

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	4 <sup>th</sup> Sept
Planning Development Manager authorisation:	TF	04/09/19
Admin checks / despatch completed	EL	05/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EL	05/09/19

**Application:** 19/00982/COUNOT **Town / Parish:** Clacton Non Parished

**Applicant:** Shulem Posen - Planning Advisory Ltd.

**Address:** Mansion House 10 St Johns Road Clacton On Sea

**Development:** Proposed change of use from offices to residential.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority

Environmental Protection Environmental Protection have no adverse comments to make in relation to this application.

### 3. Planning History

19/00410/FUL Extension of existing rear balcony and canopy at first floor level and the installation of access doors to replace windows. Approved 08.05.2019

19/00982/COUNO Proposed change of use from Current offices to residential. T

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Guidance  
The Town and Country Planning (General Permitted Development) (England) Order 2015

### 5. Officer Appraisal (including Site Description and Proposal)

Class O – offices to dwellinghouses

***Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Development not permitted

O.1 Development is not permitted by Class O if

- (a) the building is on article 2(5) land

The building is not on article 2(5) land. **The proposal complies.**

- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order –

- (i) on 29th May 2013, or  
(ii) 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 for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order on 29<sup>th</sup> May 2013. **The proposal complies.**

- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016

The use of the building falling within Class C3 (dwellinghouses) of that Schedule was not begun after 30th May 2016. **The proposal complies.**

- (d) the site is, or forms part of, a safety hazard area

The site is not, or does not form part of, a safety hazard area. **The proposal complies.**

- (e) the site is, or forms part of, a military explosives storage area

The site is not, or does not form part of, a military explosives storage area. **The proposal complies.**

- (f) the building is a listed building or is within the curtilage of a listed building

The building is not a listed building nor is within the curtilage of a listed building. **The proposal complies.**

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

The site is not nor contains, a scheduled monument. **The proposal complies.**

### **Conditions**

O.2 Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

- (a) transport and highways impacts of the development  
(b) contamination risks on the site; and  
(c) flooding risks on the site,

### Transport and Highways Impacts of the Development

Private car parking for the units is located to the rear of the buildings, accessible from North Road. Car parking spaces are allocated to the occupants of the units on a leasehold basis.

Vehicular access to the car parking area associated with the site is via a short driveway access onto North Street some 40 metres to the north of the junction with St Johns Road. The access serves a total of 15 car parking spaces associated with all units within Mansion House Precinct. Pedestrian and vehicular visibility splays from the access are acceptable by virtue of the straight

alignment of North Road, the controlled on-street parking and the boundary treatment with the adjacent residential property to the north.

The site is located within an area where there are a number of local amenities located within a short walk distance of the site, the site is located within 80 metres of bus stops located on St Johns Road and North Road. The site is therefore considered to be highly accessible by non-car modes of travel for typical residential day-to-day journey purposes.

The proposals would incorporate a sheltered and secure cycle store at surface level within the parking courtyard and refuse collection arrangements would be maintained. The level of car parking would be appropriate for the proposed residential use and is unlikely to lead to an increase in on-street demand. **The proposal complies.**

#### Contamination Risks on the Site

The site is not in an area where there are Contamination Risks on the site. **The proposal complies.**

#### Flooding risks on the site

The site is not in an area where there are Flooding Risks on the site. **The proposal complies.**

The provisions of paragraph W (prior approval) apply in relation to that application.

Procedure for applications for prior approval under Part 3

W.1 The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

W.2 The application must be accompanied by

- (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations
- (b) a plan indicating the site and showing the proposed development
- (c) the developer's contact address
- (d) the developer's email address if the developer is content to receive communications electronically
- (e) where sub-paragraph (6) requires the Environment Agency(a) to be consulted, a site-specific flood risk assessment

together with any fee required to be paid.

The covering letter from Planning Advisory Ltd, dated 30<sup>th</sup> June 2019, contains a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations. Drawings numbers 250-L&B, 250-P01, 250-P02, 250-P03 and 250-P04 indicate the site and show the proposed development. The covering letter from Planning Advisory Ltd, dated 30<sup>th</sup> June 2019, contains the developer's contact address and the developer's email address if the developer is content to receive communications electronically. Sub-paragraph (6) is not applicable for this site. The appropriate fee was received on 12<sup>th</sup> July 2019. **The application complies with the requirements of condition 2 of Paragraph W.**

W.3 The local planning authority may refuse an application where, in the opinion of the authority –

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

The proposed development complies with and the developer has provided sufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question. **The application complies with the requirements of condition 3 of Paragraph W.**

W.4 Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

The application is not being refused under sub-paragraph 3; sub-paragraphs (5) to (8) and (10) apply. **The application complies with the requirements of condition 4 of Paragraph W.**

W.5 Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult -

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway

The Highways Authority were consulted on 24<sup>th</sup> July 2019. **The Local Planning Authority has complied with the requirements of Condition 5 of Paragraph W.**

W.6 Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency (b) where the development is -

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The site is not within Flood Zone 2 or Flood Zone 3, nor in an area within Flood Zone 1 which has critical drainage problems; the Environment Agency were not consulted. **The Local Planning Authority has complied with the requirements of Condition 6 of Paragraph W.**

W.7 The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

The Local Planning Authority notified the consultees referred to in sub-paragraphs (5) and (6) on 24<sup>th</sup> July 2019 specifying the date by which they must respond of 14<sup>th</sup> August 2019; this date is not less than 21 days from the date the notice is given. **The Local Planning Authority has complied with the requirements of Condition 7 of Paragraph W.**

W.8 The local planning authority must give notice of the proposed development –

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which –
  - (i) describes the proposed development
  - (ii) provides the address of the proposed development
  - (iii) specifies the date by which representations are to be received by the local planning authority; or

- (b) by serving a notice in that form on any adjoining owner or occupier.

A site notice was attached on 2<sup>nd</sup> August 2019 (the 21-day period expired on 23<sup>rd</sup> August) to the ground floor door which provides access to the internal staircase serving the offices above. The site notice described the development as "Proposed change of use from offices to residential". The address of the proposed development is given as "Mansion House 10 St Johns Road Clacton On Sea Essex". The site notice specified the date of 23<sup>rd</sup> August 2019 by which representations were to be received by the local planning authority. **The Local Planning Authority has complied with the requirements of Condition 8 of Paragraph W.**

W.9 The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include— (a) assessments of impacts or risks; (b) statements setting out how impacts or risks are to be mitigated; or (c) details of proposed building or other operations.

The Local Planning Authority did not require the developer to submit further information in regards to assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated or details of proposed building or other operations. **The Local Planning Authority has complied with the requirements of Condition 9 of Paragraph W.**

W.10 The local planning authority must, when determining an application -

- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8)
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
- (c) in relation to the contamination risks on the site –
  - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and
  - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

Representation received as a result of the consultation under sub-paragraph (5) from the Highways Authority have been taken into account. No consultation under sub-paragraph (6) was undertaken. No representations were received as a result of the notice given under sub-paragraph (8). The Local Planning Authority has had regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. As a result of the proposed change of use, taking into account any proposed mitigation, the site will not be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b). **The Local Planning Authority has complied with the requirements of Condition 10 of Paragraph W.**

W.11 The development must not begin before the occurrence of one of the following –

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

The expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority is 6<sup>th</sup> September 2019. A notification to the applicant is

being made in advance of this date informing the applicant that prior approval is not required. **The Local Planning Authority has complied with the requirements of Condition 11 of Paragraph W.**

W.12 The development must be carried out -

- (a) where prior approval is required, in accordance with the details approved by the local planning authority
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing

W.13 The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

## **6. Recommendation**

Determination prior approval not required

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

- 1 The development must not begin before the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required
- 2 The development must be carried out in accordance with the details provided in the application (Drawings numbers 250-L&B, 250-P01, 250-P02, 250-P03 and 250-P04), unless the local planning authority and the developer agree otherwise in writing.

- 3 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 4 Prior to first 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 free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

## **8. Informatives**

None

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO