

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	20/08/2019
Planning Development Manager authorisation:	GN	20/8/19
Admin checks / despatch completed	SB	20/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	GXL	20/08/19

**Application:** 19/00769/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr A P Brown - S and T Electrical

**Address:** 5 Riverside Avenue West Lawford Manningtree

**Development:** First floor front extension and alterations, including raising roof to form 2 internal office suites.

### 1. Town / Parish Council

Lawford Parish Council have not commented on this application.

### 2. Consultation Responses

Not Applicable

### 3. Planning History

03/01704/FUL	Front extension to increase office space for commercial use.	Approved	14.10.2003
16/00704/COUNO T	Change of Use from B1 (Business) to residential (1 or 2 bed flat) for the first floor area of the unit.	Prior Approval Not Required	22.06.2016
18/00221/FUL	Front extension.	Approved	10.04.2018

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

ER2 Principal Business and Industrial Areas

QL3 Minimising and Managing Flood Risk

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PP6 Employment Sites

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)**

### **Site Description**

The application site is 5 Riverside Avenue West, Lawford, a west facing property situated to the western end of Riverside Avenue West. The surrounding area is characterised by urban built form, with a variety of business properties to all sides. The site is situated within the Settlement Development Boundary of Lawford in both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

### **Proposal**

This application seeks planning permission for the erection of a first floor extension and alterations, including raising roof to form 2 internal office suites.

The application site falls within Flood Zone 3 and accordingly the proposed works represent a potential flood risk. As such, the applicant has submitted a Flood Risk Assessment to acknowledge the potential flood risk and what mitigation measures are in place to alleviate any future flooding issues.

It is considered that, as the site falls within a 'less vulnerable' use class as per the Environment Agency flood risk vulnerability classification table, and is an extension to an existing established site, the harm is not considered to be of an excessive nature and will not result in any increased flood related safety concerns.

Other Considerations

Lawford Parish Council have not commented on this application.

No letters of representation have been received.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 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 and documents: Drawing No. 1902/887-304 , Drawing No. 1902/887-303-2 Rev A, Drawing No. 1902/887-302-2 C and Flood Risk Assessment dated 14.04.2019  
Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall not be occupied until such time as the parking spaces and cycle parking indicated on drawing no. 1902/887- 302-2 Revision C, have been constructed and laid out for parking. The parking and cycle parking areas shall be retained in this approved form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development unless otherwise agreed in writing by the Local Planning Authority.

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

## **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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> <b>If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	NO