

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	04/01/2019
Planning Development Manager authorisation:	SCE	04.01.19
Admin checks / despatch completed	SB	07/01/19

Application: 18/01867/FUL **Town / Parish:** Manningtree Town Council

Applicant: Mr Mark J Morsley

Address: Land to The rear of 14 to 18 South Street Manningtree

Development: Proposed building containing two one-bedroomed apartments.

1. Town / Parish Council

Manningtree Town
Council

No comments received.

2. Consultation Responses

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above application for the following reasons:

The area of land to be used for this proposal appears to be a parking area for the existing property 14 to 18 South Street. The construction of a dwelling on this plot will remove the parking facilities with no apparent solution for where these displaced vehicles can be accommodated.

Further, there is not any parking facility proposed for the new dwellings either.

Stour Street is narrow road with no pedestrian footways on either side of the proposed site covered by an existing no waiting at any time restriction. The proposal will lead to increased parking, in neighbouring streets most notably South Street where parking seems to be at a premium, potentially adding a minimum of four extra vehicles (1 each from the flats and the 2 ex. vehicles) within an already congested area.

Although there is a local Railway Station this is some distance from the proposed development and due to the narrow streets in the area there is a lack of public transport in the vicinity of the site the closest bus stop being located in Station Road meaning that a car would be desirable addition to any future buyer of these two one bed apartments.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011;

A) Safety - Policy DM1 of the Highway Authority's Development Management Policies February 2011

B) Parking Standards - Policy DM8 of the Highway Authority's Development Management Policies February 2011
C) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011

Building Control and Access Officer

The means of escape from the second floor is unacceptable.

UU Open Spaces

Response from Public Experience Open Space & Play

Application Details

Application No: 18/01867/FUL

Site Address: Land to The rear of 14 to 18 South Street Manningtree

Description of Development: Proposed building containing two one-bedroom apartments

Current Position

There is currently a deficit of -2.16 hectares of equipped play/open space in Manningtree.

The nearest play space to the development site is located Colchester Road, Lawford. This play area is classified as Local Equipped Areas for Play.

Recommendation

As the proposed development is for one bedroom dwellings, it is felt that there will be no significant impact on the current Open space and Play facilities.

No contribution is required.

3. Planning History

17/00791/FUL	Erection of a detached three bedroom town house dwelling.	Refused	13.07.2017
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

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 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 (including Site Description and Proposal)

Site Description

The application site is located on the northern side of Stour Street within Manningtree Conservation Area. The site comprises of a small parcel of land (6.9m in width and 13.8m in depth) situated between nos 14-18 South Street to the east and garages and outbuildings to the west. To the north are the rear of properties and commercial units that front the High Street. The site comprises of hardstanding and appears to currently be used for parking purposes associated with 14-18 South Street to the east, which has recently undergone refurbishment to create offices and flats. The land in question was the subject of a planning permission in 2005 for two flats. The buildings to the east and north are all Grade II listed.

Description of Proposal

This application follows a more recent planning application than the 2005 application referred to above. Application 17/00791/FUL sought full planning permission for the erection of a three bedroom dwelling and was refused on 4 grounds; impact on heritage assets, impact on neighbouring amenities, functionality for future occupants and lack of parking.

This current application now seeks full planning permission for two 1 bedroom flats. The building would take on a similar form, size and design to that previously refused in 2017 and previously approved in 2005.

Flat 1 is on the ground floor and would comprise a kitchen, bathroom, living room and bedroom. Flat 2 encompasses the first and second floors. The first floor would accommodate a kitchen, shower room, dining/study and living room with a bedroom and ensuite within the roof space. This proposal differs from 17/00791/FUL with minor amendments to the windows, introducing 3 conservation roof lights and the introduction of an external staircase. Flat 2 would be accessed via an external staircase to the rear.

The dwellings would not be served by any parking provision with only a small courtyard area to the rear for amenity. The building would measure 8.76m to ridge, 5.7m in width and 11.1m in depth.

Appraisal

The main considerations are;

- Planning History;
- Principle of Development;
- Design/Impact (including Impact on Heritage Assets);

- Residential Amenities;
- Functional Needs;
- Highways/Parking;
- Play Space/Open Space Financial Contribution; and,
- Representations.

Planning History

Planning permission and Listed Building Consent for alterations and extension to create two additional flats was granted in April 2004 (04/00441/FUL & 04/00440/FUL). In 2005, planning permission and Listed Building Consent (05/00379/FUL & 05/00380/LBC) for amendments to the previously approved scheme were approved. The original planning permission and LBC included conditions 02 (materials) and 03 (windows). Those conditions required the submission and approval of details before development commenced. It is noted that a Building Regulations inspection was carried out to confirm that drainage and pipework had been installed. However, it is confirmed that no conditions included on the 2004 and 2005 permissions have been discharged. Consequently, it is concluded that those permissions have not been lawfully implemented. As a result there is no fall-back position and this application is to be considered on its own merits against current local and national planning policies.

The most relevant material consideration to the determination of this application is 17/00791/FUL as this was determined against current local and national planning policies which remain relevant to this application.

Principle of Development

As the site is located within the Manningtree Settlement Development Boundary the principle of residential development in this location is acceptable subject to detailed design considerations, including the impact upon the conservation area and nearby listed buildings.

Design/Impact (including Impact on Heritage Assets)

Paragraph 189 of the National Planning Policy Framework 2018 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. It goes on to say that 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Saved Policy EN17 states development will be refused where it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views. Saved Policy HG3 states within the defined development boundaries residential development will be permitted provided it satisfies amenity and design criteria and can take place without material harm to the character of the local area.

In this instance, the application proposes the erection of a building to accommodate 2 flats (one over 2 floors) situated on a small parcel of land currently utilised for parking purposes. The building would measure 8.7m to ridge height and 6m to the top of the eaves and would be sited only 1m from the rear elevation of 14-18 South Street to the east, which is a Grade II Listed Building. The building would be located hard up against its western boundary. As a result the building would extend across the vast majority of the plot and due to its limited separation with 14-18 South Street to the east would appear cramped and would overwhelm, dominate and block views of the listed buildings to the east in views along Stour Street from the west.

The development is considered to represent an over-development of a small parcel of land which would, due to its cramped appearance, erode the character and appearance of the Manningtree Conservation Area and would be detrimental to the setting of the Grade II Listed buildings to the east. The submitted Heritage Statement does not sufficiently assess the importance of the heritage assets affected nor the potential impact of the development upon their significance contrary to the aforementioned local and national planning policies.

Residential Amenities

As stated above the new dwelling would be located in close proximity to the rear elevation of 14-18 South Street to the east. In 2009 planning permission was granted to convert the ground floor of the nearest element of that building into a residential use. Consequently, to the rear elevation facing onto the application site are two windows that serve kitchens which, due to the close proximity and height of the proposed dwelling, would suffer a significant loss of outlook and natural light to the significant detriment of the resident's amenity.

All other windows either serve bathrooms or commercial uses where the impact upon amenity in terms of loss of light, outlook and privacy is not considered to be an issue.

Functional Needs

In this instance the proposal does not accord with the aspirations of saved policies QL10, HG9 and emerging policy SPL3 in terms of quality of life for the occupants. The development does not make provision for basic functional needs including useable private amenity space and waste storage/separation and recycling facilities. In respect of private amenity space provision the dwelling would be served by a small courtyard area to the rear of the property measuring approximately 9sqm which is only accessible via a courtyard area serving an adjacent flat. The small courtyard would be enclosed by surrounding buildings and therefore receive limited sunlight. The private amenity space provision is therefore significantly below that required by the saved local plan policy and due to its enclosed siting not useable to the detriment of future residents' amenity. In addition the plans do not show any cycle parking provision or waste storage/recycling facilities.

Therefore the development evidently fails to meet the functional needs of any residents to the significant detriment of their residential amenity.

Highways/Parking

Essex County Council Highway Authority raise an objection to the development. Their objections can be summarised as follows;

- Loss of parking serving existing building.
- No solution for displaced vehicles.
- No parking for the 2 new dwellings.
- Potential for 4 cars requiring parking (2 existing and 2 for new flats)
- Stour Street is narrow, with no footways and covered by a no waiting at any time restriction.
- Will lead to increased parking where parking seems to be at premium.
- Already congested area.
- Train station is some distance and the bus stop is in Station Road – car is likely to be preferred by future occupants.

The Council believes these objections are valid. The site is hard surfaced and currently used for parking purposes by the previous owner of the land in connection with the office use in South Street. This parking would be displaced by the development. Furthermore, whilst it is acknowledged that the site is within an urban area in close proximity to the town centre it is reasonable to expect that the future occupiers of the flats (with possibility of being 2 bed by converting the dining room/study area) would rely on private motor vehicle. As such the development would result in increased parking within the surrounding highway causing congestion to the detriment of highway safety and contrary to the current parking standards.

Play Space/Open Space Financial Contribution

In accordance with saved Policy COM6 of the adopted Local Plan and draft Policy HP5 of the emerging Local Plan, the Council's Open Space Team have been consulted on the application to

determine if a financial contribution toward play space or open space would be required for this development.

In this instance, the Open Space Team has concluded that no contribution is required.

Representations

Manningtree Town Council has not commented on the application.

5 letters of objection has been received (4 from the same objector/some duplicate comments). The concerns raised can be summarised and addressed as follows;

- Lack and loss of parking in already congested area.
- Little to no amenity space.
- Restrict vision and light to neighbouring windows and yards.
- Harmful within a sensitive conservation area.
- Parcel of land is too small for dwelling.
- Overhanging eaves and guttering.
- Very little difference between this and the previously refused application.
- Will set a harmful precedent for cramped infill development in the area.

Residential amenities, parking and design and impact upon the heritage assets have been addressed in the main report above.

Conclusion

The revised application appears to have made no attempt to address or overcome the previous reasons for refusal. For the reasons set out above, the proposal is considered wholly unacceptable and is therefore recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 The conservation of the historic environment and that of designated heritage assets in particular, is recognised in the National Planning Policy Framework 2018 (NPPF) as part of sustainable development and a core objective of the planning system at paragraphs 8 and 20. The NPPF at paragraph 189 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 goes on to say that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Saved Policy EN23 of the Adopted Tendring District Local Plan (2007) and Draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that proposals for development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest and are fully justified through an informed assessment and understanding of the significance of the heritage asset and its setting. The policies further confirm that development should be of a scale and design that respects the listed building and its setting.

Saved Policy EN17 states development within a conservation area must preserve or enhance the character and appearance of the conservation area and that development will

be refused where it would harm the character and appearance of the conservation area, including the historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. Saved Policy HG3 states within the defined development boundaries residential development will be permitted provided it satisfies amenity and design criteria and can take place without material harm to the character of the local area. Saved policy HG14 states that for new dwellings over 4m in height appropriate open space between the dwelling and side boundaries of the plot shall be retained to ensure the development is appropriate in its setting and does not create a cramped appearance.

In this instance, the application proposes the erection of a 2 storey building to accommodate 2 flats situated on a small parcel of land currently utilised for parking purposes. The building would measure 8.7m to ridge height and 6m to the top of the eaves and would be sited only 1m from the rear elevation of 14-18 South Street to the east, which is a Grade II Listed Building. The building would be located hard up against its western boundary. As a result the building would extend across the vast majority of the plot and due to its limited separation with 14-18 South Street to the east would appear cramped and would overwhelm, dominate and block views of the listed buildings to the east in views along Stour Street from the west. The development is considered to represent an over-development of a small parcel of land which would, due to its cramped appearance, erode the character and appearance of the Manningtree Conservation Area and would be detrimental to the setting of the Grade II Listed buildings to the east. The submitted Heritage Statement does not sufficiently assess the importance of the heritage assets affected nor the potential impact of the development upon their significance contrary to the aforementioned local and national planning policies. The public benefit accrued from the modest provision of 2 additional dwellings on the land is not considered to override or justify the significant harm identified.

- 2 Paragraph 127 of the National Planning Policy Framework 2018 (NPPF) states planning decisions should ensure that developments are visually attractive with a high standard of amenity for existing and future users. Saved Policy QL11 states development will only be permitted where it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Emerging Policy SPL3 states all new development must make a positive contribution to the quality of the local environment and buildings should be designed and orientated to ensure adequate daylight and outlook for existing residents.

The new building would be located in close proximity to the rear elevation of 14-18 South Street to the east. In 2009 planning permission was granted to convert the ground floor of the nearest element of that building into a residential use. Consequently, to the rear elevation facing onto the application site are two windows that serve kitchens which, due to the close proximity and height of the proposed building, would suffer a significant loss of outlook and natural light to the significant detriment of the resident's amenity.

The proposed development would therefore be significantly detrimental to neighbouring residents at no. 18a and 18b South Street in respect of loss of outlook, natural light and the overbearing and oppressive nature of the development, contrary to the aforementioned planning policies.

- 3 Paragraph 127 of the National Planning Policy Framework 2018 (NPPF) states planning decisions should ensure that developments are visually attractive with a high standard of amenity for existing and future users.

Saved Policy QL10 of the Tendring District Local Plan (2007) requires that all new development should meet functional requirements. In particular the policy states that planning permission will only be granted if; provision is made for functional needs including private amenity space, waste storage, separation and recycling facilities and cycle parking. Saved Policy HG9 regarding private amenity space stipulates that flats should be provided with either 25 square metres per flat communally or 50 square metres for a ground floor flat and minimum balcony area of 5 square units for units above. Emerging policy SPL3 of the

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) again reflects these requirements.

In this instance the proposal does not accord with the aspirations of saved policies QL10, HG9 and emerging policy SPL3 in terms of quality of life for the occupants. The development does not make provision for basic functional needs including useable private amenity space and waste storage/separation and recycling facilities. In respect of private amenity space provision the dwellings would be served by a small courtyard area to the rear of the property measuring approximately 9sqm which is only accessible via a courtyard area serving an adjacent flat. The small courtyard would be enclosed by surrounding buildings and therefore receive limited sunlight. The private amenity space provision is therefore significantly below that required by the saved local plan policy and due to its enclosed siting not useable to the detriment of future residents amenity. In addition the plans do not show any cycle parking provision or waste storage/recycling facilities.

Therefore the development evidently fails to meet the functional needs of any residents to the significant detriment of their residential amenity.

- 4 The proposed development fails to provide sufficient off street parking facilities for the proposed dwellings in line with the current Parking Standards and displaces the existing parking provision for the commercial uses in at 14-18 South Street. The proposal would therefore lead to additional vehicles being left parked in the access route or adjoining highway causing conditions of danger, obstruction and congestion, contrary to highway safety. The proposed development therefore fails to provide car parking facilities sufficient to satisfy the likely demands of the site and surrounding uses, thereby contrary to Saved Policy TR7a, Emerging Policy SPL3, Essex County Council Parking Standards (2009), and Saved Policy QL10 (vi) which require new development to be designed to meet its functional needs.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.