

## DELEGATED DECISION OFFICER REPORT

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

**Application:** 23/01021/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Louise Sargent - Loveless Tattoo Ltd

**Address:** 21 Mayfly Way Ardleigh Essex

**Development:** Proposed change of use of a commercial unit from Class E/B8 to a tattoo studio (Sui generis).

### **1. Town / Parish Council**

Ardleigh Parish Council Not commented on this application

### **2. Consultation Responses**

Waste Management  
27.07.2023 No comments

Environmental Protection  
01.08.2023 With reference to the above application, I can advise that the EP Team have no comments to make.

However, please do note that should the application be approved, the applicant should contact the Councils Food, Health & Safety team in respect of Licencing the premises and compliance with any relevant licencing conditions.

ECC Highways Dept  
14.08.2023

Should you have any queries, please do not hesitate to contact me. The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on the submitted material. A previous site visit was undertaken in conjunction with an earlier planning application. It is noted that the proposal is part of a wider development of 90 commercial units built after receiving, approval under planning reference 18/02118/FUL and is similar to an earlier application for 7 Mayfly Way (23/00346/FUL) which the Highway Authority did not object to. The wider commercial site has been designed in such a way that the commercial frontages are facing inward with a single parking space in front of each individual unit. Alongside this single parking space in front of the unit, it is noted that there is also visitor parking consisting of 4 car parking spaces and 3 disabled car parking spaces; these are for the use of all units on the wider site. Furthermore, there is a separate application for an overflow parking area, offering an additional 45 parking spaces that is yet to be determined, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and condition:

1. The proposed studio shall not be occupied until such time as the vehicle and visitor parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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](mailto:development.management@essexhighways.org)

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **3. Planning History**

15/00669/OUT	Outline planning application with all matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing B1a offices and driving range shelter).	Approved	18.12.2015
17/02204/FUL	The construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Approved	14.08.2018

18/02118/FUL	The construction of 90 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Approved	17.06.2019
19/00681/DISCON	Discharge of condition 4 (Landscaping Scheme), condition 8 (Boundary Treatments), condition 11 (Archaeological Investigation), condition 16 (Materials) and condition 17 (Noise) of approved application 17/02204/FUL for B1 and B8 units only.	Approved	17.05.2019
19/00850/DISCON	Discharge of condition 3 (site levels), condition 12 (surface water), condition 13 (flood scheme), condition 14 (maintenance plan) and condition 23 (foul water strategy) of approved application 17/02204/FUL.	Withdrawn	09.02.2021
20/00205/DISCON	Discharge of conditions 9 (Environmental Construction Method Statement) , 10 (Surface Water) , 11 (Run-Off) , 12 (Maintenance Plan) and 20 (Foul Water) for approval 18/02118/FUL.	Approved	21.12.2020
20/01372/FUL	Variation of condition 2 (approved plans) of planning permission 18/02118/FUL to secure a number of design amendments, primarily to the proposed 90 commercial Evolve units.	Approved	23.12.2020
20/01414/DISCON	Discharge of conditions 3 (landscaping), 6 (landscape management plan) and 7 (boundary treatments) of approved application 18/02118/FUL.	Approved	17.11.2020
21/00185/FUL	Erection of single storey Office Building (Use Class B1a) with associated parking, cycle shelter and landscaping	Approved	12.05.2021
22/00860/DISCON	Discharge of conditions 14 (Floodlighting) and 16 (Disabled Access) of application 18/02118/FUL.	Approved	14.06.2022
22/01115/VOC	Variation of condition 2 of application 20/01372/FUL to reinstate the first-floor windows.	Approved	30.09.2022

22/01133/DISCON	Discharge of condition 7B (Highways) of application 22/01115/VOC.	Approved	07.10.2022
23/00136/FUL	Proposed erection of B8 storage and distribution units with ancillary mezzanine office space and associated access amendments, parking and landscaping.	Current	
23/00252/FUL	Proposed provision of an overflow car park.	Current	

#### **4. Relevant Policies / Government Guidance**

##### **National:**

National Planning Policy Framework July 2023 (NPPF)

National Planning Practice Guidance (NPPG)

##### **Local:**

*Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)*

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP5 Employment

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

*Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)*

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP7 Employment Allocations

PP13 The Rural Economy

CP1 Sustainable Transport and Accessibility

##### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of 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 National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents

(<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

## **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site refers to number 21 Mayfly Way, Ardleigh, which is a unit located within a wider development site consisting of 90 commercial units recently built under planning reference 18/02118/FUL. The application site is located outside of the settlement development boundary of Ardleigh.

### Proposal

This application seeks planning permission for the proposed change of use of a commercial unit from Class E/B8 to a tattoo studio (sui generis).

### Assessment

The main considerations for this application are:

- Principle of development
- Design and Appearance
- Highway Safety and Parking Provision
- Impact on Residential Amenity
- Other Considerations

#### 1. Principle of development

The site is located outside of any designated settlement development boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP).

Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Policy PP6 (Employment Sites) of the Local Plan 2013 - 2033 states that the Council will seek to protect existing employment sites, as shown on the relevant Policies Maps and Local Maps. Employment sites falling within Use Class E will be retained and will continue to provide for the employment needs for the district. Proposals for employment uses falling outside of use class B2, B8 or other established activities on protected employment sites will be considered on their merits and against other relevant policies within the Local Plan.

The application site is not located within an area that seeks to protect the existing use of the unit. The proposal seeks to provide an alternative use in a location that currently includes a variety of uses and would retain an employment use as a tattoo studio. Given all the above, the principle of development in this location is acceptable, subject to the detailed considerations discussed below.

## 2. Design and Appearance

Section 1 Policy SP7 of the Tendring Local Plan 2013-2033 seeks high standards of urban and architectural design which respond positively to local character and context.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and landscape setting. Local Plan Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

Furthermore, Local Plan Policy SPL3 requires that all new development (including changes of use) make a positive contribution to the quality of the local environment and protect or enhance local character, and that development respects or enhances local landscape character, and maintains or enhances important existing site features of landscape or amenity value.

There are no external changes proposed. Please note that if a new sign is required, this may require a separate advert consent.

## 3. Highway Safety and Parking Provision

Paragraph 110 of the NPPF requires Councils, when making decisions to ensure:

- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy CP1 in the Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

Essex Highway Authority have been consulted on this application and have stated that it is noted that the proposal is part of a wider development of 90 commercial units built after receiving, approval under planning reference 18/02118/FUL and is similar to an earlier application for 7 Mayfly Way (23/00346/FUL) which the Highway Authority did not object to. The wider commercial site has been designed in such a way that the commercial frontages are facing inward with a single parking space in front of each individual unit. Alongside this single parking space in front of the unit, it is noted that there is also visitor parking consisting of 4 car parking spaces and 3 disabled car parking spaces; these are for the use of all units on the wider site. Furthermore, there is a separate application for an overflow parking area, offering an additional 45 parking spaces that is yet to be determined. The highway authority have no objections subject to a condition relating to the vehicle and visitor parking area.

## 4. Impact on Residential Amenity

NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy SPL 3 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.

The proposed use will be open Monday - Saturday, 10am - 6pm. The proposed tattoo studio is located amongst other commercial uses such as a hair dressers which have similar opening hours and days to the proposed use. It is therefore considered that the proposed use will not cause impact upon residential amenities.

#### 5. Neighbourhood Plan

Ardleigh Parish Council is working on a Neighbourhood Plan (NP), the plan is in its very early stages and only in draft form and is therefore only of very limited weight in the assessment of this application. Furthermore, there are a lot of unresolved issues from the Planning Inspector so this gives it further reduced weight at this time.

#### 6. Other Considerations

Ardleigh Parish Council have not commented on this application.

No letters of representation have been received.

### 6. **Recommendation**

Approval - Full

### 7. **Conditions**

#### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

#### 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved drawings are as follows;

01 REV 1 SITE PLAN, SITE PHOTO  
02 REV 1 BLOCK PLAN

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 HOURS OF USE

The use hereby permitted shall not operate except between the hours of 10.00am to 6.00pm Mondays to Saturdays and at no times on Sundays, Bank or Public Holidays.

REASON: On the basis of the submission and the opening hours proposed by the applicant and in the interests of residential amenity.

## 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.

### Highways

1: 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](mailto:development.management@essexhighways.org)

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