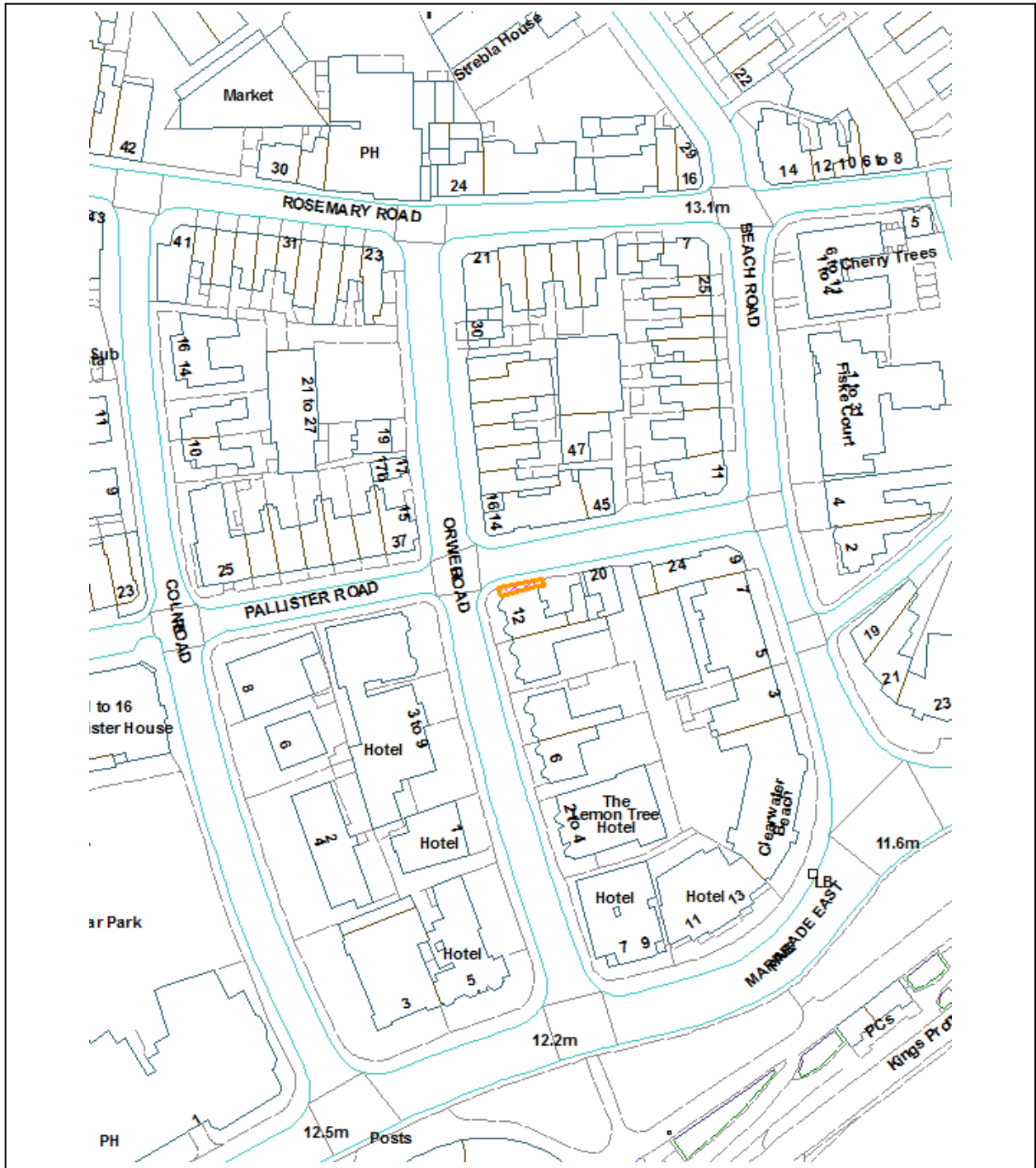


PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/01191/FUL - 16 PALLISTER ROAD, CLACTON ON SEA, CO15 1PG



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Application:	17/01191/FUL	Town / Parish: Clacton Non Parished
Applicant:	Flying Trade Group PLC	
Address:	16 Pallister Road Clacton On Sea CO15 1PG	
Development:	Change of use from A1 (Shops) to D1 (Non-residential institutions).	

1. Executive Summary

- 1.1 The application is before Members as it has been called-in by Councillor Paul Honeywood on the grounds that the change of use will result in a reduction of retail space within the Town Centre resulting in a harmful impact on the vitality and viability of the town.
- 1.2 The application seeks retrospective change of use for this small unit of approximately 20 square metres floor area from an A1 (Retail) use to a D1 (Non-Residential Institutions) use. No alterations to the building are proposed.
- 1.3 The current use, for which this application seeks retrospective consent, is for a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments. A letter has been received from the Agent dated 8th August 2017 providing further detail on the nature of the use.
- 1.4 Planning records show the most recent use of the unit was a DIY/Hardware shop (around 2009) and the unit then remained vacant following its closure and unsuccessful application to convert the premises into a residential unit.
- 1.5 The unit is located on the corner of Pallister Road and Orwell Road within the Settlement Development Boundary, Urban Regeneration Area and Town Centre Boundary for Clacton and within the Clacton Seafront Conservation Area as defined by both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan Publication Draft 2017. The site lies outside of the defined Primary Shopping Area or Frontage within both Local Plans and its retention for A1 uses is not safeguarded by Policy.
- 1.6 Given the size and location of the unit Officers are satisfied that the use will not harm to the vitality or viability of the Town Centre, nor will it be harmful to the character and appearance of the Conservation Area or residential amenities. The application is therefore recommended for approval subject to conditions.

Recommendation: Approve

Conditions:

1. Use in accordance with letter dated 8th August 2017.
2. Opening Hours

3. Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Tendring District Local Plan 2007

- QL6 Urban Regeneration Areas
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- EN17 Conservation Areas
- ER24 Protection of Hotels and Guest Houses
- ER31 Town Centre Hierarchy and Uses

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

- SPL1 Managing Growth
- SPL3 Sustainable Design
- PP5 Town Centre Uses
- PP9 Hotels and Guesthouses
- PP14 Priority Areas for Regeneration
- PPL8 Conservation Areas

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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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

- 3.1 No relevant planning history.

4. Consultations

- Environmental Protection No comments received.
- Regeneration The Regeneration Team have no objection to this application.

5. Representations

- 5.1 The site lies within the non parished area of Clacton-on-Sea.
- 5.2 Councillor Honeywood raises an objection to the application on the grounds that the change of use will result in a reduction of retail space within the Town Centre resulting in a harmful impact on the vitality and viability of the town.

This has been addressed in the assessment below.

- 5.3 The Council's Regeneration Team raise no objection to the application.

6. **Assessment**

The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the Conservation Area
- Impact on Residential Amenities

Site Context

- 6.1 The application relates to 16 Pallister Road a small commercial unit located on the corner of Pallister Road and Orwell Road within the Settlement Development Boundary, Urban Regeneration Area and Town Centre Boundary for Clacton and within the Clacton Seafront Conservation Area as defined by both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan Publication Draft 2017.
- 6.2 The site comprises a single storey, flat roof building fronting Pallister Road and adjoins a block of apartments to the rear fronting Orwell Road. The building is small in size consisting of approximately 20 square metres in floor area with no associated outside space or parking.

Proposal

- 6.3 Planning records show the most recent use of the unit was a DIY/Hardware shop (around 2009) and the unit then remained vacant following its closure and unsuccessful application to convert the premises into a residential unit. The current use as a masseuse has been operating for approximately 4 months.
- 6.4 This application seeks to regularise the use which falls within Class D1 (Non-Residential Institutions) as set out within the Town and Country Planning (Use Classes) Order 1987 (as amended). Other uses falling within Class D1 include places of worship, educational centres and a crèche or day nursery.
- 6.5 Additional information regarding the precise nature of the use has been provided by the Applicant within a letter dated 8th August 2017 describing the service as 'a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments.'

Principle of Development

- 6.6 The application site is within the Settlement Development Boundary and Town Centre Boundary of Clacton as defined by the Saved Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Policy ER31 of the adopted Local Plan sets out the Town Centre Hierarchy and Uses and states that development proposal which adversely affect the vitality, viability and the urban rural regeneration objectives associated with each centre will not be permitted.
- 6.7 The site lies outside of the defined Primary Shopping Area or Frontage within both the adopted and emerging Local Plans and its retention for A1 uses is therefore not safeguarded by Policy.
- 6.8 Town centres are areas of predominately leisure and business uses and provide a full range of facilities and services. Town centre uses include retail, leisure, offices and uses related to arts, culture and tourism.

- 6.9 The unit does not have a shop frontage or window display areas and is less than 20 square metres in size. The unit is located 80 metres from Rosemary Road to the north and 150 metres from Station Road to the west being the main shopping areas within the town centre.
- 6.10 Having regard to the above site and policy context, the change of use to a D1 use as described within the applicant's letter dated 8th August 2017 as a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments is considered to be a suitable use for a town centre. Furthermore, the clientele using the facility will likely use the other amenities offered by the town centre contributing positively to the area. As such, the use is not considered to adversely affect the vitality or viability of the town centre.
- 6.11 Given the constraints of the site, including its small size, other uses falling within Class D1 (Non-residential Institutions) such as a day nursery may not be suitable in this location and it is considered necessary to restrict the use by way of condition.
- 6.12 Therefore, there is no objection in principle to the change of use subject to the acceptability of the detailed considerations below.

Impact on the Character and Appearance of the Conservation Area

- 6.13 There are no physical alterations to the building and the suitability of the use in this location as set out above means that no harm to the character and appearance of the Conservation Area results.

Impact on Residential Amenities

- 6.14 The nature of the use as described within the applicant's letter dated 8th August 2017 as a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments is considered unobtrusive and minor in nature comprising a single room for massage therapy.
- 6.15 No harmful noise or disturbance to the adjacent residential apartments results from the use.
- 6.16 Other more intensive uses falling within Class D1 (Non-residential Institutions) may be harmful being in such close proximity to existing residential units and it is considered necessary to restrict the use by way of condition in the interests of residential amenities.

Background Papers

None.