

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11 th Dec 2020
Planning Development Manager authorisation:	AN	15/12/2020
Admin checks / despatch completed	CC	15.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	15.12.2020

Application: 20/01062/FUL **Town / Parish:** Manningtree Town Council

Applicant: Mr Robert Clubb

Address: 22A High Street Manningtree Essex

Development: Change of use of office to mixed use to include tattoo/piercing studio and office.

1. Town / Parish Council

No comments received

2. Consultation Responses

Essex County Council Heritage There is no principle objection to the change of use to mixed use to include tattoo/piercing studio and office.

3. Planning History

95/00992/FUL	(Capital House, (Formerly 22 and 22A) High Street, Manningtree) Temporary change of use - Ground floor shop to non-retail. Exclusive to applicant until 30 April 1998	Approved	31.10.1995
98/00504/FUL	Extension of temporary consent (TEN/95/0992) use of ground floor shop to non-retail use exclusive to applicant	Approved	02.06.1998
05/02208/ADV	Non-illuminated fascia and replacement projecting sign panels	Approved	08.02.2006
06/00091/LBC	Retention of signage to the front elevation	Approved	16.03.2006
10/01196/ADV	Erection of one timber fascia sign and one timber hanging sign.	Approved	11.03.2011
10/01197/LBC	Erection of one timber fascia sign and one timber hanging sign.	Approved	11.03.2011
20/01062/FUL	Change of use of office to mixed use to include tattoo/piercing studio and office.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER31 Town Centre Hierarchy and Uses

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 first and second floors of a three storey circa 16th-century Grade II listed building in the heart of Manningtree medieval town centre.

Proposal

The application proposes the change of use of the first and second floors from B1 (office) – this non-retail use granted in the late 1990's to a sui generis use, specifically being a tattoo studio; the total area being changed would be 41.5sqm. As no internal or external changes are proposed a corresponding Listed Building Consent application is not required.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Conservation Area
- Representations; and,
- Other Considerations.

Principle of Development:

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance:

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 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 and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The development relates to the use of the site only, no physical changes are proposed.

Amenities of Existing & Future Occupiers:

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The development relates to the use of the site only, no physical changes are proposed; for this reason the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Highways:

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The premises has a commercial use already; it is not considered that the proposed use would result in a material increase in demand for parking in this town centre location.

Conservation Area/Heritage:

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Listing is described as:

Now a corner terrace of 3 shops. C16 or earlier with C19 plastered brick walls. Grey slate roof with small hip. South Street corner, grey slate lower roof to (right) Bikes and Things, continued in red pantiles to The Special Touch (far right). Moulded eaves cornices. 3 storeys to corner bays, 2 storeys and attics to right with flat headed right dormer. One 3 storey bay to High Street and 2 similar bays to South Street (left) return, the angle bay curved with a 2 storey sunk panel, brackets to moulded surround, moulded cornice over, doorway below with similar brackets to surround, curved frieze and curved moulded canopy. Full height pilasters with bases and moulded capitals either side of the doorway and at end of this tall block. 2:1 window range to South Street and High Street respectively of small paned vertically sliding sashes with margins. Shop window to each face each with pilaster with bases and brackets supporting the frieze and moulded flat canopy, window with central mullion and upper transom. Pierced ventilators. To the right the 3 bay 2 storey range has 3 small paned vertically sliding sash windows to first floor with pilasters with moulded capitals between and to left and right, they rest on a central band and terminate at eaves band. Moulded eaves cornice. Bikes and Things (right) has a C19 shop front with recessed C20 door to left, windows with central mullion and upper transom with pierced ventilators. Central C20 shop window with recessed 6 light left door and recessed 6 panel right door. A C16 heavy moulded bridging joist is visible in Bikes and Things which also has vertically boarded walls and C18 fire surround. Probably part of RCHM 3 q.v. 9/141.

The Heritage Officer comments that there is no principle objection to the change of use to mixed use to include tattoo/piercing studio and office. This application includes no physical changes to the property. However, given the property is a Grade II property within a conservation area, any internal or external alterations (including advertisement and signage changes) should be detailed in a subsequent Listed Building Consent. The existing signage is untraditional and detracts from the significance of the listed building as well as the Conservation Area and it is assumed a new advertisement consent will be applied for; this will provide an opportunity to enhance the Conservation Area.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

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 premises shall only be open for customers between the following hours:- 08:00-20.00 Monday to Saturday and 10:00-18:00 Sunday.

Reason - To conform with the pattern of the existing development in the locality.

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO