

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	NH	20/11/2023
Planning Manager / Team Leader authorisation:	JJ	21/11/2023
Planning Technician final checks and despatch:	JJ	22/11/2023

Application: 23/01273/FUL **Town / Parish:** Clacton Non Parished

Applicant: Ms Tanya Smith

Address: 99 Woodlands Close Clacton On Sea Essex

Development: Proposed change of use from a laundrette (Sui Generis) to hair salon (Use Class E(c)).

1. Town / Parish Council

Clacton is non parished

2. Consultation Responses

Environmental Protection
13.10.2023

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

Should you have any queries concerning this, please do not hesitate to contact me.

ECC Highways Dept
14.11.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. 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 and google earth image.

Having considered the information submitted with the planning application, the Highway Authority has no comments to make on this proposal.

Informative:

i. 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

ii. 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.

iii. 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.

iv. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

3. Planning History

94/00075/FUL	Change of use from butchers to manufacture of pies and erection of a flue	Approved	07.04.1994
95/00727/FUL	Change of use from Class A1 shop to launderette	Approved	25.07.1995

4. Relevant Policies / Government Guidance

National Planning Policy Framework
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:

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

Tendring District Local Plan 2013-2033 and Beyond Section 2:

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PP3 Village and Neighbourhood Centres
PP4 Local Impact Threshold
CP1 Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Parking Standards Design and Good Practice Guide (2009)
Essex Design Guide (2005)

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 99 Woodlands Close, Clacton on Sea, which is a commercial unit located within a parade of shops comprising of a convenience store, barbers and Chinese takeaway. The application site is located within the settlement development boundary of Clacton on Sea and is located within Clacton's Neighbourhood Centre.

Proposal

This application seeks planning permission for the change of use from a laundrette (Sui Generis) to hair salon (Use Class E(c)).

Assessment

The main consideration for this application are:

- Principle of Development
- Design and Appearance
- Impact upon Residential Amenity
- Highway Safety
- Other Considerations

1. Principle of Development

Policy PP3 (Village and Neighbourhood Centres) states that small-scale retail development to serve the day-to-day needs of village and local neighbourhoods will be normally permitted. Furthermore, the Council will work with its partners, including local businesses, to protect and enhance village and local neighbourhood centres. The application site falls within the Clacton Neighbourhood Centre. Given that the proposal seeks to change from a Sui Generis use to a Class E use, there will be no loss of a retail unit and the use will also likely generate greater employment and footfall movement than the current lawful use, the proposal accords with the requirements of Policy PP3 and therefore the principle of development is accepted subject to the more detailed considerations below.

Other considerations (local impact thresholds)

Policy PP4 (Local Impact Threshold) states that applications for retail, leisure and office development outside of a centre as defined on the Policies Map, which are not in accordance with the Local Plan, will require an impact assessment if the development is over set thresholds of the nearest town centre. It is therefore necessary to assess the impact on the nearest town centre, which on this occasion is Clacton on Sea. Given the threshold is 929sqm, and the proposed floorspace for the hair salon is well below this, there is no conflict with this policy and therefore no requirement to provide either a Retail Impact Assessment or Sequential Test.

The principle of the conversion is acceptable subject to the detailed consideration below.

2. Design and Appearance

Paragraph 130 of the NPPF (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The building is part of a parade of existing shops along Woodland Close which consists of a convenience store, Chinese takeaway and barbers. No external changes are proposed to the existing building. It is therefore considered that the proposed change of use is acceptable in terms of visual amenity.

3. Impact upon 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.

There are residential flats above the parade of shops however it is noted that as there are no external changes proposed it is considered that there will be no impacts in terms of loss of daylight/sunlight or overlooking to the neighbouring amenities.

With respect to the potential noise disturbances to neighbouring occupants, it is noted that the proposed use is unlikely to generate significantly more noise than its current lawful use. The proposed opening hours of 9am to 6pm Monday to Saturday will be similar to those of the neighbouring barbers shop and there is a convenience store along the parade of shops which is open 6am - 10pm Monday - Friday. It is therefore considered that the proposed change of use will not cause any significant impact upon neighbouring amenities.

4. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. Essex Highway Authority have been consulted on this application and have no comments to make.

The existing use as a launderette is not served by existing parking and no parking is proposed for the proposed use. Due to the sustainable location and the ability to walk to shops as well as the existing use of the building as a launderette, the proposed change of use is not considered to cause any significant impact upon parking arrangements.

The application form submitted states that there will be one full time and one part time member of staff. It is considered that there are adequate transport links to allow for the comings and goings of staff members.

5. Other Considerations

Clacton is non parished

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.

- Drawing No. 2547-P-01
- Proposed Floor Plan - Scanned 13 Sept 23

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 CONDITION: The hereby permitted use shall only operate between the hours of 9am and 6pm Monday to Friday.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

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

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ii. 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.

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9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
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Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO