

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DA	03.02.2021
Planning Development Manager authorisation:	TC	04/02/2021
Admin checks / despatch completed	DB	04/02/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	04/02/2021

Application: 20/01303/FUL **Town / Parish:** Clacton Non Parished

Applicant: Trustees For The Lib Dems

Address: 397 Old Road Clacton On Sea Essex

Development: Proposed change of use to office use with some retail (fundraising).

1. Town / Parish Council

No Parish

2. Consultation Responses

No representations received

3. Planning History

11/00726/FUL	Retrospective change of use from a dog grooming parlour (sui generis) to a tattoo/artwork studio (sui generis).	Approved	10.08.2011
20/01303/FUL	Proposed change of use to office use with some retail (fundraising).	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

Tendring District Local Plan 2007

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER31 Town Centre Hierarchy and Uses

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal

Site and Surroundings

The application premises 397 Old Road comprises of a two storey building situated to the west side of the road within a District Shopping Centre.

The site is situated on the outskirts of district centre and it has been vacant for almost a year. It was last used as a tattoo parlour. (The authorised use).

Proposal

Planning permission is sought for a change of use of the building from tattoo parlour (Sui Generis) to office use with some retail (fundraising).

Principle

Saved policy ER31 includes Old Road as a District Centre and states that District centres contain a wide range of shops and services and are suitable locations for accommodating new retail and related developments such as cafes and professional offices in scale with the functions and size of the particular centre.

The property has been vacant for almost a year and the proposed change of use to an office with ancillary retail element is consistent with policy ER31. The proposal will not result in a loss of a retail unit or a reduction in employment. Indeed, the proposed use as office with ancillary retail is likely to result in an increase in employment. Thus, the principle of the proposed use is considered acceptable.

Impact on the parade

The proposed change of use to office with ancillary retail provision is in connection with the fund raising role of the office. The nature of the retail element has not been defined but the applicant has stated that it will involve the sale of small scale items such as books and cd's.

The proposal would make effective use of the building enabling the re-use of the unit which has been vacant for almost 1 year. This is to be welcomed as it has been noted that the estate agents office opposite has also been vacant of a number of months.

It is considered that the re-use of the building would benefit from investment in adapting and improving the building and the active use of the building may trigger the re-use of the vacant office opposite. The use would safeguard employment and improve the vitality and viability of the district centre parade and as such the proposal is considered acceptable.

Effect on the conservation area

The proposal does not involve any changes to the shop front and it is not considered that the re-use of the property would preserve and enhance the character of the conservation area.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: Existing front and rear elevations, existing floor plan, proposed floor plan, location plan 1:1250 location plan.

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.

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