

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	21/05/19
Planning Development Manager authorisation:	AN	23/5/19
Admin checks / despatch completed	ER SB	23/5/19 23/05/19.

Application: 19/00525/COUNOT **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Lambert

Address: 26A Station Street Walton On The Naze Essex

Development: Conversion of warehouse storage building into two residential dwelling units.

1. Town / Parish Council

Frinton and Walton Town Council Noted.

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 The parking spaces / vehicular hardstanding shall be constructed to minimum dimensions of 6.0m x 2.9m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety and in accordance with Policy DM 1 and 8.
(* Minor amendment required to comply)

2 Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

3 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

4 The 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.

5 Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

6 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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: The Highway Authority observes that the proposal is not in accord with current Parking Standards.

Informative 2: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

Informative 3: 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 4: 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 5: 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.

Environmental Protection

I have reviewed the application and have the following comments to make;

In order to minimise potential nuisance to nearby existing residents caused by demolition/construction works, Environmental Protection ask that the following below is conditioned; Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

' No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

' The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

' No materials produced as a result of the site development or clearance shall be burned on site.

' All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

' Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

3. Planning History

18/01397/FUL	Proposed residential conversion to form 2no. dwellings including part demolitions and two storey extension.	Withdrawn	03.12.2018
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4. Relevant Policies / Government Guidance

N/A

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal

Proposal

The proposal is to change the use of a storage or distribution building (Class B8) to Class C3 (Dwelling Houses) under the new relaxed permitted development allowances as set out in Schedule 2, Part 3, Class P of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application relates to the change of use of the existing warehouse storage building into two dwellings. The total gross floor space to be provided is approximately 240m².

This is a "prior notification" under Part 3 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015. The applicant is seeking the Council's

determination as to whether its "prior approval" is required for the change of use from agricultural use to C3 (Residential).

Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule shall not be permitted development where:

(a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The building was used solely for storage and distribution use on 19th March 2014.

(b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;

The building has been used solely for storage and distribution use for in excess of 4 years.

(c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;

The proposed change of use will take place after 15th April 2018. This criterion is therefore met.

(d) the gross floor space of the existing building exceeds 500 square metres;

The cumulative floor space of the existing building changing use totals approximately 240 square metres. Therefore this criterion is met.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The applicant has confirmed the site is not under an agricultural tenancy.

(f) less than 1 year before the date the development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

No such agricultural tenancy has been terminated. Therefore this criterion is met.

(g) the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1);

(iii) the Broads; or

(iv) a National Park;

(v) a World Heritage Site;

The application site does not fall within any of the above and therefore meets this criterion.

(h) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

The application site does not fall within any of the above and therefore meets this criterion.

(i) the building is a listed building or is within the curtilage of a listed building; or

The building is not listed and does not fall within the curtilage of a listed building.

(j) the site is, or contains, a scheduled monument.

The site is not a scheduled monument, and does not contain one.

In addition to the above requirements, condition P.2(b) requires the Local Planning Authority to consider as to whether the following issues would require prior approval (accompanied by officer comments in italics):

(i) impacts of air quality on the intended occupiers of the development;

The surrounding area is dominated largely by residential development, with a lack of any similar storage and distribution, or industrial units nearby. There are therefore no apparent uses in the locality that could affect air quality. Environmental Protection have offered no objections to the proposal.

(ii) transport and highways impacts of the development;

The plans show an area to the front of the properties that accounts for two parking spaces. While this does not accord with the Adopted Car Parking Standards, which state there should be two parking spaces for each dwelling, the site is in a highly sustainable location within good walking distance to the Walton-on-the-Naze Town Centre and all of the services that offers. Therefore, on balance, there is not significant harm identified.

Essex Highways Authority have stated no objections subject to a number of conditions. An additional condition requesting a Residential Travel Information Pack was requested, however given the minor nature of the development, will not be included.

(iii) contamination risks in relation to the building,

The site is not located near to any land designated as contaminated land. Therefore, this criterion is met.

(iv) flooding risks in relation to the building,

The building is not within designated Flood Risk Zones 2 & 3. Therefore, this criterion is met.

(v) noise impacts of the development, and

The proposed residential use in the form of two dwellings is not considered to cause noise disturbances to the adjacent neighbours to the north-east and south-west. It is likely there would be slightly more disturbance associated with the existing B8 storage and distribution use. Further, the immediate vicinity sees a number of residential properties who would not cause undue noise disturbance to the future occupiers of the two proposed dwellings.

Environmental Protection have stated they have no objections, but do recommend a condition for the submission of a method statement. However given that there are only minor works involved it would not be reasonable to attach this condition.

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

The application site is located in a densely populated area of predominantly residential properties. There are no other nearby examples of B8 storage and distribution uses, or any other industrial

uses. Therefore, there is no principle objection to two additional residential properties in this location.

Representations

Frinton and Walton Town Council note the application but make no further comments.

Conclusion

Having regard to the above it is considered that the change of use of the agricultural building to C3 (dwellinghouse) does not require Prior Approval, as it would meet the requirements set out in Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6. Recommendation

Determination prior approval not required

7. Conditions

1. The proposal constitutes permitted development as defined in Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and may therefore be carried out providing that it is wholly in accordance with the legislation.
2. Prior to the first occupation of the hereby approved dwellings the parking spaces / vehicular hardstanding shall be constructed to minimum dimensions of 6.0m x 2.9m and retained thereafter.

Reason - To encourage the use of off-street parking, in the interests of highway safety.

3. Prior to first occupation of the hereby approved dwellings, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of the access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

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

4. No unbound materials shall be used in the surface treatment of the vehicular access throughout.

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

8. Informatives

N/A