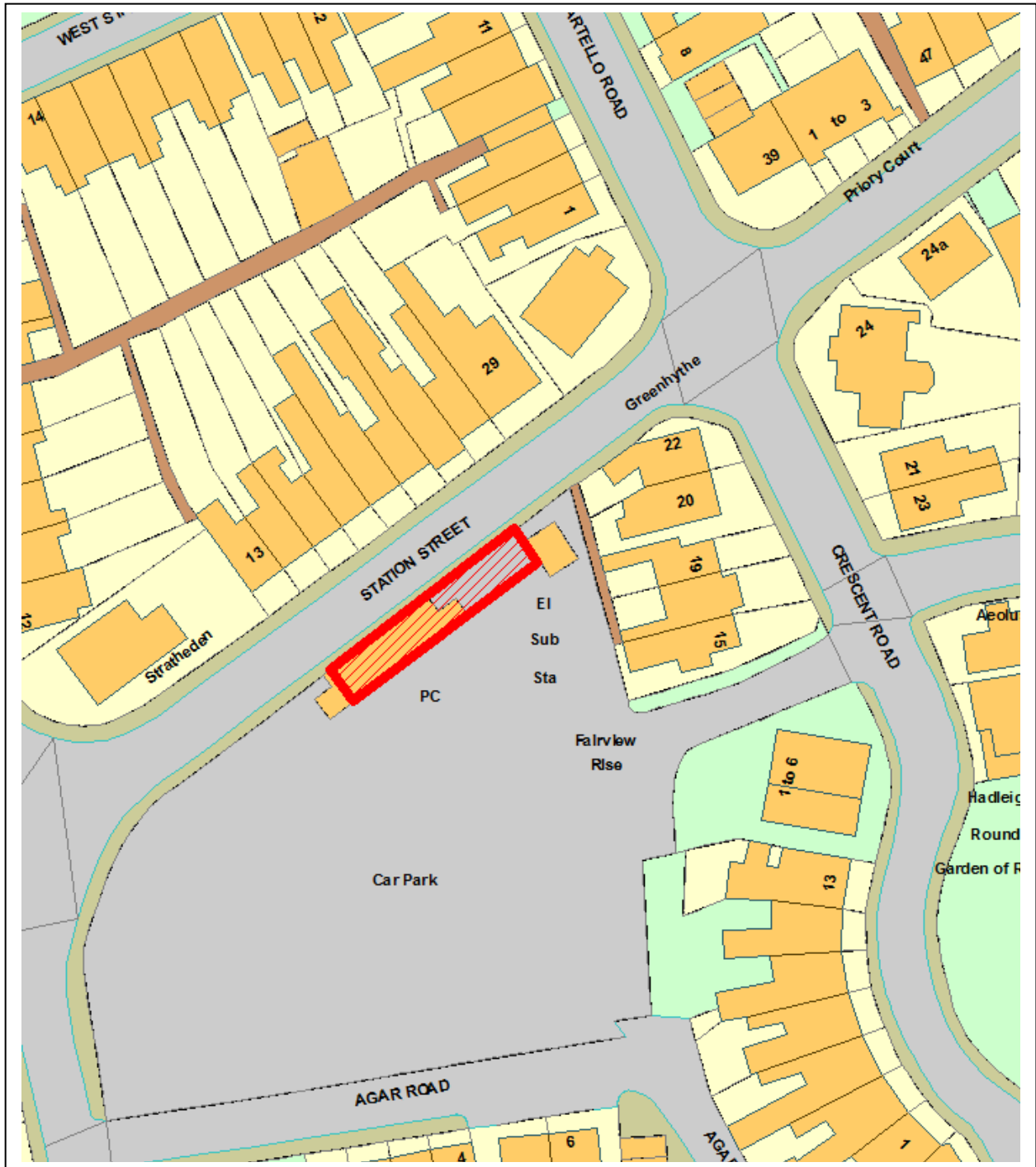


PLANNING COMMITTEE

19 April 2017

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 17/00261/FUL - FORMER PUBLIC TOILETS, STATION STREET, WALTON ON THE NAZE, CO14 8DE



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	17/00261/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr Paul Hepworth	
Address:	Former Public Toilets, Station Street, Walton On The Naze, CO14 8DE	
Development:	Change of use from a former disused public convenience to an audio recording and mixing studio.	

1. Executive Summary

- 1.1 The application is referred to Planning Committee as the land is owned by T.D.C and is to be leased to the applicant.
- 1.2 The building is the former Public Toilet block (W.C's) within the Church Road car-parking area, although the building itself fronts on to Station Street. It has assigned parking directly adjoining the building.
- 1.3 The site lies just outside of the defined town centre and conservation area boundaries of the saved Local Plan and within a predominantly residential area close to the Town Centre.
- 1.4 The car-park provides a useful tourist facility due to the proximity to the sea-front, although the w.c's are no longer functional - having been replaced elsewhere - and the building has been empty since its closure and its dilapidated appearance detracts from the area.
- 1.5 The modest scale of the proposed recording studio is considered acceptable with no material harm to visual or residential amenity, the character/setting of Heritage Assets, or highway safety. The application is therefore recommended for approval.

Recommendation: Approval

Conditions:

1. Commence within 3 years.
2. Dev in Accordance with Approved Plans.
3. Parking to be retained.
4. Opening times 09.00 – 17.00hrs (in any one day) Monday – Saturday and at no time on Sunday or Bank Holidays.
5. Use of Building restricted to Recording Studio only and no other use (including those within Use Class B1/B2/B8).
6. The rating level of noise emitted from the installed sound equipment shall not exceed the background levels prior to the change of use of the building. The background noise level assessment shall be made in accordance with B.S 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises.
7. The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise in accordance with a scheme approved in writing by the local planning authority.

2. Planning Policy

NPPF National Planning Policy Framework

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

ER13 Employment Use in Residential Areas

COM3 Protection of Existing Local Services and Facilities

COM22 Noise Pollution

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

HP2 Community Facilities

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14th July 2016, the

emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

3. Relevant Planning History

N/A

4. Consultations

Environmental Health

Having viewed the application and spoken with the applicant, Pollution and Environmental Control ask that the following is conditioned. This work is not required at this stage but will be required once the permission has been granted but prior to the change of use coming into beneficial use:

Site Boundary Noise Levels:

A competent person shall ensure that the rating level of noise emitted from the installed sound equipment shall not exceed the background levels prior to the change of use of the building hereby approved coming into beneficial use. The background noise level assessment, although not intended for music venues, but in the absence of other guidance, shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority for the building hereby approved coming into beneficial use. All subsequent conditions shall comply with this standard.

Sound Insulation:

The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and approved in writing by the local planning authority. This shall comply with the initial noise condition.

ECC Highways Dept

The Highway Authority has assessed the details of the application and does not wish to raise any objections

5. Representations

5.1 Frinton and Walton Town Council recommend approval of the application.

5.2 One individual letter of objection has been received from the adjacent resident which states:

- Whilst we would love to see the old toilets re-utilised and refurbished in some positive & useful manner, we are concerned on a few levels:

- Firstly a recording studio will undoubtedly generate significant noise and the location is central to a residential zone, surrounded by a mix of families & elderly occupants. The building is relatively small and wouldn't appear to lend itself to significant sound insulation.
- Secondly there is insufficient parking for existing residents, especially during holiday season and adding a significant number of new visitors to our street will only exacerbate this issue unless the council is interested in issuing residents parking permits in Church Street.
- Also, in my experience, recording studios attract a number of individuals attending at all hours dependent upon their own lifestyles and we would expect a business of this nature to have restricted operating hours reflecting the fact that it is in a residential zone, say 08:00 to 17:00 Monday to Saturday unless of course it was relating to the tourism on which Walton so heavily relies.
- In the avoidance of any doubt we are objecting to this application unless these matters can be addressed.

6. Assessment

6.1 The main planning considerations are:

- The Principle of the Use;
- The Impact on Heritage Assets;
- Highway Safety/Parking; and
- The Impact on Neighbouring Amenities.

Site Location

- 6.2 The application site is the vacant former public w.c's situated on the southern side of Station Street and it is situated within the Church Road public car-park.
- 6.3 The single-storey building is a long thin structure of painted brick, the main element having a pitched roof, and with a flat roof addition at each end.
- 6.4 The surrounding land is a car-park, and the building is accessed from the car-park rather than Station Street.
- 6.5 The site is owned by Tendring District Council, and is to be leased to the applicant.
- 6.6 The site is rectangular in shape and the Council's assets team indicate that - *"the Church Road toilets have been closed since 2003 and the replacement toilets on The Parade were built in 2008/9. The Parade is very close to Church Road, about 180m as the crow flies so only about a 4/5 minute walk"*.

Proposal

- 6.7 The development proposes the re-use of the building as a recording studio and to the N.E of the building, a small area of parking (up to 4 spaces) is to be leased and assigned to the use of the building.
- 6.8 The applicant has indicated as additional information, the following matters:
- It would be a modest activity employing only himself;
 - It would operate from 09.00 – 17.00 Mon to Sat;
 - The activity would involve the recording of (mainly) vocals and low volume instruments, and the mixing of music;
 - No structural changes are proposed other than the removal of the w.c. fittings; and,

- The building would be treated with acoustic insulation – to ceilings, walls and floors, with dual, double glazed windows and a double entry sound-proof door system.

6.9 The application has been accompanied by a detailed scheme of noise insulation, and detailed acoustic ventilation proposals, although Environmental Health require this to be checked against background noise levels.

The Principle of the Use

6.10 The site falls just outside of the central area of Walton, and the W.C and car-park offered a valuable tourist-related facility, and Policy COM3 of the Local Plan seeks to retain such facilities, although in this instance, a more modern facility has already been provided and the former toilets have been vacant for many years.

6.11 As the N.P.P.F is generally supportive of schemes to bring forward employment generating uses that will boost the economy, and the site falls close to the recognised town centre, the modest business proposed raises no other policy concerns.

The Impact on Heritage Assets

6.12 The Local Planning Authority has a statutory duty to consider the potential impact of development on Heritage Assets including the Conservation Area and setting of listed buildings. The site is several streets away from the nearest listed buildings – All Saints Church and some structures within the park - and due to the separation and the fact that the building is already in existence, the proposal would not harm the setting of any listed buildings.

6.13 The use falls close to the conservation area although the modest nature of the development and the lack of any significant external works will ensure that the re-use of the building would not harm the character of the conservation area.

6.14 The character and setting of the conservation area/listed buildings would therefore be unharmed and therefore preserved as required by the Act.

Highway Safety

6.15 The development is located within the existing car-park and accessed from it, and would have a limited number of assigned parking spaces (4) controlled by lockable bollards and whilst there would be some crossing of the highway by customers, this would not be infrequent, and traffic movements in the locality are slow-moving and it is a lightly trafficked area, and the authorised use is as a public car park.

6.16 Due to the modest scale of the development, its level of parking is considered to be adequate, and no appreciable highway safety issues would arise as a result of the development and no objection is raised by the Highway Authority.

The Impact on Neighbouring Amenities.

6.17 The impact on neighbouring amenity is considered in detail below in order to assess the acceptability of the proposal.

6.18 The creation of a recording studio must – to be effective and avoid extraneous external noises being accidentally recorded – be very highly insulated to ensure the clarity of the sound, and to this effect, the applicant is proposing a high degree of insulation.

- 6.19 It also follows that if no noise can get in to the building and corrupt any recording, then equally, no sound will escape from the building either, and the concerns of the objector would therefore be addressed by the sound insulation scheme and the Environmental Health Officers suggested conditions.
- 6.20 The building is of modest size and would not allow for example a separate 'practice' room that could create noise, and the insulation scheme shown on the plans is applied to the whole building, and it is not considered that any appreciable amenity issues would arise.
- 6.21 The scale of the development and the manner that it would be operated – including the stated hours of operation allied to the acoustic ventilation - is such that no appreciable loss of amenity would result for the occupants of neighbouring property to the extent that a refusal of permission could be justified.
- 6.22 The Environmental Health Officer has raised no objections subject to 2 conditions which are designed to ensure that the sound insulation scheme is effective in relation to the background noise levels at the boundary with residences.

Overall planning balance

- 6.23 The works relate to a building that has stood empty for many years and is in a dilapidated condition, and the area would be enhanced by bringing it back in to a beneficial employment use and it will appear visually acceptable in the historic environment
- 6.24 The development will not cause the loss of a community facility, as the W.C's were replaced by more modern facilities nearby some time ago.
- 6.25 It is sited within an existing car-park and therefore will not impact on highway safety.
- 6.26 The modest development would not cause any demonstrable harm, and it is considered to be a sustainable one. The insulation scheme to the building, additional conditions and the hours of operation proposed, will ensure that no loss of amenity will result for the occupants of neighbouring residential property
- 6.27 The development complies with National and Local policies, and is therefore an appropriate one and recommended for approval.

Background Papers

None.