

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	12/05/2020
Planning Development Manager authorisation:	AN	12/05/2020
Admin checks / despatch completed	CC	12/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	12/05/2020

Application: 20/00046/FUL **Town / Parish:** Manningtree Town Council

Applicant: Ms Anne Lister

Address: Exchange House 22, 22A, 22B, 22C South Street Manningtree

Development: Proposed alterations to convert flats 22A and 22B to one unit

1. Town / Parish Council

Manningtree Town Council Have not commented on this application.

2. Consultation Responses

Essex County Council Built Heritage Advice pertaining to two concurrent applications for:
Heritage Proposed alterations to convert flats 22A and 22B to one unit.
30.04.2020

Following the submission of amended down-taking and proposal drawings I am in support of this application.

3. Planning History

05/00776/FUL	Conversion of existing shop and flat into office and 3 no. flats and addition of new chimney and external alterations.	Approved	11.07.2005
05/00907/LBC	Conversion of existing shop/office/flat into new office and three flats	Approved	11.07.2005
09/00471/FUL	Change of use from Class B1 office to Class D1 Osteopathic practice.	Approved	14.07.2009
20/00047/LBC	Proposed alterations to convert flats 22A and 22B to one unit	Approved	11.05.2020

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

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

LP1 Housing Supply

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

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 (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.

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 (including Site Description and Proposal)

Site Description

The application site concerns Exchange House, a Grade II listed building on the junction of Stour Street/South Street within the town centre of Manningtree. The application site is located within the Conservation Area and AONB. The building as a whole accommodates ground floor commercial unit (currently an osteopath clinic) and 3 self-contained flats spread over 4 floors. (flats 22A, 22B and 22C) with a shared yard for units 22B and 22C sufficient to park two cars and a detached garage.

The application originally proposed; Internal alterations to existing flats to join together units 22A and 22B to form one unit with separate access arrangement, installation of new window in existing commercial unit, provision of car port over entrance to converted flat and alterations to flat 22C including re-routing of stair case to connect to ground floor commercial unit. Following consultation between the Historic Environment Team and the applicant, the plans were amended for the application to only assess the proposed alterations to convert flats 22A and 22B to one unit.

Proposal

This application seeks planning permission for the conversion of flats 22A and 22B to one unit.

Assessment

The main considerations for this application are;

- Principle of development
- Design and Appearance

- Impact upon neighbouring amenities
- Highway Safety
- Heritage
- Habitat Regulations Assessment
- Other Considerations

Principle of development

The application site is situated within the defined settlement limits of Manningtree as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017). The proposal represents the loss of one unit of residential accommodation in a sustainable location at a time that the Council cannot demonstrate a 5 year housing supply. However, given that no residential floor space is lost to other uses and two one bedroom units are combined to make one larger two bedroom unit there is no material harm that would amount to a justifiable reason to refuse planning permission. The principle of development is therefore accepted subject to the detailed considerations below.

Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The plans submitted demonstrate that the changes will be internal and therefore there will be no impact of the proposed conversion of the street scene of South Street.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a flat should have a minimum of 25 square metres per flat provided communally or a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above. The submitted plans demonstrate that the proposed conversion complies with Policy HG9.

Impact upon neighbouring amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Although the proposal is to convert two flats into one, there are no external changes proposed causing a neutral impact upon neighbouring amenities.

Highway Safety

Essex Highways Authority have been consulted on this application and have stated that due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated September 2016. Currently the property has parking for two vehicles, and this will remain unchanged and as the proposal is to convert two flats into one unit. Therefore the highway authority do not have any objection to the proposal.

Due to the sustainable location as well as the flat accommodating the same number of bedrooms, it is considered that the proposal will not cause any significant impact upon highway safety.

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Paragraph 196 of the Framework adds that 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, including securing its optimum viable use.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is a Grade II Listed Building and it is located within the Conservation Area. The Historic Environment Team have been consulted on this application and have stated that following the submission of amended down-taking and proposal drawings, the team are in support of this application.

Therefore, there is not considered to be significant harm identified to harm the setting of the Listed Building and Conservation Area, and the proposals are therefore acceptable against this criteria.

Habitat Regulations Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Stour and Orwell Ramsar Site and SPA, mitigation measures will need to be in place prior to occupation.

A Habitat Regulations Assessment has therefore been undertaken to confirm that a contribution is not required in this instance as the proposal is for the conversion of two flats into one which will reduce the impact of recreational disturbances to coastal European designated sites.

Other considerations

Manningtree Town Council have not commented on this application.

1 letter of representation has been received stating that they have no comment.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Approval

- 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 plan:

Drawing No. 2356/1C

Drawing No. 2356/2C

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

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways

1: 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.

2: 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.

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