

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	23/11/23
Planning Manager / Team Leader authorisation:	ML	23/11/2023
Planning Technician final checks and despatch:	JJ	24/11/23

Application: 23/01414/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Tesco Stores Ltd

Address: Vernon Haddock Cars Ltd 15 - 19 Frinton Road Kirby Cross

Development: Proposed change of use of the former car showroom and garage to a retail convenience store comprising of associated external alteration, plant equipment, parking and servicing area.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

Recommend approval but ask that sound attenuation (in relation to the cooling system) is given consideration due to the location of nearby residential properties.

2. Consultation Responses

ECC Highways Dept
08.11.2023

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. The proposals entail the redevelopment of the site from a car showroom to a convenience store. Although the new proposals could see a modest increase in trips to/from the site, they entail a simplification of the access arrangements. Given that there is also no record of any road traffic collisions in this area over the last 3 years, the Highway Authority is satisfied that the proposals will not have a material impact on the safety and efficiency of the local highway network.

From a Highway and Transportation perspective the proposal is acceptable to the Highway Authority, subject to the following requirements;

1. Prior to occupation of the development the vehicular access onto B1033, Frinton Road (as shown on Drawing no. 3/90200) shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. The existing kerbed obstruction positioned in the middle of the access to be removed.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. The existing dropped kerbs along the frontage onto the B1033, Frinton Road shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The existing dropped kerbs near to the junction of Bemerton Gardens with the B1033 shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. The proposed development shall not be occupied until such time as all vehicle parking areas 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. The two vehicular parking spaces onto Bemerton Gardens shall be positioned at 90' degrees to the carriageway.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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.

Economic Growth Team
27.10.2023

Looking at this planning application from an economic view point, the Economic Growth Team supports this application.

This is due to the 15 full time posts that would come available if the application was approved.

Environmental Protection
13.10.2023

With reference to the above application, please see below for comments from the EP Team:

Noise Impact Assessment: we have reviewed the submitted NIA, dated September 2023, and can confirm we are satisfied with the methodology and its findings. Providing all noise associated with the operational aspect of this proposal does not exceed +5dB(A) above background (as evidenced in the above document), we have no reason to object to this application.

Demolition / Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is submitted, on any further subsequent planning phase:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

o Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday

(finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

o Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential dwellings

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

3. Planning History

00/00420/FUL	Storage Building for cars.	Approved	03.05.2000
00/01931/FUL	Retention of elevational changes to car storage building approved under 00/00420/FUL	Approved	08.03.2001
94/00289/FUL	(15/19 Frinton Road, Kirby Cross) Proposed extension to existing showroom	Approved	11.04.1994
06/01581/ADV	1 Freestanding monument sign.	Refused	22.11.2006
06/02061/ADV	Erection of 3 flag signs and one 'hero' sign on site frontage	Refused	15.02.2007

07/00209/ADV	Erection of one monument sign on site frontage	Refused	03.04.2007
07/00350/ADV	Erection of one 'hero' sign on site frontage	Refused	08.05.2007
13/00052/ADV	Proposed signage: 2 fascia signs & 1 free standing illuminated pylon.	Approved	13.03.2013

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 (adopted January 2021)

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 (adopted January 2022)

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design

PP1 New Retail Development
PP3 Village and Neighbourhood Centres
PP4 Local Impact Threshold
PPL10 Renewable Energy Generation and Energy efficiency Measures
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.

5. Officer Appraisal

Site Description

The application site is 15-19 Frinton Road, which is located along the southern section of Frinton Road, within the parish of Kirby Cross. The building is currently a large vacant property, formally occupied as a car showroom/garage, and has a large area to the front which was previously used to display vehicles.

The character of the surrounding area is urban in nature, with a mix of residential and commercial properties located to all sides. The site is allocated within the Settlement Development Boundary for Kirby Cross within the adopted Local Plan 2013-2033 and is also within the Kirby Cross Village Centre.

Description of Proposal

This application seeks planning permission for the change of use of the former car showroom/garage, which was in Sui Generis use, into a retail convenience store (Class E(a)). The plans show that one unit is to be generated, providing 245sqm of floorspace for sales, but with an additional 442sqm which is a back of house area for staff.

The submission indicates there will be limited external alterations to the building, with vehicular parking proposed to the front of the site (ten spaces), and a further five spaces located at the rear/side of the site, 3 of these are for staff members.

Assessment

1. Principle of development

Adopted 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 Thorpe Road, Kirby Cross Neighbourhood Centre. Given that the proposal seeks to provide a retail use that will also generate greater employment than the current lawful use, with 15 full time equivalent members of staff, the proposal accords with the requirements of Policy PP3 and therefore the principle of development is accepted subject to the more detailed considerations below.

In addition, 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. Whilst the site falls within a Neighbourhood Centre, it is still necessary to assess the impact on the nearest town centre, which on this occasion is Frinton-on-Sea. However, given the floorspace threshold is 929sqm and the proposed level of floorspace is 442sqm (of which only 245sqm will be floorspace for sales), there is no conflict with this policy, and therefore no requirement to provide either a Retail Impact Assessment or Sequential Test.

2. Design and Appearance

Paragraph 130 of the NPPF (2023) 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 existing building is sited on a prominent corner plot location and is therefore highly visible from a number of viewpoints along both Frinton Road and Bemerton Gardens. The building itself is a wide single storey premises, with a two-storey element to the rear. Despite its prominent siting the building is currently of no special visual merit. It is noted from the submission that limited external alterations are proposed, with a replacement shopfront, new entrance doors, replacement signage, a new fenced area to form a service yard, and the installation of an external plant within the service yard area to the rear of the site. Given this, no concerns are raised regarding the impacts of the external alterations to the building.

The submission indicates there are to be a total of ten parking spaces to the front of the property. In a visual context, there are no objections to this given this area of the site was formerly used to showcase vehicles and is currently vacant.

3. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The application site is adjacent to a host of residential (and commercial) properties, most notably those adjacent along Bemerton Gardens. As mentioned above there are only limited alterations proposed to the building itself, which will ensure no impacts in respect of the building appearing more imposing, resulting in any additional loss of daylight/sunlight, or resulting in any degree of overlooking.

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. That said, the proposed opening hours of 6am to 11pm every day will be an increase to the previous use of the site; however, it is noted that the One Stop store located nearby to the north has similar operating hours (7am to 10pm every day), and in this context the proposed use is not harmful for this location.

In addition to this the application is accompanied by a Noise Impact Assessment to assess the impact of noise from both the proposed plant equipment and deliveries on surrounding amenity. This assessment concludes that the nearest residential dwellings to the plant are between 11 and 17 metres from the location of the proposed refrigeration and air conditioning equipment, and states the harm is likely acceptable subject to deliveries being undertaken between 7am and 7pm Monday to Friday and 8am to 6pm at all other times.

The Council's Environmental Protection team have reviewed this assessment, and confirmed they are satisfied with the methodology and its findings, and provided the operational aspect of the proposal does not exceed +5dB(A) above background level noises (which the assessment confirms is the case) no objections are raised. A condition is, however, recommended to be included to restrict the times of deliveries.

4. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2023 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 Highways Authority have been consulted and have stated the proposed development is acceptable from a highway and transportation perspective, subject to conditions relating to the access specification, the closure of existing dropped kerbs, and the vehicular parking areas being laid out prior to first operational use of the retail outlet. An additional condition is requested to ensure the two vehicular parking spaces onto Bemerton Gardens are positioned at 90 degrees to the carriageway. However, as the plans already show this, it would not be reasonable or necessary to include as a condition.

The Essex Parking Standards have not been updated since the introduction of Class E, however, they do state that (former) Class A1 would previously have required one space per 14sqm of floorspace. It is noted that the size of the overall building changing use is 687sqm, however the area designated for floorspace for sales is 245sqm, and therefore there is a requirement for a maximum

of 18 customer parking spaces. The plans show that there are to be a total of 12 customer spaces (10 to the front, with two to the side, and including one space for disabled persons) along with 3 staff spaces to the rear, as well as four cycle parking spaces to the front of the store. Although this falls below the maximum standards outlined above, on this occasion it is noted that the site is within a sustainable location and equally accessible by foot. Therefore, while there is some minor policy conflict, the harm of this is not considered to be significant and certainly does not outweigh the aforementioned benefits of the scheme.

5. Renewable Energy

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features. The application is accompanied by a Renewable Energy Generation Plan that addresses the requirements of Policy PPL5 and includes details of renewable technologies and energy efficiency measures. It is therefore not necessary or reasonable to include a condition requiring such information on this occasion.

Other Considerations

Frinton and Walton Town Council recommend approval, but request sound attenuation is given due consideration.

In addition, there has been one letter of objection received, raising the following concerns:

1. No need for this as a One Stop nearby already;
2. Highway safety concerns;
3. Impacts to neighbouring amenities;
4. Concern with times of deliveries; and
5. Loss of property value.

In response to this, points 1 and 5 are not material planning considerations so cannot be taken into account in the determination of this application. Points 2, 3 and 4 are addressed within the main body of the report above.

Conclusion

The proposal will see the conversion of part of the building from Sui Generis use as a former car showroom/garage into a convenience store under Class E(a) use. Given that the site falls within a Neighbourhood Centre the principle of such a development is supported in this location. Furthermore, there are no significant external alterations proposed, and following the submission of a Noise Impact Assessment Officers are content the impact to neighbouring amenities is not so significant to justify a reason for refusal. In addition, while there is a slight shortfall of parking spaces, the 12 customer spaces provided are acceptable given the highly sustainable location.

The application is therefore considered to be compliant with local and national planning policies and is recommended for approval.

6. Recommendation

Approval.

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 Numbers PL (20) 200, PL (20) 202, PL (20) 203 Rev A, PL (90) 001 Rev B, PL (90) 200 Rev B, and documents titled 'Noise Impact Assessment', 'Renewable Energy Generation Plan' and 'Transport Statement'.

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 development/use shall only operate between the hours of 6am and 11pm every day including Sundays and Bank Holidays. There shall be no deliveries (except newspaper deliveries) to the development outside of 7am to 7pm Mondays to Fridays and 8am to 6pm at all other times.

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.

- 4 **CONDITION:** Prior to the first use of the hereby approved development the vehicular access onto B1033, Frinton Road (as shown on Drawing no. 3/90200) shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres, and shall be retained at that width for 6 metres within the site.

REASON: In the interests of highway safety to ensure vehicles can enter and leave the site in a safe manner ensuring opposing vehicles can pass in the interest of highway safety.

- 5 **CONDITION:** Prior to the first use of the new access details of the stopping up of all other means of vehicular access within the frontage, as shown on the approved drawings, shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with the Highways Authority. The stopping up as approved shall be implemented in full prior to first use of the new access.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

- 6 **CONDITION:** Prior to first occupation of the hereby approved development, the vehicle parking area indicated on the approved plans shall be hard surfaced and sealed. 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 in writing 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.

- 7 CONDITION: The fencing surrounding the plant equipment area, as outlined within Drawing Numbers PL (90) 200 Rev B, PL (20) 202, and PL (20) 203 Rev A, shall be retained in the approved form in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the amenities of neighbouring residential properties are protected.

- 8 CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used as Class E(a) use and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the 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.

Totem Pole:

Please note that separate advertisement consent would be required for the proposed totem pole that is referred to within Drawing Number PL (90) 200 Rev B.