

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	12/07/2018
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AS	17/7/18

**Application:** 18/00698/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr A Goggin

**Address:** 31 to 35 High Street Brightlingsea Colchester

**Development:** Proposed change of use from offices to two houses.

### 1. Town / Parish Council

Brightlingsea Town Council                      No comments to make.

### 2. Consultation Responses

ECC Highways Dept                      From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of those dwellings, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

80/00465/FUL	Change of use from shop and offices to offices	Approved	14.05.1980
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93/00264/FUL      Change of use from first floor office accommodation to one bedroom flat      Approved      14.04.1993

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

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

ER3 Protection of Employment Land

HG9 Private Amenity Space

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

LP4 Housing Layout

PPL8 Conservation Areas

PP6 Employment Sites

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

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

### Site Description

The application relates to numbers 31 and 33-35 High Street Brightlingsea. The application site comprises 2 no. 2 storey buildings with a single storey rear addition positioned almost centrally. The buildings are served by rear garden areas.

The accompanying statement states that the building was originally constructed as three dwellings possibly during the mid C19. The use of No 33/35 was formerly changed to offices in 1980 (ref 465/80) and the first floor of No 31 was granted consent for use as a flat in 1993 (ref 93/00264/FUL). The building which is of masonry construction is rendered externally with a mixture of broadly Georgian style windows. Number 31 has its front door facing the High Street and 33-35 is accessed via a side door.

The buildings are located on the northern side of the High Street within the settlement development boundary and conservation area.

### Description of Proposal

The application seeks full planning permission for the change of use of the existing offices to residential creating a 2 bedroom property within number 31 and a 4 bedroom property within 33-35. The rear extension would be a garden room connected to the 4 bed property.

The accompanying statement explains that 'it is expected that the project to convert and renovate the building may require some external changes but these are not the subject of this application and the conversion can be carried out without changes to the windows.'

This application is therefore considering the change of use only.

### Assessment

The main considerations in this instance are;

- Principle of Development;
- Design and Impact on the Conservation Area;
- Residential Amenities;
- Loss of Commercial Use;

- Highways and Parking; and,
- Representations.

#### Principle of Development

The site and buildings are located within the Settlement Development Boundary of Brightlingsea as defined within the saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan Publication Draft (2017). The principle of residential development is therefore acceptable.

Rather, the acceptability of what is proposed depends upon the impact having regard to the character of the area, amenity and environmental considerations and the various detailed requirements of local plan policies, standards and guidance designed to ensure that new development relates satisfactorily to its surroundings, without harming amenity or raising highway concerns.

#### Design and Impact on the Conservation Area

The application is seeking a change of use only. The application is accompanied by a Heritage Statement in accordance with the requirement of the National Planning Policy Framework. The site is located on the High Street but eastern end of the main shopping area with mainly residential properties beyond on this side of the road. Having regard to the original use of the buildings and their location adjacent to an existing dwelling, residential use is considered to be the more appropriate use for the building in this instance.

Therefore, the development will preserve the character of the Brightlingsea Conservation Area.

There are listed properties to the east and west of the application site. However, due to their relationship with the site and the fact that no physical alterations are being considered, the application will not impact upon the setting of these listed buildings.

#### Residential Amenities

Although this is in a Town Centre location the site includes private amenity space for both properties No 31 has a garden of 78 sqm and No 33-35 an area of 180 sqm both meeting the criteria set out within Saved Policy HG9 of the adopted Tendring District Local Plan. As stated above, the residential use of the buildings is considered appropriate in this location and will not result in any harm to the amenities of existing residents.

#### Loss of Commercial Use

The buildings have been marked for more than two years with very little interest. The site is outside of the protected shopping frontage and there are many other commercial properties within Brightlingsea that are currently vacant all indicating a lack of demand for this type of use. The floor areas lost are quite modest and the layout of the units with small spaces on different levels is not ideal for efficient modern working. The accompanying statement includes a letter from the marketing agents confirming the particulars of the marketing campaign and commenting that the little interest there has been relates to the use of the building for residential and not as office space. The loss of the commercial use will not result in any significant impact upon the vitality of the town centre and the marketing information provided is sufficient.

#### Highways and Parking

The Highway Authority raise no objection to the development subject to the provision of bicycle storage.

The permitted use of the building is currently offices which would attract a requirement for approximately 10 parking spaces to accord with the Essex Parking Standards. The proposed use as dwellings would require 4 spaces overall. The site has no parking as is common with established buildings in Town Centres. The site is located within a highly sustainable location within easy access of many amenities and public transport links. There is a small hard surfaced area to the side of 33-35 that does provide some off-street space for small vehicles or motorbikes. The rear garden areas are sufficient to provide secure bike storage areas.

## Representations

Brightlingsea Town Council - no comment on the application.

1 letter of representation has been received from Brightlingsea YMCA relating to the parking available near the site. Parking provision is addressed in the main report above and the proximity of car parks to the site is not considered of primary relevance in this instance.

## Conclusion

This application seeks approval for the conversion of existing offices to houses. This change assists, albeit modestly, to meeting the housing need. The building requires investment to update it and there is no demand for office use. The use of surplus office space as dwellings is acknowledged in Government Policy under new permitted development allowances. This change can be achieved without any harmful impact on the conservation area and with the longer term upgrading of the building may allow an enhancement to the Conservation Area

The application is therefore recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 882/03.

Reason - For the avoidance of doubt and in the interests of proper planning.

## **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.