

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	NH	26/02/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	26/02/2025
Team Leader authorisation / sign off:	AN	28/02/25
Assistant Planner final checks and despatch:	ER	28/02/25

Application: 24/01517/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Thauarajah Rekulan

Address: 6 Broadway Jaywick Clacton-On-Sea

Development: Planning Application - Change of use of former shop (Use Class E(a)) to launderette (Sui Generis) with new shop front.

1. Town / Parish Council

Clacton is non parished

2. Consultation Responses

Environmental Protection
05.11.2024

The Environmental Protection team have reviewed the application and recommend the following is conditioned.

Due to the proposal seeking to install extraction / ventilation systems for the tumble dryers, a noise survey should be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties.

The noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.

Reason: to protect the amenity of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

ECC Highways Dept
18.11.2024

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.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

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

Environmental Protection
06.02.2025

The Environmental Protection team have reviewed the submitted Environmental Noise Report produced by Sharps Redmore, dated 31st January 2025 (Project No 2422922). It is noted that the Appendices of the report have not been submitted to the Planning Department.

The Environmental Noise Report predicts that if the proposed extraction vents operate at or below the adopted background criteria for day time then there will be no significant impact, given the levels involved and context of the existing area.

The Environmental Protection team therefore recommend that the following is conditioned:

- the extraction / ventilation systems for the tumble dryers shall operate at or below the adopted background criteria for day time (40 dB)
- all plant shall be connected with anti-vibration couplings to minimise transmission into the fabric of the building

Reason: to protect the amenity of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

3. **Planning History**

24/01517/FUL

Planning Application - Change of use of former shop (Use Class E(a)) to launderette (Sui Generis) with new shop front.

4. **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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. **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>

There is no neighbourhood plan for this area.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework 2024 (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

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

PP2 Retail Hierarchy

PP3 Village and Neighbourhood Centres

PPL1 Development and Flood Risk

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a ground floor retail unit currently used as a shop. Above the shop is a residential flat with number 2 Sea Cornflower Way to the rear of the application site.

The site is situated in Broadway which consists of a mixture of commercial outlets such as shops and takeaways.

Proposal

This application seeks planning permission for the change of use of former shop (Use Class E(a)) to a laundrette (Sui Generis) including new shop front and extraction to the rear.

The changes will involve the internal alterations to introduce tumble dryers and provision of extraction to the rear elevation. The works also include a new shop front with security roller shutter.

Assessment

Principle and Compatibility of Uses

Paragraph 90 of the National Planning Policy Framework seeks to promote the vitality of town centres by ensuring that policies and decisions are positive, promote competitive long-term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries.

Policy PP3 (Village and neighbourhood centres) of the Tendring District Local Plan 2013 - 2033 and beyond section 2 (adopted 25th January 2022) states that Broadway in Jaywick is designated as a neighbourhood centre. The policy states that where planning permission is required, proposals for change of use from retail within a neighbourhood shopping parade or a village with limited shopping provision will not be permitted unless retail use is either: no longer viable; no longer needed by the community it serves; or is to be relocated, to provide an equivalent or improved facility. The Council

will work with its partners, including local businesses, to protect and enhance the following village and local neighbourhood centres and any proposed village and neighbourhood centres as defined on the Policies Map.

The application site lies within the settlement development boundary of Jaywick. The proposed sui generis use (laundrette) can be considered a main town centre use, which is consistent with adopted local policy requirements encouraging this type of use within Town Centres.

The proposal will result in the loss of a shop within the local area conflicting with the above Policy PP3; however, there are a number of shops located in close proximity of the site allowing for suitable provision to be retained to serve the local residents.

Overall, the proposed change of use would be consistent with the character of the area and local and national policy.

Visual Impact

Paragraph 135 of the NPPF (2024) 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 internal reconfiguration, which is not publicly visible, would not result in a harmful impact to the overall character/ appearance of the building. The proposed external alterations will result in slight changes to the shop front which include a roller shutter and provision of new extraction equipment to the rear which will be mostly visible to number 2 Sea Cornflower Way. The building is located within a parade of shops within 'Broadway', with shopfronts differing in terms of size and design. The alterations proposed are considered suitable to the front of the existing building and would not result in an adverse or prominent change to the unit or the overall appearance/ character of the area.

Highway Safety

Paragraph 115 of the National Planning Policy Framework 2024 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 105 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.

The proposal will not provide any off-street parking spaces; however, at present the site does not provide off street parking for customers or staff.

The building currently fronts the public pavement of Broadway with customer parking achieved upon the highway. The building itself is located within a parade of shops which is located within a highly sustainable local centre in easy walking distance of residential properties and public transport.

Essex Highways Authority have been consulted on this application and have no objections.

Given the sustainable location in close proximity to public transport facilities and dwellings the proposal is considered acceptable on highway grounds.

Drainage

Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 192 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The agent for the application has confirmed via the application form that the development would be connected to the existing public main sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable.

Flood Risk

Policy PPL1 of the Local Plan 2013-2033 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment.

The application site is located within Flood Zone 3, in an area benefiting from flood defences. A Flood risk Assessment accompanies this application. The statement provides confirmation that should a flood occur that the building will not be opened to customers and that the site will be signed up to flood warning schemes. It should be noted that the unit is currently a commercial premises, and the footprint will not be increasing. The measures covered within the flood risk assessment provided are therefore considered acceptable and the proposal would not increase flood risk elsewhere.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2024) 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 changes to the front of the building and internal alterations are of a nature which will not result in a harmful impact to the amenities of neighbouring sites.

The proposed change of use will result in the existing shop at ground floor changing to a laundrette. With this type of an establishment extraction equipment is required to suitably vent the tumble dryers from the building. In this instance the proposed plans show that the extraction/ventilation equipment will be to the ground floor rear elevation and potentially visible to number 2 Sea Cornflower Way and to the residential property above the existing shop.

Tendring District Councils Environmental Protection Team have been consulted on this application and requested that a noise survey is provided due to the proposed installation of extraction/ventilation systems to the ground floor rear elevation of the building. This is to protect the amenity of the nearby residential properties specifically number 2 Cornflower Way and the residential property above the application site. A noise survey has been provided and predicts that if the proposed extraction vents operate at or below the adopted background criteria for day time then there will be no significant impact, given the levels involved and context of the area. The Environmental Protection Team have been re-consulted and have stated that they have reviewed

the document and recommend conditions relating to the antivibration and the decibels of the equipment in operation.

The stated opening hours are 7am-9pm daily which is controlled by condition. Given the previous use as a shop and neighbouring commercial uses in the area (including takeaways and restaurants) it is not considered that the comings and goings of customers are likely to result in material harm to residential amenity in terms of noise and disturbance.

Ecology and Biodiversity

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative (if the application is recommended for approval) can be imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sqm of habitat, or 5m of linear habitats such as hedgerow). This proposal seeks conversion of the existing shop and will not result in an increase to its footprint. The proposal is therefore BNG exempt.

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

Jaywick is non parished.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation

Approval - Full

9. 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. 1053/REK/10
- Design and Access Statement
- Flood Risk Assessment
- Environmental Noise Survey Results - Sharps Redmore - Prepared By: Martin Court, Dated 31st January 2025 - Project Number 2422922

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 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted use shall only operate between the hours of 7am - 9pm. There shall be no deliveries to the use arranged for outside of these approved hours.

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: The development hereby permitted shall be implemented and thereafter operated in accordance with the Environmental Noise Survey Results - Sharps Redmore - Prepared By: Martin Court, Dated 31st January 2025 - Project Number 2422922

Reason - To protect the amenities of neighbouring properties by ensuring that measures are implemented to avoid any noise nuisance.

5 CONDITION: The hereby permitted development shall be carried out in accordance with all the proposals and recommendation measures contained within the approved Flood Risk Assessment - Prepared by Dr Robin Saunders - Innervision Design Ltds - Dated October 2024.

All measures shall be maintained thereafter as approved.

REASON: The site lies within Flood Zone 3a at high risk from flooding and the flood risk assessment is essential to safeguard the users of the building.

6 CONDITION: The extraction/ventilation systems for the tumble dryers shall operate at or below the adopted background criteria of 40dB and shall be retained and maintained in accordance with manufacturers instructions unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenity of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

- 7 **CONDITION:** Prior to first use all plant shall be connected with anti-vibration couplings to minimise transmission into the fabric of the building. The anti-vibration couplings shall thereafter be retained and maintained in accordance with manufacturers instructions unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenity of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

10. 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.

Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Highways

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

11. 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

12. **Notification of Decision**

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
Has there been a declaration of interest made on this application?	YES	NO