

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	18.06.21
Planning Development Manager authorisation:	JJ	18/06/2021
Admin checks / despatch completed	DB	18.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.06.2021

Application: 21/00563/FUL **Town / Parish:** Mistley Parish Council

Applicant: Muku Mukunthan

Address: 63 Harwich Road, Mistley, Manningtree

Development: Proposed conversion of adjoining garage into retail space (Use Class E(a))
(Formally Use Class A1)

1. Parish Council

Mrs Susan Clements
06.05.2021

At its Planning Committee Meeting on the 6th May 2021 the Parish Council recommended approval. As this is the only shop remaining in the Village the extension is to be welcomed for Mistley.

2. Consultation Responses

Building Control and
Access Officer
22.04.2021

No adverse comments at this time.

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2019. It is noted that the existing large forecourt would remain unaltered, and, save for the parking space within the garage, the proposal would not result in the loss of any customer parking. Having regard to the very modest increase in retail floor space (approx. 30 sqm) through the conversion of an attached garage it would not generate significant additional traffic movements on the local highway network, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative advice is recommended.

3. Relevant Planning History

91/01364/FUL Security shutters to shop windows Approved 18.12.1991

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2019 (the Framework)
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
Local:

Saved Tendring District Local Plan 2007 Policies (the 2007 Local Plan)

QL2	Promoting Transport Choice
QL11	Environmental Impacts and Compatibility of Uses
COM1	Access for All
COM2	Community Safety
COM20	Air Pollution/Air Quality
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
EN1	Landscape Character
ER31	Town Centre Hierarchy and Uses
ER37	Small Convenience Stores Outside of Centres
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond (the 2013-33 Local Plan)

Section 1 (adopted):

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP7	Place Shaping Principles

Section 2 (emerging):

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PP1	New Retail Development
PP2	Retail Hierarchy
PP4	Local Impact Threshold
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Essex County Council Development Management Policies 2011 (Highway DM SPD)
Essex County Council Parking Standards Design and Good Practice Guide 2009 (Parking SPD)

Status of the Local Plan

The 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the Framework.

The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets have been found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. It is therefore at an advanced stage of preparation. Following the Inspectors' final report and further public consultation, adoption is expected in late 2021. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan.

5. Officer Appraisal

The Site

No. 63 Harwich road is located on the northern side of the B1532 in Mistley. The property has the character and appearance of a former dwelling, with a two-storey gable facing the highway and a hipped two-storey projection to one side. Added to both sides of the building are single-storey extensions, one of which is a garage. Dwellings are located either side of the site, opposite and to the rear beyond a long rear lawn. At the front of the site is a large tarmacked forecourt.

The Proposal

Change of use planning permission is sought to extend the retail floorspace of the shop into the adjoining garage and small rear store. The former garage door opening would be walled up in brick to match the existing frontage, and a shop window of similar size and proportion to the existing would be inserted within it. Windows would be aluminium to match the existing shop front.

Principle of Development

The site is located within the Settlement Development Boundary of Manningtree, Lawford and Mistley, in the adopted 2007 Local Plan (and emerging), but outside of the retail hierarchy of centres under Policy ER31. However, policy 2007 Local Plan Policy ER37 states that proposals for small convenience stores of up to 150sqm floorspace outside of existing centres within the defined settlement boundary will be permitted, provided they would not be detrimental to the vitality and viability of a nearby centre. The resultant gross internal floor area would be below this floorspace threshold and the local impact threshold set out in emerging Policy PP4 of the 2013-33 Local Plan. A sequential test is not therefore required. The proposal is small in scale and would perform a local shopping role that would not harm the vitality and viability of any nearby centre. It would not therefore conflict with Paragraph 90 of the Framework. The Parish Council comment that this is the only shop remaining in the Village and that the extension is to be welcomed for Mistley. Taking all these considerations into account the proposal is acceptable in principle.

Living Conditions of Neighbours

There are no windows proposed to the sides of the store and the position of the entrance would remain unaltered, and there would be no increase in the physical footprint of the store. The small scale of the change of use is unlikely to significantly increase the amount of activity on the site. As a result, it is not considered that the proposal would create undue noise and disturbance or unacceptably harm the living conditions of neighbours, and no third party objections have been received. The proposal would not therefore conflict with Policies QL11 or SP7 of the adopted Local Plans, or Paragraph 127 f) of the Framework. However, in order to protect neighbours from unnecessary light pollution, and to comply with Policy COM21, a planning condition is necessary to require the prior approval of any external lighting.

Visual Amenity

The proposal incorporates matching brick and window finishes that are appropriate in context and respect the architectural integrity of the original building. The proposal is in accordance with the place making principles set out in Policies EN1 and SP7. Nevertheless a condition to require matching materials and finishes is required, for the avoidance of doubt in the interests of visual amenity.

Highways

The existing large forecourt would remain unaltered and, save for the parking space within the garage to be converted, the proposal would not result in the loss of any customer parking. Having regard to the limited scale of the proposal it would not generate significant additional traffic movements on the local highway network, create any material increase in parking demand, or have any unacceptable highway safety impacts. The proposal would therefore comply with adopted Policies TR1 and TR7, and the Highways DM SPD. Essex County Council as Local Highway Authority has responded to consultation with no objections and does not recommend the use of planning conditions in this case. In accordance with Paragraph 109 of the Framework planning permission should not therefore be refused on highways grounds.

Conclusion

The proposal is in accordance with the development plan and should therefore be approved, in accordance with the presumption in favour of sustainable development set out in Policy SP1 and Paragraph 11 c) of the Framework.

6. Recommendation

Approve - 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 strict accordance with the following approved plans:

Site Location Plan, Ordnance Survey Map Reference TM1231SW
Elevations, Drawing No 0308/PL/02
Proposed Ground Floor Plan, Drawing No 0308/PL03
Site Plan, Drawing No 0308/PL/04

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

3. The brickwork and windows of the development hereby approved shall match those of the existing shopfront at the time of making the application, in terms of type, colour and finish.

Reason: For the avoidance of doubt and in the interests of visual amenity.

4. Prior to the installation of any external lighting precise details shall have first been submitted to and approved in writing by the local planning authority. Any external lighting shall be designed so as to prevent any unnecessary light spill upwards or towards neighbouring residential properties. Thereafter external lighting shall only be installed in accordance with such details as may have been approved.

Reason: In order to prevent unnecessary light pollution in the interests of protecting the living conditions of existing occupants.

8. Informatives

1. 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.

2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway. To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

4. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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