

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	13/05/2019
Planning Development Manager authorisation:	SCE	14.05.19
Admin checks / despatch completed	SB	14/05/19

ER

Application: 19/00401/FUL **Town / Parish:** Clacton Non Parished

Applicant: Ms Maurisa O'Connor - NHS Property Services

Address: Kennedy House Kennedy Way Clacton On Sea

Development: Change of use of part of ground floor from B1 office to D1 (doctors surgery), extension of front entrance lobby and construction of new canopy, 1no. new external door and window and addition of 18 covered cycle spaces.

1. Town / Parish Council

N/a

2. Consultation Responses

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

1. Prior to first occupation of the site the access arrangements, vehicle parking, and turning areas as indicated on the existing and proposed block plan drawing no. 16291-lsi-a1-zz-dr-a-1175 shall be provided, hard surfaced, sealed and marked out.

Reason: To ensure that appropriate access, parking and turning is provided.

2. Any gates to be retained at the vehicular accesses shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway.

Reason: In the interest of highway safety in accordance with policy DM1.

3. Prior to first occupation of the site the provision of the following is required:

o The provision of a set of dropped kerbs and tactile paving on either side of Kennedy Way in the vicinity of the new pedestrian access from the car park as indicated on drawing no. 16291-lsi-a1-zz-dr-a-1175.

o Contribution for the installation of double yellow lines in the form of junction protection markings on both sides of the entrance to the car park and small car park into Kennedy House off Kennedy Way; maximum length of 20 metres or less on both sides of each access as indicated on drawing no. 16291-lsi-a1-zz-dr-a-1175.

o Adjustments to the low boundary wall to Kennedy House to improve pedestrian access into the building on the north-west side of the entrance.

Reason: to facilitate pedestrian access to Kennedy House from the car park in the interests of accessibility and highway safety.

4. The developer to pay for the necessary Traffic Regulation Orders together with provision of the associated lining to prevent parking in the vicinity of the vehicle and pedestrian accesses.

Reason: To prevent parking in the visibility splay at the junction of (car park accesses and Kennedy Way) in the interests of highway safety and Policy DM 1.

5. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: 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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

NHS East
Essex CCG

In respect of the above-mentioned consultation, as sponsor of this planning application, we will not be responding as a consultee.

Building Control
and Access

There would appear to be issues with means of escape within the building.

Waste
Management

No comments

Environmental
Protection

I have reviewed the application and have no adverse comment to make.

3. Planning History

09/00329/FUL	Change of use to Hospital Renal Unit.	Approved	29.05.2009
09/00330/FUL	Proposed flat roof extensions (16m ²), additional window and doors, window and door alterations, entrance canopy and entrance ramp and steps.	Approved	29.05.2009
09/01097/ADV	Erection of 1 no. wall mounted sign and 1 no. pole mounted free standing sign.	Approved	26.11.2009
09/01098/FUL	Proposed external render to existing face brickwork and fenestration at the 11 bay renal unit (planning approved refs: 09/00330/FUL and 09/00329/FUL).	Approved	26.11.2009

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG 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

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM24 Health Care Provision

ER2 Principal Business and Industrial Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

PP6 Employment Sites

CP1 Sustainable Transport and Accessibility

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.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

- Change of use of part of ground floor from B1 (office serving Anglian Community Enterprise) to D1 (Doctors Surgery), extension of front entrance lobby and construction of new canopy, 1no. new external door and window and addition of 18 covered cycle spaces.

Context

- The site currently comprises a large two storey and single storey flat roofed office building which is occupied by Anglian Community Enterprise (ACE) for NHS administration. On the opposite side of Kennedy Way is a large car park which is surrounded by chain link fencing and contains an overgrown area of scrub in the centre. Part of this car park lies within the application site.
- The site lies within an allocated Principal Business and Industrial Area (Valleybridge Road) under policy ER2 of the 2007 adopted local plan and within the Settlement Development Boundary.
- The site is sufficiently isolated from any residential properties to prevent any adverse impact upon residential amenity.

Principle of Development

- The site lies within an allocated Principal Business and Industrial Area (Valleybridge Road) where saved policy ER2 states B1(a) uses will not be permitted. Emerging Policy PP6 states the Council will seek to protect existing employment sites and safeguard them for B1, B2 and B8 uses.
- The NPPF (2019) states "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." "Planning policies and decisions should recognise and address the specific locational requirements of different sectors."
- Saved Policy COM4 supports the provision of new community facilities within settlement development boundaries provided they are a) readily accessible to local people and ideally served

by viable public transport; b) not detrimental to the character and amenities of the area; c) not create unacceptable parking or traffic problems; and d) does not comprise a site with overriding planning or infrastructure constraints.

- Saved Policy COM24 states proposals for new and improved health care facilities will be permitted provided (i) the site is in close proximity to the communities it is intended to serve; (ii) the facilities do not have a materially detrimental effect on highway and pedestrian safety; (iii) the facilities are accessible to the community they serve by a variety of forms of transport, including public transport; and (iv) adequate car parking provision is made to meet operational demands.

- The site is already in use as a B1(a) office for ACE/NHS administration. The first floor will remain in office use. The proposal includes the change of use of the ground floor to D1 to allow 2 local doctors surgeries (Epping Close and Frinton Road) to relocate here.

- Although this is not an employment use the application forms state that the proposed full-time employees will be 190 although this is believed to be across the neighbouring NHS buildings. The ground floor proposed use contains 12 consulting rooms and is stated to serve 24 staff. The proposal therefore involves a significant local employer. The buildings were clearly designed for an office type development and would need substantial redevelopment/rebuild to be appropriate for B2 or B8 type uses there is also limited external space around the building for the needs of most general business/warehousing uses.

- The site is highly sustainable being in close proximity to existing residential areas with good footpath links and bus stops within 5 minutes walk. Given the need to retain ACE/NHS office use above and the immediately neighbouring NHS dialysis unit it is also sustainable to locate these uses together and to an existing building needing little external alteration to support the use.

- The change of use to D1 is therefore considered acceptable in principle, subject to a condition to remove permitted development rights for change of use within use class D1 (e.g. creches, schools, museums, places of worship) to ensure the council can retain control in the interests of protecting the employment use of the area and highway safety.

Visual impact

- The external changes proposed are minor and include extension of the front entrance lobby and construction of a new canopy, one new external door and window and the addition of 18 covered cycle spaces. These changes are in keeping with the design of the existing building and would result in no material harm to visual amenity.

Highway safety

- The existing parking area remains largely unchanged with a new crossing point which has been subject to pre-application discussions with the Highway Authority. Amended plans have been provided to show 18 new covered cycle parking spaces.

- As stated above the site is sustainably located for both staff and visitors with good existing footpath and public transport links. It is considered that the proposed car parking spaces (88), disabled car parking spaces (8) and covered cycle spaces (18) are sufficient to meet the needs of the development.

- The Highway Authority have no objection subject to 5 conditions as detailed above. Conditions 3 and 4 seek payment for highway works which cannot be secured by planning condition. The physical works will therefore be secured by condition and a separate 278 agreement with the Highway Authority will address the funding.

Other considerations

- No representations have been received.

- Building Control have commented there would appear to be issues with means of escape within the building. The applicant is aware of this and is satisfied this can be easily resolved.

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: 16291-LSI-A1-ZZ-DR-A-1175/A, 16291-LSI-A1-ZZ-DR-A-1200, 16291-LSI-A1-ZZ-DR-A-1300, 16291-LSI-A1-ZZ-DR-A-1350 and 6291-LSI-A1-ZZ-DR-A-1400.

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

- 3 The building shall be used for a mixed use of B1 office and D1 Doctors Surgery and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of retaining a use appropriate to the employment area and in the interests of highway safety.

- 4 Prior to first occupation of the hereby approved doctors surgery the access arrangements, vehicle parking, and turning areas as shown on drawing no. 16291-lsi-a1-zz-dr-a-1175/A shall be provided, hard surfaced, sealed and marked out, and retained as approved thereafter.

Reason - To ensure that appropriate access, parking and turning is provided.

- 5 Any gates to be retained at the vehicular accesses shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway.

Reason - In the interests of highway safety.

- 6 Prior to first occupation of the hereby approved doctors surgery the following shall be provided:

o The provision of a set of dropped kerbs and tactile paving on either side of Kennedy Way in the vicinity of the new pedestrian access from the car park as indicated on drawing no. 16291-LSI-A1-ZZ-DR-A-1175/A.

o The installation of double yellow lines in the form of junction protection markings on both sides of the entrance to the car park and small car park into Kennedy House off Kennedy Way; maximum length of 20 metres or less on both sides of each access as indicated on drawing no. 16291-LSI-A1-ZZ-DR-A-1175/A.

o Adjustments to the low boundary wall to Kennedy House to improve pedestrian access into the building on the north-west side of the entrance.

Reason: To facilitate pedestrian access to Kennedy House from the car park in the interests of accessibility and highway safety.

- 7 Prior to first occupation of the hereby approved doctor's surgery cycle parking shall be provided in accordance with drawing numbers 6291-LSI-A1-ZZ-DR-A-1400 and 6291-LSI-A1-ZZ-DR-A-1175/A and retained as approved thereafter.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

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.

Highways Informatives:

- 1: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
- 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.
- 3: 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.
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5. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.