

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	22/01/20
Planning Development Manager authorisation:	TF	22/01/2020
Admin checks / despatch completed	CC	22/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RNE	22/01/2020

**Application:** 19/01601/LUPROP                      **Town / Parish:** Harwich Town Council

**Applicant:** Mr Teit

**Address:** 5 Central House High Street Harwich

**Development:** Change of use of the first floor to a one bedroom flat.

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

Harwich Town Council                      Harwich Town Council notes this application.

### **2. Consultation Responses**

N/A

### **3. Planning History**

19/01129/LUPRO      Change of use of first floor to a                      Approved  
P                              1no. bedroom flat.

### **4. Relevant Policies / Government Guidance**

N/A

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)**

### Application Site

The application site is 5 Central House, High Street, Harwich which is a vacant A1 shop. The first floor is currently used in conjunction with the ground floor shop.

The application site is located within the development boundary and town centre boundary of Harwich.

### Proposal

This application seeks the issuing of a Lawful Development Certificate for the change of use of the first floor to a one bedroom flat.

*A lawful use certificate is 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes.'*

### Assessment

#### General Permitted Development Order

The purpose of this application is to establish whether the proposed development is permitted development. For the determination of the application reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class G.

Class G states that development is permitted if the development consisting of a change of use of a building from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flats.

Development is not permitted by Class G if:

(a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

*The ground floor will serve an A1 use and the first floor will serve a one bedroom flat.*

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

*The ground floor will be used as an A1 shop only.*

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence) —

(i) by a single person or by people living together as a family, or

(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

*The application is for a one bedroom flat and therefore it will not comprise of more than 6 people.*

Conclusion

The proposed change of use meets all of the relevant criteria as set out above and it must be concluded to be permitted development. The Lawful Development Certificate for the proposed development can therefore be issued.

**6. Recommendation**

Lawful Use Certificate Granted

**7. Conditions / Reasons for Refusal**

- 1 The proposed development, shown on Drawing Number PL02 Revision RV-01, constitutes Permitted Development by virtue of the provisions of Schedule 2, Part 3 Class G of the Town & Country planning (General Permitted Development) (England) Order 2015 (as amended).

**8. Informatives**

N/A

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO