

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	04/11/2019
Planning Development Manager authorisation:	AN	4/11/19
Admin checks / despatch completed	CC	6/11/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XL	6/11/19

**Application:** 19/01177/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Ms Tania Potts

**Address:** 97 Carnarvon Road Clacton On Sea Essex

**Development:** Change of use from A1 to a laundrette (Sui Generis).

### 1. Town / Parish Council

Clacton non parished.

### 2. Consultation Responses

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

### 3. Planning History

14/00320/FUL	Change of use from beauty salon (Sui Generis) to solicitors office (A2).	Approved	19.06.2014
17/00763/FUL	Change of use to A5 (hot food takeaway).	Approved	04.07.2017

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL6 Urban Regeneration Areas

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

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth



SPL3 Sustainable Design

PP5 Town Centre Uses

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 97 Carnarvon Road, Clacton on Sea. The vacant premises is located on the western side of Carnarvon Road, within the Settlement Development Boundary, Town Centre boundary and Area for Regeneration for Clacton on Sea as established within the saved and draft local plans.

The premises lies within a row of commercial premises with some residential usage above and to the rear.

### **Description of Proposal**

This application seeks planning permission for a change of use to a Launderette (sui generis).

The planning history shows that permission was granted for a change of use from beauty parlour (sui generis) to office use (A2) in 2014. A further application was approved under planning reference 17/00763/FUL for a change of use to A5 (hot food takeaway).



The planning history shows that permission was granted for a change of use from beauty parlour (sui generis) to office use (A2) in 2014. A further application was approved under planning reference 17/00763/FUL for a change of use to A5 (hot food takeaway).

Although the description of the application as submitted referred to an existing A1 use, there is no evidence of this and the description has been changed to remove any reference to a previous use as the lawful use of the unit is unclear.

#### Assessment

The main considerations in this instance are;

- Principle of development;
- Design and Appearance;
- Impact to Residential Amenities;
- Highway Considerations and Parking;
- Regeneration, and;
- Representations.

#### Principle of development

The application site is located within the Town Centre Boundary of Clacton on Sea as defined the both the saved Tendring District Local Plan (2007) and the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) and the site is not safeguarded for retail use. A Laundrette use is considered an appropriate use in this location subject to the detailed considerations below.

#### Design and Appearance

The proposal does not result in any significant physical alterations to the building and the development will not be harmful to visual amenity or the character of the locality.

#### Impact to Residential Amenities

Due to the location of the proposal, it falls within close proximity to a number of commercial properties. No concerns have been raised from nearby residents. Following consultation the Council's Environmental Health Team, no objections have been raised given that the site is located in close proximity to other late night uses with associated noisy equipment.

Furthermore, the proposed opening hours of 6am-10pm daily are not considered excessive or unreasonable as there are numerous examples of similar opening hours at nearby premises and the site is located within a busy thoroughfare.

Consequently the proposed use and opening hours would not result in any material harm to residential amenities.

#### Highway Considerations and Parking

Given the highly sustainable, Town Centre location of the premises parking provision is not considered a necessity to support the use in this instance.

#### Other Considerations

Clacton is non-parished so no comments are required.

No letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the proposal, 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: drawing no: 1884-01.

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

- 3 The use of the premises hereby permitted shall only operate between the hours of 6am to 10pm daily.

Reason - In the interests of the character of the area and residential amenities.

## **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.