

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	31/07/18
Planning Development Manager authorisation:	AN	6/8/18
Admin checks / despatch completed	en	09/8/18

Application: 18/00005/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr Michael Johnson

Address: 1A New Street Brightlingsea Colchester

Development: Convert the first floor from A2 use (Financial and Professional Services) to a 2 bedroom flat (C3 dwellinghouse).

1. Town / Parish Council

Brightlingsea Town Council Why didn't they just ask to "revert" to residential, which it was before?

2. Consultation Responses

ECC Highways Dept The Highway Authority does not wish to object to the proposal as submitted.

Building Control and Access Officer No comments at this time. This proposal will require Building Regulations consent.

3. Planning History

08/00732/FUL Insertion of new first floor window to 'New Street' elevation for second bedroom. Refused 19.08.2008

08/01283/FUL Change of use from A1 to A2 (Office). Alteration to and replacement of windows and doors. 31.10.2008

15/00045/FUL Change of use on the first floor flat from C3 to A2 and to expand the Voodoo Creative business. Approved 18.03.2015

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

ER3 Protection of Employment Land

- HG1 Housing Provision
- HG9 Private Amenity Space
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- LP1 Housing Supply
- LP4 Housing Layout
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 48 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. They raise 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 48 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing deliver over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

5. Officer Appraisal

Site Description

The application site is 1a New Street which is located within the parish of Brightlingsea. The building is currently composed of an A1 retail use at ground floor and A2 financial and professional services use at first floor following recent planning permission 15/00045/FUL. The character of the surrounding area is dominated with urban built form; with a number of commercial and residential units to all sides. The site falls within the Settlement Development Boundary for Brightlingsea within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site also falls within the Brightlingsea Conservation Area, whilst there are a number of listed buildings in relatively close proximity, namely adjacent to the west.

Description of Proposal

This application seeks planning permission to convert the first floor from A2 financial and professional services use to C3 dwellinghouse use.

The proposal will see the site convert to a two bedroom flat, with no external changes proposed.

History

Under planning reference 15/00045/FUL, permission was granted to convert the application site from a C3 use to an A2 use.

Assessment

1. Principle of development

Policy ER3 of the Adopted Tendring Local Plan 2007 states that land in, or allocated for employment use will normally be retained for that purpose, and its change of use will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use. Within this, the applicant should either submit evidence of a sustained but ultimately unsuccessful marketing exercise, undertaken at a realistic asking price or demonstrate that the land is inherently unsuitable and/or not viable or suitable for any form of employment use.

The proposal will see the change of use of an existing A2 use to a C3 residential use. Accordingly details of a sustained marketing campaign have been supplied by the applicant's agent; this highlights that the site has been advertised a realistic price for just short of 12 months (starting 8 August 2017). The site has been advertised on numerous online property portals, as well as within local property chronicles, whilst a let board has been placed in the window of the property.

Following this extensive advertising, the information supplied demonstrates that six prospective tenants have viewed the property, most of which were for new start-up businesses who were unable to commit to a sensible letting period. Two parties expressed a more keen interest but suitable terms could not be reached and both parties acquired other premises within Brightlingsea.

It is therefore concluded that the proposed campaign meets the requirements as set out in Policy ER3, whilst it is also acknowledged that the site was previously a dwelling until its conversion to an A2 use in March 2015. The principle of development is therefore acceptable subject to the detailed consideration below.

2. Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal will result in only internal amendments, with no external changes. Therefore there will be a neutral impact to the character of the surrounding area.

Policy HG9 of the Tendring District Local Plan 2007 states that for a property with two bedrooms there is a requirement of 75 square metres of private amenity space. The submitted plans show that there is no private amenity area allocated for the proposed dwelling; however given that the site is located within a highly sustainable area, with a number of amenable areas within close walking distance, the requirement for private amenity space is significantly reduced. Therefore on balance, the harm identified is not significant enough to warrant a reason for refusal.

3. Impacts to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to there being no external changes as a result of the proposal, there is not considered to be any significant impacts to neighbouring amenities in terms of loss of light or the proposal appearing imposing. It is noted that the internal re-arrangement will result in first floor windows to the eastern elevation serving a bedroom and kitchen as opposed to the current office and kitchen. However, whilst a bedroom could result in a degree of overlooking to the dwellings to the east along Thomas Street, there is considered to be adequate separation distances and existing structures and fencing that will screen the vast majority of views. Further, given the sites town centre location with numerous built form to all sides, there is a feeling of overlooking currently, which this proposal would not significantly add to.

Furthermore, a C3 use is unlikely to generate additional noise to an A2 use and again is therefore acceptable against this criterion.

4. Heritage Impact

Policy EN17 of the Adopted Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area.

Policy EN23 states that development within the proximity of a Listed Building will not be permitted if the development would adversely affect its setting.

The site falls within the Brightlingsea Conservation Area and approximately 8 metres to the west is a Grade II Listed Building known as The Brewers Arms, and as such the heritage impact of the

proposal is a key consideration of any future application. Accordingly a Heritage Statement has been supplied by the applicant.

However, given that there are to be no external changes, and that the proposal seeks to revert to its previous use prior to March 2015, there will be a neutral impact as a result of the proposed change of use to both the setting of the listed building and to the character of the Brightlingsea Conservation Area.

5. Highways

Essex County Council as the Highways Authority has been consulted and state they have no objections.

Essex County Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The information supplied shows that there is no parking provision within the site. However, due to the highly sustainable location in close proximity to the town centre and that the proposal will not result in additional parking to that of an A2 use, on balance the lack of parking provision does not merit a reason for refusal.

Other Considerations

Brightlingsea Town Council are in support of the application but have questioned why the applicant did not ask to revert to the previous residential use.

In answer to this, the proposal fails to accord to Schedule 2, Class 3, Part M (a) of the General Permitted Development Order 2015 (as amended) and therefore planning permission was required.

There have been no other letters of representation received.

6. Recommendation

Approval.

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 numbers 17/011/500, 17/011/101, 17/011/201, the document titled 'Design, Access and Heritage Statement 1A New Street, Brightlingsea' and the untitled details of a marketing campaign.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.