

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	05/11/2020
Planning Development Manager authorisation:	TC	05/11/2020
Admin checks / despatch completed	DB	05/11/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/11/2020

Application: 20/01227/FUL **Town / Parish:** Alresford Parish Council
Applicant: Mrs Tinneveld
Address: 47 Station Road Alresford Colchester
Development: Removal of condition 2 on planning permission 02/00207/FUL to allow for use of the building for Class E purposes.

1. Town / Parish Council

Alresford Parish Council 14.10.2020 Alresford Parish Council do not object to the proposed. But it would be appreciated if the village name could be spelt correctly.

2. Consultation Responses

Environmental Protection No comments received.

Food Health and Safety No comments received.

3. Planning History

02/00207/FUL Change of use from carpet shop to catering and china hire shop Approved 14.03.2002

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

ER1 Employment Sites

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

SPL3 Sustainable Design

PP5 Town Centre Uses

PP6 Employment Sites

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 premises at 47 Station Road, Alresford. The unit is currently vacant (most recently used as a carpet shop) and is located within the Station Road Alresford Local Centre as defined within the adopted Tendring District Local Plan (2007) Policy ER31 Town Centre Hierarchy.

The premises also lies within the Alresford Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The unit is one of a group of 3 commercial premises located on the eastern side of Station Road. There are further commercial units to the south both fronting Station Road and the adjoining Cox Road. Alresford Train station and cross roads lies further to the south.

Description of Proposal

The application seeks full planning permission for the removal of condition 2 on planning permission 02/00207/FUL to allow for use of the building for Class E purposes.

Assessment

The main considerations in this instance are;

- Planning History and Compatibility of Use;
- Principle of Development;
- Accessibility;
- Residential Amenities; and,
- Representations.

Planning History and Compatibility of Use

Permission was granted under planning application reference 02/00207/FUL on 14.03.2002 for the change of use from carpet shop to catering and china hire shop.

Condition 2 of this permission states:

The use hereby approved shall operate in accordance with the details submitted with and forming part of this permission. No consumption of food and drink upon the premises shall be undertaken by members of the public nor shall the premises be used for the retail sale of hot food and hot drink.

Reason: For the avoidance of doubt as to the extent of this permission and in the interest of local amenity.

On 21st July 2020 radical changes to the Use Classes Order were made through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 including the revocation of Use Classes 'A', B1 and D, and the introduction of new Use Class E (Commercial Business and Service).

Having regard to the new legislation which aims to apply a more flexible approach to commercial changes of use, were it not for the restrictive condition imposed on planning permission 02/00207/FUL, the change of use from the catering and china hire shop would be permitted under the new Use Class E.

The condition was imposed 'in the interest of local amenity' and there is nothing to suggest that the uses permitted by Class E would not be compatible with existing commercial uses and nearby residential dwellings.

An opening times condition will be imposed to retain control over the operations of any future uses having regard to the amenities of nearby residential properties which any future occupant will be able to vary through the appropriate route if required.

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.

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.

The proposal will ensure an empty unit with an excessively restrictive condition is brought back into use and secure its longevity with flexibility to move between the uses now covered under the new Class E.

As such there would be no conflict with the underlying aims of Saved Policies ER31 of the Tendring District Local Plan 2007 and the aims of the NPPF.

Accessibility

The site is located within in a highly sustainable local centre in easy walking distance of residential properties and public transport with unrestricted on-street parking. The application will not result in any highway safety or accessibility issues.

Residential Amenities

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

Representations

Alresford Parish Council raise no objection to the proposal but do point out the error with the misleading of Alresford.

1 individual letter of objection has been received stating that the Local Planning Authority should reject the application on the basis that Alresford is misspelt within the application documents.

The spelling error has no bearing on the planning merits of the application and proposal. The address to which the application relates is clear from the site plan provided.

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 use hereby permitted shall only operate between the hours of 08:00 to 18:00 Monday to Saturday and 10:00 to 16:00 Sundays and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the use is appropriate within this mixed commercial and residential location.

- 2 The development hereby permitted shall be carried out in accordance with the approved Scale 1:50 Proposed Floor Plan accompanying the application.

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

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.