

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	21/09/18
Planning Development Manager authorisation:	AN	27/9/18
Admin checks / despatch completed	KNE	28/09/18

Application: 18/01290/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr S Kemp

Address: The Coach House Oxford Road Mistley

Development: Variation of conditions 1, 10 and 22 of approved application 16/01730/FUL to permit the conversion of a covered parking space into additional living accommodation.

1. Town / Parish Council

Mistley Parish Council

Mistley Parish Council requests any variations approved ensure that parking provision remains well within the curtilage of the property so as not to increase the burden on the road.

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:

1. All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Informative 1: 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.

3. Planning History

11/00543/FUL	Extension and alterations to existing public house with dwelling above in connection with conversion to two no. dwellings, and erection of two no. two storey dwellings with associated parking facilities and construction of vehicular access.	Refused	28.07.2011
14/00479/FUL	Extension and alterations to an existing building in association with	Approved	02.06.2014

	conversion to a dwelling house and the erection of two additional dwelling houses with associated parking facilities and new vehicular access.		
16/00730/NMA	Non-material Amendment to Planning Application 14/00479/FUL - Minor changes to the fenestration:- Deeper windows in each gable end, the addition of a conservation rooflight on front elevation and a pair of doors and a window on the ground floor of the rear elevation in lieu of doors and sidelights.	Approved	01.06.2016
16/00755/DISCON	Discharge of conditions 3 (external surfaces materials), 4 (Railings to frontage), 5 (Boundary Treatment), 6 (Boundary treatment, fencing, tree and hedges), 7 (Landscaping), 9 (Ground Levels), 11 (Chimneys), 14 (Windows and doors), 19 (Vehicular turning facility), 20 (Construction Method Statement) and 22 (Road surfacing) of approved planning application 14/00479/FUL.	Approved	26.07.2016
16/01187/NMA	Alterations to the fenestration in side (South) elevation of plot 2 to enable a window to be provided to the bathroom.	Approved	22.08.2016
16/01730/FUL	Variation of condition 2 of application 14/00479/FUL to replace previously approved drawings with drawing numbers BBB, 214A, 314A, 414A, 514A, 614, 714B, 814B, 914 and 1625/3A.	Approved	14.12.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

COM3 Protection of Existing Local Services and Facilities

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN30 Historic Towns

QL1 Spatial Strategy

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)

LP3 Housing Density and Standards

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

Essex County Council Car Parking Standards - Design and Good Practice

Local Planning Guidance

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 delivered 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 with the plan-led approach.

5. Officer Appraisal

Site Description

The application site is The Coach House, Oxford Road, Mistley, which is one of three dwellings granted planning permission under planning reference 14/00479/FUL. The site is a former Public House that had previously been closed for a number of years. It is triangular in shape with two frontages - New Road to the east and Oxford Road to the west. The B1352 New Road is the main road leading from Lawford to Mistley. Oxford Road is a narrow road serving a residential area leading north to Manningtree town centre. To the east of the site are two Grade II listed buildings fronting New Road and a police station of unsympathetic 1960's design. To the west is a short terrace of three two-storey Victorian houses and a larger, and largely detached, dwelling (attached by outbuildings). The site lies within a designated conservation area.

Proposal

This application seeks planning permission for the variation of conditions 1, 10 and 22 of the previously approved 16/01730/FUL to allow for the conversion of a car port into additional living accommodation for Plot 1.

Assessment

The main considerations of this application are the impact to highways, visual amenity and impacts to a conservation area.

Impact to Highways

Essex County Council as the Highways Authority has been consulted as part of the process of this application and has stated that the proposal is acceptable so long as the off street car parking accords with the Adopted Car Parking Standards. These standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The plans demonstrate that there will be two parking spaces at the above requirements and therefore is acceptable.

Visual Amenity

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 proposed amendments are relatively minor, resulting in the conversion of the existing car port into an extension to the living accommodation of the property. The changes will see an additional window to the front elevation, with the remaining infill using black weatherboarding and brick plinth in-keeping with the remainder of the dwelling. Whilst the works will be partially visible from views

from Oxford Road to the south, it is considered they will assimilate well within the existing development and therefore no visual harm is identified.

Impacts to Mistley Conservation Area

Policy EN17 of the Adopted Local Plan states development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within policy PPL8 of the Emerging Local Plan.

The application site falls within the Mistley Conservation Area and accordingly the agent for the application has supplied a Heritage Statement to justify the works will not detrimentally harm the character or appearance of the area.

Given that the works are relatively minor in nature and will see a selection of materials in-keeping with the existing dwelling, the proposal is considered to result in a neutral impact to the character and appearance of the Mistley Conservation Area.

Other Considerations

Mistley Parish Council neither object nor support the application but request parking provision remains well within the curtilage of the property so as not to increase the burden to the surrounding highway.

There have been no other letters of representation received.

Conclusion

In the absence of any significant harm as a result of this proposal, the application is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers BBB 714 Rev 'B', BBB 814 Rev 'B', BBB 214 Rev 'A', BBB 314 Rev 'A', BBB 414 Rev 'A', BBB 514 Rev 'A' and BBB 914 of planning permission 16/01730/FUL, and drawing numbers 1832/1, 1832/2 and 1832/3 of planning permission 18/01290/FUL

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

- 2 The materials to be used shall be in accordance with the document titled 'Material Schedule', as permitted under Planning Decision 16/00755/DISCON.

Reason - In order to ensure that the appearance of those materials, including colour and finish, are appropriate to the special character and appearance of the designated conservation area and the setting of nearby listed buildings.

- 3 Details of railings to the entire New Road frontage to be used shall be in accordance with drawing number 1624/14, as permitted under Planning Decision 16/00755/DISCON.

Reason - In order to ensure a suitable boundary treatment to the site frontage to New Road and that the appearance of the railings, including their detailed design, materials and colour are appropriate to the special character and appearance of the designated conservation area and setting of nearby listed buildings.

- 4 Details of the boundary treatment shall be in accordance with drawing numbers 1625/9, 1625/10 and 1625/11A, as permitted under Planning Decision 16/00755/DISCON.

Reason - In order to ensure a suitable boundary treatment to the site frontage to Oxford Road and that the appearance, including detailed design, materials and colour are appropriate to the special character and appearance of the designated conservation area.

- 5 Details of all hard and soft landscaping shall be in accordance with drawing number 1625/11A, as permitted under Planning Decision 16/00755/DISCON.

Reason - In order to ensure a suitable boundary treatment to the northern boundary of the site so that its appearance is appropriate to the special character and appearance of the designated conservation area.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In order to ensure that the landscape treatment to the site is carried out appropriately and safeguards the appearance of the designated conservation area.

- 7 Details of existing and proposed site ground levels shall be in accordance with drawing numbers LS 3475/1 and 1625/15, as permitted under Planning Decision 16/00755/DISCON.

Reason - To ensure that the appearance of the new buildings in relation to ground levels is acceptable in the street scene.

- 8 The rooflights hereby permitted shall be of a 'conservation-type', of traditional appearance each with a vertical glazing bar and shall be retained as such.

Reason - In order to ensure a traditional appearance in the designated conservation area.

- 9 The existing chimneys to the building which is to be retained shall be retained in situ and the chimney to the dwelling permitted fronting New Road shall be in accordance with drawing number 1625/13, as permitted under Planning Decision 16/00755/DISCON.

Reason - Chimneys are a feature of traditional dwellings in this part of the designated conservation area and they contribute to its character and appearance. It is therefore important to ensure that existing chimneys are retained and that the detailing of the new chimney is of a suitably high quality to complement the new building.

- 10 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F or G of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling hereby permitted shall be carried out and there shall be no provision of buildings, enclosures, swimming or other pool except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration, buildings, enclosures, swimming or other pool which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - The site lies within a designated conservation area and close to two listed buildings. Great care has been taken to ensure that the permitted scheme is appropriate in terms of its effect upon the character and appearance of the conservation area and setting of listed buildings. It is therefore essential that such changes are able to be controlled, to

ensure that the spacious character and traditional appearance of the development is suitably preserved.

- 11 All pipework, save for terminations, shall be internal and all new rainwater goods shall be of cast iron or cast aluminium, painted black and shall be retained as such at all times.

Reason - In order to ensure a satisfactory appearance and the use of high quality materials appropriate to the designated conservation area.

- 12 Details of all external doors and windows shall be in accordance with the details shown on the submitted Jeld-Wen documents, as permitted under Planning Decision 16/00755/DISCON.

Reason - In order to ensure a satisfactory appearance to the development a traditional appearance is needed within the designated conservation area.

- 13 Prior to first occupation of any of the dwellings hereby permitted, each vehicular access hereby approved shall be constructed in accordance with the details shown on Drawing Number 1832/1, at right angles to the highway boundary, and shall be provided with a dropped kerb vehicular crossing of the footway/highway verge.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 14 Prior to the permitted accesses being brought into use, 1.5m x 1.5m pedestrian visibility splays, relative to the highway boundary, shall be provided on both sides of each access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays shall not form part of the vehicular surface of the accesses.

Reason - To ensure adequate intervisibility between drivers of vehicles using the vehicle accesses and pedestrians in the adjoining highway, in the interests of highway safety.

- 15 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 16 Prior to the vehicle access to Plot 1 being brought into use, vehicular visibility splays of site maximum by 2.4 by site maximum, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 17 Details of the communal vehicular turning facility for motor cars serving Plots 2 and 3 shall be in accordance with drawing numbers 1625/8, as permitted under Planning Decision 16/00755/DISCON.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 18 Details of the Construction Method Statement shall be in accordance with the submitted Construction Method Statement, as permitted under Planning Decision 16/00755/DISCON.

Reason - To ensure that on-street parking of these vehicles and activities does not occur in the adjoining streets, in the interests of highway safety.

- 19 The covered car parking spaces (described on Drawing Number 914 of planning permission 16/01730/FUL) shall be retained as open-fronted bays and no doors shall be installed to those spaces.

Reason - In order to ensure that the traditional character and appearance of the permitted development is retained.

- 20 Details of all surfacing to the vehicle access and open parking and turning areas shall be in accordance with drawing number 1625/11A, as permitted under Planning Decision 16/00755/DISCON.

Reason - In order to ensure a satisfactory appearance to the development in a designated conservation area and to help to minimise water run-off.

- 21 There shall be no gates erected to the vehicular entrances to the site.

Reason - To ensure convenient access to the site, in the interests of highway safety and the convenience of other road users.

- 22 All car parking spaces shown upon Drawing Number 1832/1 shall be retained for the purpose of vehicle parking at all times.

Reason - To ensure adequate car parking provision within the site, in the interests of highway safety and the convenience of other road users.

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.