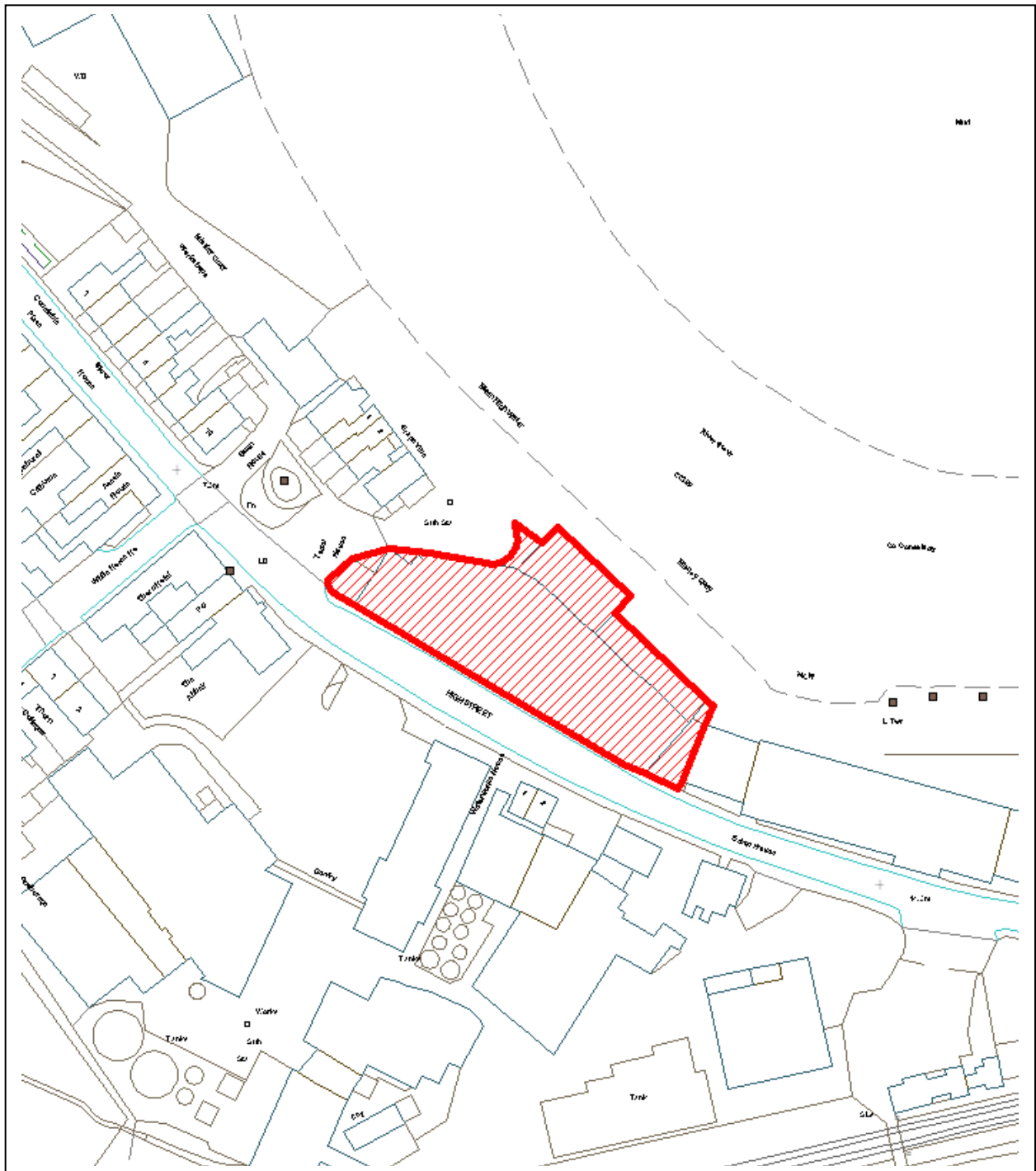


PLANNING COMMITTEE

24 JUNE 2014

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 12/00427/FUL - THORN QUAY WAREHOUSE, HIGH STREET, MISTLEY, MANNINGTREE, CO11 1HB



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Application:	12/00427/FUL	Town / Parish: Mistley Parish Council
Applicant:	Anglia Maltings (Holdings) Ltd and Gladedale Estates Ltd	
Address:	Thorn Quay Warehouse High Street Mistley CO11 1HB	
Development:	Demolition of existing warehouse and construction of a new building comprising 45 dwellings, quay level warehouse floorspace, office floorspace and car parking provision.	

1. Executive Summary

- 1.1 This planning application was presented to the Planning Committee on 4 March 2014 with an officer recommendation of approval: see Planning Committee Report dated 4 March 2014 Appendix A. The associated Conservation Area Consent application 12/00428/CON was also considered at that meeting. The Planning Committee resolved to approve both applications subject to the recommended conditions and subject to completion of an agreement under Section 106 of the Town and Country Planning Act being entered into within three months of the Planning Committee's resolutions. The legal agreement involves a clawback clause to ensure that a fair share of the profit from any future increase in the predicted sale value of the development can be recouped and used for the contributions which would normally apply to the scale of development proposed.
- 1.2 The three month deadline was 4 June 2014 however the completed legal agreement was not received until 9 June 2014 meaning that the Head of Planning was no longer authorised by the Planning Committee to grant planning permission. It is therefore necessary that fresh consideration is given to any material changes in planning policy or circumstances in the intervening period. This report therefore provides an updated position in this regard.
- 1.3 Having considered the changes in national planning guidance, and having regard to all other material considerations, it is the view of your officers that there are no significant changes to affect the Council's decision to approve.
- 1.4 The application is recommended for approval subject to the conditions as detailed within the previous recommendation at Appendix A.

Recommendation: Grant planning permission subject to completion by Tendring District Council of the legal agreement under Section 106 of the Town and Country Planning Act and subject to the conditions detailed at Appendix A.

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

- 2.1 Although this is not an allocated employment site the NPPF says where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

- 2.2 Housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing; identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where it is identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 2.3 Local Planning Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 2.4 Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 2.5 The NPPF adds that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 2.6 Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 2.7 In determining planning applications, Local Planning Authorities should take account of: (i) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (ii) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (iii) the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.8 Paragraph 134 states Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 2.9 Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

- 2.10 The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are important.
- 2.11 Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Local Plan Policy:

Tendring District Local Plan (2007)

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL6	Urban Regeneration Areas
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
ER3	Protection of Employment Land
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG3a	Mixed Communities
HG4	Affordable Housing in new Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
EN5a	Area Proposed as Extension to the Suffolk Coasts and Heaths AONB
EN11a	Protection of International Sites: European Sites and Ramsar Sites
EN11b	Protection of National Sites: Including Sites of Special Scientific Interest
EN17	Conservation Areas
EN20	Demolition within Conservation Areas

EN23	Development within the Proximity of a Listed Building
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development
LMM1	Mistley Urban Regeneration Area

Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PRO2	Improving the Telecommunications Network
PRO14	Employment Sites
PEO1	Housing Supply
PEO2	Housing Trajectory
PEO3	Housing Density
PEO4	Standards for New Housing
PEO7	Housing Choice
PEO8	Aspirational Housing
PEO9	Family Housing
PEO10	Council Housing
PEO12	Flats, Apartments and Maisonettes
PEO22	Green Infrastructure in New Residential Development
PLA1	Development and Flood Risk
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape

PLA6 The Historic Environment

PLA7 Conservation Areas

PLA8 Listed Buildings

Other guidance:

ECC Parking Standards (2009)

Manningtree and Mistley Conservation Area Management Plan (2010)

3. Relevant Planning History

13/00479/FUL	Removal of existing Quay edge safety fence and replacement with reclaimed nineteenth century hand forged wrought iron railings.	Refused Appeal dismissed	21.06.2013
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4. Assessment

4.1 Due to the time that has elapsed since the Council's original resolution to approve the applications, it is necessary that fresh consideration is given to any material changes in planning policy or circumstances in the intervening period. This report therefore provides an updated position in this regard.

4.2 The following matter requires consideration:

- Planning Practice Guidance

Planning Practice Guidance

4.3 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the Planning Practice Guidance (PPG) web-based resource. This resource links to the National Planning Policy Framework and is updated as needed. The PPG provides guidance on categories including Conserving and enhancing the historic environment; Design; Flood risk and coastal change; Natural environment; Noise; Planning Obligations; and Viability.

4.4 The guidance reflects and expands on advice in the National Planning Policy Framework. As the guidance is not considered to conflict with the assessment and conclusions reached in the Planning Committee Report dated 4 March 2014 (attached at Appendix A) and does not alter the view of your officers that there are no significant changes to affect the Council's decision to approve.

4.5 No additional representations or comments from statutory consultees have been received. Having considered the changes in national planning guidance, and having regard to all other material considerations, it is the view of your officers that there are no significant changes to affect the Council's decision to approve.

Background Papers

Appendix A – Planning Committee Report Dated 4 March 2014.