

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	29/01/2020
Planning Development Manager authorisation:	AN	30/1/2020
Admin checks / despatch completed	CC	31/1/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	31/01/2020

Application: 19/01387/FUL **Town / Parish:** Clacton Non Parished

Applicant: Miss H C Giana

Address: 45 Rosemary Road Clacton On Sea Essex

Development: Proposed change of use to beauty salon and installation of dormer window to serve upper floor residential accommodation.

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

10/00025/FUL	Proposed alterations and proposed rear addition to flat.	Refused	24.03.2010
10/00425/FUL	Proposed addition to flat. Alterations and provision of rooflight.	Approved	07.06.2010
12/00889/FUL	Proposed change of use of vacant shop to hot food takeaway (A5) including extraction system.	Approved	05.10.2012
15/01363/FUL	Proposed change of use of vacant shop to hot food takeaway including extraction system.	Approved	21.07.2016

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

ER3 Protection of Employment Land

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

ER33 Non-retail Uses Within Primary Shopping Frontages

EN17 Conservation Areas

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

PP5 Town Centre Uses

PP6 Employment Sites

SPL3 Sustainable Design

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining

planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 45 Rosemary Road, Clacton-on-Sea. The premises is currently vacant (previously open as 'The Video Shop') and is located within the Clacton Seafront Conservation Area. The premises also lies within the Town Centre Boundary, Urban Regeneration Area and Primary Shopping Frontage for Clacton as defined within the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The unit is not on the main, central shopping streets of Clacton, but lies to the east of Station Road almost on the corner with Colne Road. The immediate locality is made up of a mixture of A1, A3 and A5 uses that have evolved over time.

Description of Proposal

The application seeks full planning permission for a change of use from A1 Retail to a Sui Generis Beauty Salon Use.

The premises has access from a service yard to the rear for deliveries and waste disposal.

The upper floors have recently been converted into residential accommodation permitted under Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This states that development consisting of a change of use of a building from a use for any purpose within Class A1 (shops) to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flats above is permitted.

Up to date floor plans and internal photographs have been provided (received on 16th December 2019 and 15th January 2020) by the applicant superseding the original information provided by the agent. This confirms that the upper floors are now a flat (occupied by the applicant).

This application also seeks permission for the erection of a small, flat roof dormer window within the front facing roof slope to serve the flat above.

Assessment

The main considerations are;

- Planning History;
- Principle of Development;
- Impact on the Conservation Area;
- Impact on Residential Amenities;
- Highways and Parking, and;
- Other Considerations.

Planning History

This application follows previously approved applications 12/00889/FUL and 15/01363/FUL for a change of use to a hot food takeaway. Both permissions were not implemented. Retail uses have operated from the unit and failed during this period. The most recent video shop is an example of a failed retail use and the premises has remained vacant since its closure.

Principle of Development

Policy ER31 of the Tendring District Local Plan 2007 states that development proposals which adversely affect the vitality, viability and the urban regeneration objectives associated with each centre will not be permitted. Saved Policy ER33 states that within Primary Shopping Frontages non-retail uses will not be permitted at the ground floor level. Furthermore, Saved Policy ER32a states

that non-retail development at ground floor level will not be permitted with defined Primary Shopping Areas.

Paragraph 85 of the National Planning Policy Framework 2019 (NPPF) states the local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality, they should retain and enhance existing markets and, where appropriate, re-introduce or create new ones. Local planning authorities should promote competitive town centres that provide customer choice and diverse retail offer and which reflect the individuality of town centres.

A 'Property Timeline' has been provided by the marketing agent on 5th December 2019. This provides evidence of the unsuccessful attempts to sell and rent the property between varying sustained periods during 2012 to 2019. There was a tenant in situ on a 5 year lease from 17th May 2016 but the occupant surrendered the lease early due to failing trade further confirming the difficulty of securing a successful A1 retail use in this part of Rosemary Road.

The application and additional marketing information provided, satisfactorily demonstrates that the unit has been the subject of a marketing campaign which complies with the aims set out within Saved Policy ER3 and Appendix 3a of the adopted Tendring District Local Plan 2007. After remaining empty for a long period of time, officers consider that the vacant unit is in fact having a negative impact on the street frontage within this Urban Regeneration Area.

Having regard to the positive and proactive approach to be taken toward town centres as required by the NPPF, whilst the proposal would increase the non-retail frontage of this part of Rosemary Road, the change of use of this property which has been vacant for some time would provide a service to the public and add to the mixture of uses on offer thus having a positive effect on the street frontage and town centre as a whole.

As such there would be no conflict with the underlying aims of Saved Policies ER32a and ER33 of the Tendring District Local Plan 2007 and the aims of the NPPF.

Impact on the Conservation Area

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework advocates that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The site lies within the Clacton Seafront Conservation Area. Saved Policy EN17 of the adopted Tendring District Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. These sentiments are carried forward in the emerging Local Plan through Policy PPL8.

The main physical alterations to the building comprise the erection of a flat roof dormer window within the front facing roof slope to serve the flat above. Any alterations to the existing shop front will be minor and not result in any significant harm to the conservation area. An informative will be added regarding the potential requirement for separate advertisement consent for any new signage.

The Essex Design Guide provides guidance states that dormer windows should be a minor incident within a roof plan and not over-dominant in composition. The proposed dormer is traditional in appearance and finish being sympathetic to the character and appearance of the conservation area. Furthermore, the dormer window is off an appropriate scale and proportion in relation to the roof slope and building. The dormer window will not appear dominant or harmful within the street scene.

It is therefore considered that the proposed development would not result in any adverse impact upon the character and appearance of the Clacton Seafront Conservation Area.

Impact on Residential Amenities

There are residential premises at first floor level in the vicinity of the site; however, given this is a town centre location surrounded by mixed uses where a high level of public activity and noise is to be expected, the impact on residential amenity from the proposed use will be negligible.

Highways and Parking

The site is located within in a highly sustainable town centre. The application will not result in any highway safety or accessibility issues.

Other Considerations

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

No letters of representation have been received.

Conclusion

For the reasons set out above, the proposed development will not result in any harm to the retail offer or vitality of Clacton Town Centre, nor will the physical alterations to the building result in any harm to the character or appearance of the Clacton Seafront Conversation Area. The application is therefore recommended for approval subject to conditions.

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. 1 A, First Floor Plan 2 and Second Floor Plan 3.

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

- 3 The use hereby approved shall only take place between the hours of 0830 and 1930 Mondays to Saturdays and 0930 to 1630 Sundays and Public Holidays.

Reason - In the interests of the character of the area and local residential amenity.

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.

Advertisement Consent

Please note that separate advertisement consent may be required for any new signage on the premises.