

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | DA | 24.02.2021 |
| Planning Development Manager authorisation: | TF | 02/03/2021 |
| Admin checks / despatch completed | ER | 03/03/2021 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC | 03.03.2021 |

Application: 20/01600/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Hoang Dao

Address: 6 High Street Clacton On Sea Essex

Development: Change of use from retail to nail salon.

1. Town / Parish Council

No parish

2. Consultation Responses

None

3. Planning History

20/01600/FUL Change of use from retail to nail Current
salon.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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

PP5 Town Centre 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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 site is situated to the south side of the High Street east of the junction with Station Road. The site lies within the Primary Shopping Area.

Proposal

Planning permission is sought for a change of use from A1 retail to a nail bar/salon (Sui-generis).

Principle

Saved policy ER31 relates to 'Town Centre Hierarchy and Uses'. 6 High Street falls within a 'Major Town Centre' location at the top of the hierarchy. Town Centres are areas of predominantly leisure, business and other main town centre uses and provide a full range of facilities and services.

The property has been vacant for more than a year and the proposed change of use to a nail bar is consistent with policy ER31. The proposal will not result in a loss of a retail unit or a reduction in employment. Whilst a nail bar does not fall within an A1 use class, it is a professional service open to the public and one that compliments the retail offer in the town centre, as do hairdressers and tanning salons etc, which are also act as a draw to the wider town centre function. Thus, the principle of the proposed use is considered acceptable.

Impact on vitality and viability

Saved policy ER33 relates to non-retail uses in primary shopping frontages and seeks to ensure that non-A1 use classes would not dominate or detract from the core objectives of providing retail outlets for shoppers.

Emerging policy PP5 states that proposals for development will be permitted where, amongst other things, they promote the vitality and viability of the centre and that within primary shopping frontages A1 uses should comprise at-least 70 percent of the shopping frontage.

Because of the restrictions resulting from Covid 19 it has not been possible to undertake a survey of retail frontages. However, the High Street has been in decline for a number of years and is lacking investment as is evidenced by increasing vacancies within the area. The application premises has been vacant for more than a year and the re-use of the premises for a productive use under current circumstances is to be welcomed.

With regard to the use of the premises as a nail bar it is considered that nail bars do not fall within any Use Class definition and hence are considered to be sui generis use. However, similar uses such as hairdressers are classed as A1 and nail bars share many of the characteristics of hair dressing salons in that they draw people into the centre by offering personal services which may result in increased spending within the shopping centre.

There appear to be two other nail bars within the parade but it is not considered that the addition of the proposed nail bar would constitute an over-saturation of nail bars given the extent of the High Street.

It is considered that the investment in the building and its re-use would help to revitalise the parade and as such it is considered that the proposal would have a positive effect on the vitality and viability of the shopping centre.

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, site location plan, block plan, existing ground floor 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.

The applicant is advised that advertisement displays, including fascia signs and box signage, require separate consent under the advertisement regulations details of which to be submitted to and approved in writing by the local planning authority prior to the installation of any such signage.

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| 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 |