

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	12/09/2023
Planning Manager / Team Leader authorisation:	ML	12/09/2023
Planning Technician final checks and despatch:	JJ	13/09/2023

Application: 23/01003/LUPROP **Town / Parish:** Harwich Town Council

Applicant: Miss Emilia Swann - Swann School of Dance

Address: 1 Steele House High Street Harwich

Development: Proposed use of building as a dance hall and alterations comprising removal of stud wall and installation of wooden floor.

1. Town / Parish Council

Not required

2. Consultation Responses

Not Required

3. Planning History

23/01003/LUPROP Proposed use of building as a dance hall and alterations Current
comprising removal of stud wall and installation of wooden floor.

4. Relevant Policies / Government Guidance

Not relevant to this application.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The application site is 1 Steele House located within a row of other commercial properties within the High Street of Harwich. The site is currently used as an existing Estate Agents Office benefiting from planning permission under reference TEN/677/87 for the Change of use from shop to office use.

Proposal

The Lawful Development Certificate submitted seeks to confirm that express planning permission is not required to change the use of 1 Steele house from Office Use to use as a dance hall.

Assessment

The existing use of the building is an office use previously classed as B1 which has been incorporated to Class E following previous legislation changes.

The applicant has provided supporting information confirming that the building will be used as a dance studio type of venture. This will entail classes for a mixture of ages within the community.

They have also confirmed within this building will not be used as a separate function hall and events will be held in alternative facilities. Based on this information and the type of use which the premises will be used as it has been considered that that the proposed use would be considered Class D2 under previous legislation which is now classed as Class E.

Legislation

The General Permitted Development Order Schedule 2 Part A Class E states.

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

- (b)for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c)for the provision of the following kinds of services principally to visiting members of the public—
- (i)financial services,
 - (ii)professional services (other than health or medical services), or
 - (iii)any other services which it is appropriate to provide in a commercial, business or service locality,
- (d)for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e)for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f)for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g)for—
- (i)an office to carry out any operational or administrative functions,
 - (ii)the research and development of products or processes, or
 - (iii)any industrial process,
- being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Conclusion

Based on the above changes to legislation and the information provided by the applicant the proposed use and existing use are considered to both fall within the same category (Class E) and therefore a planning permission for change of use is not required.

The proposal can therefore be considered lawful, and a certificate of approval is recommended.

6. Recommendation

Lawful Use Certificate Granted

7. Reason for approval

- 1 The proposed development does constitute permitted development as the local planning authority considers that the use proposed is not a material change to the existing circumstances.

8. Informatives

Not required