

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	29/10/2019
Planning Development Manager authorisation:	TF	30/10/2019
Admin checks / despatch completed	CC	31/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XU	31/10/19

**Application:** 19/01310/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr Adam Brown

**Address:** 562 Main Road Harwich Essex

**Development:** Proposed change of use from A1 to Sui Generis to incorporate a Beauty Parlour/sunbeds with a small ancillary coffee bar serving tea, coffee, cakes and biscuits (retrospective).

### **1. Town / Parish Council**

Harwich Town Council

Harwich Town Council has no objection to this application, with the addition that the planning authority (TDC) is written to, to raise the council's concern that another retrospective application has been submitted.

### **2. Consultation Responses**

Food Health and Safety

No objection to the application.

To ensure that the premises complies with EU 852/2004, and that it registers with TDC as food business.

An advisory food visit is available.

Building Control and Access Officer

No adverse comments at this time.

ECC Highways Dept

No comments received.

### **3. Planning History**

01/02156/ADV	1 x double freestanding advertisement display unit	Refused	23.01.2002
93/01130/FUL	(562 Main Road, Dovercourt) Change of use of first floor from dwelling to regional training centre/offices	Approved	04.01.1994
99/01063/FUL	Change of use from Regional Training Centre/Offices to residential (The use to which the premises were put prior to 1993)	Permitted Development	06.10.1999
06/00183/FUL	Installation of security shutters to shopfront.	Refused	13.04.2006

07/01558/ADV	Installation of illuminated advertisement signage.	Approved	11.12.2007
07/01559/FUL	Installation of ATM.	Approved	08.01.2008

#### **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

ER31 Town Centre Hierarchy and Uses

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

CP2 Improving the Transport Network

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 (2019) 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 commercial unit number 562 Main Road, Harwich located on the corner of Main Road and Clarkes Road within the settlement development boundary and town centre boundary of Harwich.

### **Description of Proposal**

The application seeks full planning permission for the change of use from A1 Retail to a Beauty Parlour/sunbeds (Sui Generis) with a small ancillary coffee bar serving tea, coffee, cakes and biscuits.

At the time of the officer's site visit it was apparent that the use had commenced.

The description has been amended to reflect retrospective nature of the application confirmed by the applicant via email on 29<sup>th</sup> October 2019.

### **Assessment**

The main considerations are;

- Principle of Development and Compatibility of Uses;
- Impact on Residential Amenities;
- Accessibility and Parking;
- Representations.

### **Principle of Development and Compatibility of Uses**

The site falls within the Harwich Settlement Development Boundary and also lies within the Town Centre Boundary for the area. The proposal falls to be considered against saved Policy ER31 Town Centre Hierarchy and Uses of the adopted Tendring District Local Plan (2007).

The premises formally accommodated an A1 retail newsagents. Although within the Town Centre Boundary this retail use is not further safeguarded in this particular location.

This site is located on the edge of the defined town centre within an established row of commercial uses. Saved Policy ER31 states that development proposals which adversely affect the vitality, viability and the urban regeneration objectives associated with each centre will not be permitted.

The proposed use ensures that the unit is retained for employment, contributes positively to vitality of the town centre by bringing a vacant unit back into use and adding to the mix of uses available. The proposed use is a suitable town centre use appropriate to the character of the area. The application form states that the use will employ 4 members of staff.

The opening hours comprise;

Monday to Friday 9am - 8pm

Saturday 9am - 4pm

No Sunday opening

This will allow for some later evening appointments. Given the location of the site in close proximity to other existing commercial uses with later opening times, the required opening hours are considered acceptable.

### **Impact on Residential Amenities**

The premises adjoins residential dwellings to the west, with other residential properties to the rear of the site and opposite.

The nature of the use is quiet and not intrusive. Having regard to the predominantly commercial character of the immediate locality, the impact on residential amenities from the proposed use cannot

be considered harmful. The opening times are not excessive and are comparable to other nearby uses.

#### Accessibility and Parking

The site is located in a highly sustainable location and the site frontage can accommodate up to 4 parking spaces. This accessibility and parking for the use is considered acceptable.

#### Representations

Harwich Town Council has no objection to this application but does raise concerns with the submission of another retrospective application.

No other letters of representation have been received.

#### 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 premises shall be used solely for the purpose and uses as described within the application form.

Reason - To ensure that the ancillary coffee bar remains as approved and does not introduce the serving of hot food or a takeaway service in the interests of neighbouring amenities.

- 2 The use hereby permitted shall only be open during the following times;

Monday to Friday 9am - 8pm

Saturday 9am - 4pm

(No Sunday or Bank Holiday opening)

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

### **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.

#### Food Health and Safety Informative

Please ensure that the premises complies with EU 852/2004, and that you register with Tendring District Council as food business. An advisory food visit is available.