

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
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Planning Development Manager authorisation:	SCE	07/07/2020
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Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/07/2020

Application: 20/00413/FUL **Town / Parish:** Manningtree Town Council

Applicant: H Edwards - Roundwood Restorations Ltd

Address: 2 High Street Manningtree Essex

Development: Proposed change of use of the ground floor from A2/approved retail unit to residential flat (including changes to High Street frontage).

1. Town / Parish Council

Mrs LINE DJUVE-WOOD
MANNINGTREE TOWN
COUNCIL
11.05.2020

Manningtree Town Council strongly objects to this planning application. The ground floor space should be kept as non-residential as was agreed upon approval of the previous planning application (17/01479/FUL), whether this be for retail, including food or drink outlets, or offices.

In addition, in regard to the proposed re-roofing of the building (as per application 20/00411/LBC), the Town Council would like to ask that the applicant checks for any emergence of or entrance of Swifts or other wildlife within the roof structure and that should the re-roofing go ahead that it becomes a condition that they include some Swift bricks in the new roof.

2. Consultation Responses

Essex County Council
Heritage
30.04.2020

Built Heritage Advice pertaining to four concurrent applications at the above address for:

- 20/00410/LBC: Insertion of replacement windows (14 no.)
- 20/00411/LBC: Proposed re-roofing of building.
- 20/00413/FUL and 20/00414/LBC: Proposed change of use of the ground floor from A2/approved retail unit to residential flat (including changes to High Street frontage).

The proposals concern the following heritage assets:

- The host building the Grade II listed National Westminster Bank and Return To Number 2 Brook Street (List UID: 1261374).
- Setting of Grade II listed Return To Numbers 1 And 2 Stour Street (List UID: 1254251) located to the south of site.
- Grade II listed 5 High Street (List UID: 1260956) located opposite the site.
- Mistley and Manningtree Conservation Area.

Paragraph 189 of the NPPF requires the applicant to adequately

demonstrate understanding of the significance of the heritage assets affected including any contribution made by their setting at a level of detail proportionate to the asset's importance. The applications fail to address this requirement of the applicant to demonstrate their understanding of the heritage assets and as such the impact the proposed works will have on the above heritage assets has not been understood or demonstrated adequately and all four applications are deficient.

It is noted that a short heritage statement was submitted as part of 17/01479/FUL and I consider this to be inadequate, a future heritage statement requires more detailed research and visual illustration through the inclusion of site photos highlighting any historic features.

Regarding 20/00410/LBC: The proposals do not describe the condition of the windows to be replaced. Although photos have been provided by the applicant, these do not clearly show the condition of the windows and no justification has therefore been given explaining the need for their replacement. The windows are likely to be historic and may be original, their unnecessary replacement would be unacceptable as it would result in the loss of a large amount of historic fabric. As there is a high likelihood that the windows to be replaced are historic and that their loss would result in harm to the historical and architectural significance of the of the building, the setting of the adjacent heritage assets, and the character and significance of the Conservation Area assets and as such would cause less than substantial harm to the heritage assets as per paragraph 196 of the NPPF.

I am therefore unable to support this application.

It is recommended if this application were to be amended or resubmitted, that a heritage statement be supplied proportionate to the assets' importance, sufficient to understand the potential impact of the proposal on their significance, with adequate attention given to the windows. It is also recommended that a condition report is submitted justifying any need for repair, refurbishment, or replacements. Historic England guidance recommends retention and refurbishment of historic windows wherever possible:
<https://historicengland.org.uk/advice/your-home/making-changes-your-property/types-of-work/alter-my-windows/>.

Regarding 20/00411/LBC: In principle I am unopposed to this application. However, there appears to be no justification for the proposed works. From the information supplied, the roof appears to be in a good condition, and it is noted that the applicant states that the chimney stack is weathered. An expanded method statement is required comprehensively covering the proposed works including the repairs to the brick parapet that have been mentioned by the applicant in their Design and Access Statement. Refurbishment of the roof will result in the loss of historic fabric which result in a diminishing of the historic and architectural significance of the building, the setting of the adjacent heritage assets and the character and significance of the Conservation Area assets and as such would cause less than substantial harm to the heritage assets as per paragraph 196 of the NPPF.

I am therefore unable to support this application.

Historic England advises: "Replacing an old roof covering is disruptive and expensive and can cause damage, so make sure the work is necessary and effective. Damp could be caused by defects in chimneys or lead work, or by slipped slates or tiles." It is therefore advised that if the chimney stack requires repointing or repairs then this should be considered to prevent damage occurring to the historic building. This advice can be found at <https://historicengland.org.uk/advice/your-home/making-changes-your-property/types-of-work/renew-my-roof/>. Regarding 20/00413/FUL and 20/00414/LBC:

I am not opposed in principle to the proposed change of use and the proposed works facilitating this.

The submitted existing elevation drawing does not show the existing shopfront façade and are therefore inaccurate. It is noted that the shopfront shown is similar to that shown in the existing drawings approved under 17/01479/FUL and detailed under 18/00120/DISCON however it is understood that these works may not yet have taken place and the existing façade of the bank is still in place. This inaccuracy combined with the lack of understanding of the designated heritage asset indicates that the existing historic fabric has not been adequately understood here.

The lack of adequate historic research undertaken for this, and the other concurrent applications results in ambiguity over the presence of important historic features. The marketing documents submitted within these applications indicate timber roof joists present and unusual chamfered door surrounds. An alteration is also shown on the proposed floorplan at the landing at the top of the existing basement staircase. The applications are not at all clear regarding this alteration and the method of altering the interior of the gutted shop to facilitate its change of use, this must be clarified to understand any potential for harm to be caused to the designated heritage asset.

There is also potential for harm to be caused to all the aforementioned designated heritage assets through the construction of an unsympathetic design, inappropriate detailing, and materiality. The applicant needs to supply more detailed information regarding the High Street elevations, which could be informed by the researching of the heritage assets that the applicant has failed to undertake. An unsympathetic alteration to this prominent elevation in the streetscape would detrimentally impact the architectural articulation and rhythm of the host building from which some architectural and historic significance is derived. It would also result in harm to the character and significance of the Conservation Area and harm the setting of the Grade II listed 5 High Street located opposite. As such paragraph 196 of the NPPF is relevant here as the proposals would cause less than substantial harm to the designated heritage assets.

I am therefore unable to support this application.

Historic research that should have already been undertaken to meet the requirements of paragraph 189 of the NPPF may give an indication of the historic façade arrangement. Findings of this research could be a basis for considering what an appropriate replacement or reinstatement of the ground floor shopfront might be.

It is suggested that were the chosen design carried forward and

appropriately detailed, then the brickwork should be in Flemish bond with gauged brick lintels over the windows and doors to match the form and materiality of the three windows and brickwork above at first floor. Bricks should be chosen to match the existing brickwork above, and an appropriate lime mortar chosen to protect the brickwork and colour matched to the existing.

Regarding: 20/00411/LBC, 20/00413/FUL, and 20/00414/LBC, works shall not be commenced until samples of the replacement bricks, roof tiles, have been submitted to and approved in writing by the local planning authority. Proposed rainwater goods should also be specified where they are being replaced. The development shall be implemented in accordance with the approved details and permanently maintained as such.

UU Open Spaces
19.05.2020

No contribution is being requested from Open Spaces on this occasion.

Building Control and
Access Officer
09.04.2020

No comments at this time.

Environment Agency
30.04.2020

Thank you for your consultation dated 24 April 2020. We have reviewed the application as submitted and are raising a holding objection on Flood Risk grounds.

Flood Risk

In the absence of a flood risk assessment (FRA), we are raising a holding objection to this application.

The application site lies within Flood Zone 3 and 2, which is land defined by the planning practice guidance as having a high and medium probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Guidance on how to prepare a flood risk assessment can be found at

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

We trust this advice is useful.

3. Planning History

02/01569/ADV	Internally illuminated fascia strip and two projecting signs. ATM illuminated signage and other signage.	Refused	15.10.2002
91/01216/FUL	Change of use from residential to office use, renewal of consent TEN/1240/85.	Approved	27.11.1991
93/00427/ADV	Projecting sign	Refused	13.07.1993
93/00963/ADV	Hanging sign	Approved	05.10.1993
93/00964/LBC	Hanging Sign	Approved	05.10.1993
94/00874/FUL	(National Westminster Bank Plc, 2 High Street, Manningtree) Installation of service till to Brook Street elevation	Approved	23.08.1994
94/00875/LBC	(National Westminster Bank Plc, 2 High Street, Manningtree) Installation of service till adjacent to existing window on Brook Street elevation	Approved	23.08.1994
94/01520/FUL	(National Westminster Bank, 2 High Street, Manningtree) Installation of new bank front	Approved	14.02.1995
94/01521/ADV	(National Westminster Bank, 2 High Street, Manningtree) Externally illuminated fascia and projecting signs	Approved	14.02.1995
95/00004/LBC	(National Westminster Bank, 2 High Street, Manningtree) Elevation alterations and new signage	Approved	14.02.1995
96/00743/ADV	(Natwest, 2 High Street, Manningtree) Externally illuminated projecting signs (2 No.)	Approved	16.07.1996
96/00919/LBC	Installation of two externally illuminated projecting hanging signs	Approved	23.08.1996
97/01199/LBC	Air conditioning condensing unit on flat roof	Approved	16.01.1998
02/01608/LBC	External signage alterations	Refused	15.10.2002
02/02318/ADV	Sign	Refused	27.01.2003

02/02322/LBC	Display of non-illuminated signage	Refused	05.02.2003
03/00622/LBC	Alterations to external advertisement signage.	Approved	14.05.2003
03/00623/ADV	Advertisement signage.	Approved	14.05.2003
04/01244/FUL	5 No. external lights. Remove existing entrance step and handrail and install new entrance door and frame.	Approved	19.08.2004
04/01245/CON	3 No. external lights. Remove existing entrance step and hand rail and install new entrance door and frame.		08.07.2004
04/01246/LBC	5 No. external lights. Remove existing entrance step and hand rail and install new entrance door and frame.	Approved	19.08.2004
06/01479/LBC	Construction of 2nd sets of steps to rear fire exit and installation of kee klamp handrails to unprotected roof to rear elevation.		16.03.2007
11/00575/FUL	Installation of galvanised counter balance handrails to provide roof edge protection and installation of fixed retractable galvanised cat ladder to provide safe access to maintain M & E Equipment to rear flat roof.	Approved	25.08.2011
11/00731/LBC	Installation of free standing galvanised counter balance handrails to provide roof edge protection and installation of fixed retractable galvanised cat ladder to provide safe access to maintain M and E equipment to rear flat roof.		05.07.2011
15/01264/FUL	Upgrade of existing ATM and formation of a secure ATM room including a new access door, and construction of internal secure servicing room/lobby.	Approved	12.11.2015
15/01265/ADV	Upgrade of existing ATM (non-illuminated).	Approved	12.11.2015
15/01266/LBC	Upgrade of existing ATM and formation of a secure ATM room including a new access door, and construction of internal secure servicing room/lobby.	Approved	12.11.2015

16/30318/PREAPP	Proposed erection of a new dwelling with a change of use & alteration to the existing to form a total of 7 new dwellings.		22.02.2017
17/00392/FUL	Alterations and extensions to existing vacant bank premises and change of use to multi-residential accommodation (7 flats) and erection of dwelling.	Refused	15.06.2017
17/00393/LBC	Internal and external alterations and extensions of existing vacant bank premises in connection with residential re-development.	Refused	15.06.2017
17/01479/FUL	Alterations and extensions of existing vacant bank premises, to provide a retail unit and change of use to multi-residential accommodation. (1 Retail Unit, 6 Flats and 1 House).	Approved	10.11.2017
17/01480/LBC	Alterations and extensions of existing vacant bank premises, to provide a retail unit and change of use to multi-residential accommodation. (1 Retail Unit, 6 Flats and 1 House).	Approved	10.11.2017
17/02092/DISCON	Discharge of condition 4 (Archaeology) of planning permission 17/01479/FUL.	Approved	07.06.2018
18/00120/DISCON	Discharge of conditions 6 (Materials), 7 (Joinery), 12 (Cycle Parking) & 14 (Landscaping) of Planning Application 17/01479/FUL, and Discharge of conditions 3 (Materials) and 4 (Joinery) of Listed Building Consent 17/01480/LBC.	Approved	07.06.2018
18/00911/DISCON	Discharge of conditions 5 (archaeological monitoring), and 13 (transport mitigation) of planning permission 17/01479/FUL.	Approved	18.07.2018
20/00410/LBC	Insertion of replacement windows (14 no.)	Current	
20/00411/LBC	Proposed re-roofing of building.	Current	
20/00413/FUL	Proposed change of use of the ground floor from A2/approved retail unit to residential flat (including changes to High Street frontage).	Current	

20/00414/LBC

Proposed change of use of the ground floor from A2/approved retail unit to residential flat (including changes to High Street frontage).

Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

ER3 Protection of Employment Land

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

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

SP6 Place Shaping Principles

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP2 Retail Hierarchy

PPL1 Development and Flood Risk

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site as defined by the red line to the site plan is occupied by a building with its front elevation onto High Street. To accommodate a rise of approximately 0.3 metres, a concrete ramp to comply with DDA requirements has been fitted. The property is set on a corner formed by the junction of High Street with Brook Street. The property has a curtilage, a yard, to the rear with access onto Brook Street.

The property is vacant having last been in use as a bank. The building has two full storeys and accommodation within a hipped roof.

However, the site is effectively only part of the ground floor of the building; the formerly proposed retail unit within the scheme to 17/01479/FUL. This part of the building has a bank entrance /shop front which was installed in the 1990's.

The site is on the southern side of High Street and is generally set within surroundings which have the character of a commercial centre to a small historic town. The northern side of the High Street, on the opposite side of the road, premises are designated as Primary Shopping Frontage in the adopted Local Plan. A library is two properties along the High Street to the east. In the wider locality there is a mixture of housing and commercial uses in a pattern which is common in historic settlements.

The property is a Listed Building and within a Conservation Area.

Relevant Site History

Planning permission, 17/01479/FUL, has been granted to provide a retail unit and change the rest of the building to seven dwellings. Condition 3 of this planning permission states “The development hereby approved shall be carried out in its entirety as shown on the submitted plans. No dwelling or flat shall be occupied until such time as the works to the front facade of the building and new shop-front have been installed and the retail unit completed for occupation.” The reason for the condition is “The development has been permitted due to the significant benefits that would result for the listed building, and it is essential that the works are carried out as a package of improvements in the interest of the character and setting of the listed building.”

The scheme as approved sought to address the loss of employment land by retaining a commercial unit of 107 sq m at ground floor (page 6 of the Design, Access and Planning Statement incorporating Heritage Appraisal and Justification Statement). Another document, the Planning Statement, at paragraph 4.3, referred to how the ground floor was to have included the provision of a retail unit, with frontage to the High Street.

Proposal

Change of use of the ground floor from retail unit to residential flat.

The flat would have two bedrooms and an open plan living area and kitchen.

The existing front elevation would be replaced to that with two windows and an entrance door.

Appraisal

The main issues are considered to be the broad principle of housing development at this location; flood risk; whether the proposed dwelling would offer an adequate degree of residential amenity for future occupiers; any material adverse impact to neighbours; loss of a use providing employment; biodiversity and impact to protected species; provision of open space; and, impact to heritage assets.

Principle of proposed development

The site is in a very sustainable location and would contribute, albeit minimally, to housing provision. The site is not designated as a protected retail frontage with regard to retaining the vitality of a commercial centre. Considering the principle of the proposal in isolation and in the broadest terms the proposal is acceptable.

The proposal is acceptable with regard to Policies QL1, QL2 and HG1.

The site is within a development boundary. As such the proposal is generally acceptable with regard to Policy HG3 although this policy requires residential development to satisfy amenity and design criteria and to take place without material harm to the character of the local area. These requirements are not met, as discussed below.

Flood risk

Policy QL3 is concerned with minimising and managing flood risk. The application site lies within Flood Zone 3 and 2, which is land defined by the planning practice guidance as having a high and medium probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations.

In the absence of a flood risk assessment (FRA), the Environment Agency has raised a holding objection to this application.

It is noted that the flats approved by the previous scheme, 17/01479/FUL, had access by the back, the southern, part of the site.

Paragraph 100 of the National Planning Policy Framework 2019 (NPPF) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding;
- and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 158 of the NPPF further states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

These sentiments are echoed in draft policy PPL1 of the emerging Local Plan, which states that all development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development in this plan or land within a Priority Area for Regeneration (the application site is not located in such an area). For development proposals on sites within Settlement Development Boundaries, the sequential approach will apply to all land within the Settlement Development Boundary of the settlement in question.

Saved Policy QL3 also supports this approach by stating that 'development should be located to avoid danger to people and property from flood risk now and for the lifetime of the development. For this purpose, development will not be permitted where sites of lesser flood risk are available to meet development need'.

It is considered that, based on allocations in the emerging Local Plan and knowledge of extant planning permissions, it is reasonable to conclude that there will be alternative sites available that could accommodate the development of a dwelling in areas with a lower probability of flooding. Such sites are therefore considered sequentially preferable to the application site.

In terms of current policy the proposal is contrary to Policy QL3 in that the proposed development would be in an area of flood risk when there are reasonably available sites in areas of lower flood risk and the benefit of development does not outweigh the risk of flooding. The proposal would have a detriment in that it would encourage development which would not minimise vulnerability or improve resilience to flooding. Accordingly the proposal is contrary to adopted policy in the current Local Plan and contrary to Government advice as set out at paragraph 155 of the NPPF. As such this aspect should form a reason for refusal.

Amenity of future residents

The proposal is for the creation of a new dwelling and therefore it is necessary to consider whether the proposed dwelling would offer an adequate degree of residential amenity for future occupiers.

The proposed dwelling would have no private amenity space and no on-site parking. However, the proposed flat appears to not be for family accommodation and the benefits of the sustainable location are considered to outweigh the lack of private amenity space or parking. As with the flats approved by 17/01479/FUL, the proposal is considered acceptable with regard to Policy HG9 and TR7.

However, examining the proposed living accommodation in detail, the proposed flat is considered to not be high quality design. The flat would have a single outlook, to the north, the unit as proposed being otherwise contained by the accommodation as approved by 17/01479/FUL or by the adjoining property of 4 High Street. A bathroom and a shower-room would have to be mechanically ventilated. This is a common arrangement in urban developments but would seem to illustrate that the proposed flat has a somewhat contrived layout. The living area would seem out of scale, too small, in proportion to the two bedrooms both of which would effectively have en-suite facilities. The window to each bedroom would adjoin the public realm of the street. The road outside these windows is not especially busy but nearby commercial uses would mean that traffic would use the street later than the normal working day. The details of the flat suggest that it would offer a less than ideal living environment.

Policy QL9 states that development will only be permitted if a number of criteria are met. One criterion, at (v), is that the amenity of any occupants should not be materially harmed by any pollution from an existing use. Noise from the street is considered in this case to be a form of pollution which would detract from the amenity of occupiers of the proposed flat.

Policy QL10 states that all new development should meet functional requirements. Planning permission will only be granted if a number of criteria are met, or can be shown to not apply to the proposed development. The first two criteria relate to highway matters which are not strictly relevant to this proposal. As referred to above, given the site is in a town centre and heritage asset issues are involved, highway matters are considered acceptable in this case. The third criterion is that safe and convenient access for people with mobility impairments is available. This is not the case. However, given that the property forming the site is a Listed Building, it is considered that this could not reasonably form a reason for refusal. The fourth criterion is that the development contributes to community safety. By having a dwelling on the High Street there would be informal surveillance of the public realm after the normal working day and the proposal is considered to have some limited merit in this regard. The fifth criterion is that there is orientation to ensure adequate daylight, outlook and privacy. This is not wholly the case as discussed above. The sixth criterion is that provision is made for functional needs including private amenity space, waste storage, separation and recycling facilities, servicing, vehicle and cycle parking. The proposal fails to meet the requirements of this criterion and as such the proposal is considered to not be in accord with Policy QL10.

Technical housing standards – nationally described space standard (ISBN 978-1-4098-4567-6) by the Department for Communities and Local Government, dated March 2015, as amended on the 19 May 2016, deals with internal space within new dwellings. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor area. Table 1 sets out that a two-bedroom, four person dwelling on a single storey should have a minimum gross internal floor area of 70 sq m and 2 sq m of built-in storage. The proposed flat would have a gross internal area of some 47 sq m and no built-in storage. Whilst the technical housing standards document has not been formally adopted by the local planning authority, it is considered that the extent of short fall from the Government standard illustrates that the proposal should be refused on a ground relating to Policy QL10; the design would not meet functional needs.

Any material adverse impact to neighbours

Policy QL11 requires that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Whilst this is generally the case for the proposal, the policy goes on to say that development will only be permitted if a number of criteria are met. One such criterion is that the development should not lead to material loss to important environmental assets such buildings of architectural interest or the historic environment. This is discussed below.

Loss of an employment use

Policy ER3 states that the Council will ensure that land in employment use will normally be retained for that purpose. The text of the policy goes on to require the applicant to demonstrate that the employment use is no longer viable for any form of employment use.

A marketing report has been submitted as part of the application documentation. This confirms that the unit is currently fitted to a shell condition, with blockworks walls, concrete floors, concrete ceiling and capped off services. It is officers' opinion that this would make the unit unattractive to many potential occupiers searching for a shop unit.

The marketing report states that the retail market across North Essex towns has weakened over the last two years, this predominantly stems from a change in shopping habits with the majority of individuals doing their shopping online or at out of town retail parks leaving less demand for the Town Centre. There remain a number of voids in many of the nearby larger towns, however Manningtree has performed well in comparison with very few voids or available units in the town. The majority of the demand for retail units is from local businesses looking for a unit where they are able to take advantage of small business rates relief i.e. with a rateable value below £12,000. However, the rateable value for the property is currently assessed at £15,500.

Marketing the leasehold interest commenced on 9th October 2018 through a number of methods. The marketing report concludes with an opinion that the property has received sufficient market exposure and based on the lack of demand from retailers and the feedback received to date it is evident the unit is not suitable for occupation as a commercial unit.

A requirement of Policy ER3, in addition to marketing evidence to the effect that the site is commercially unwanted, is that the applicant will normally be expected to provide a suitable alternative site, or a financial contribution to the Council's employment, training or regeneration programmes and initiatives. This is not the case with this application.

The proposal is contrary to adopted policy, more specifically Policy ER3. The NPPF emphasises the importance of planning decisions helping to create conditions in which businesses can invest, expand and adapt and the proposal would remove business premises.

Biodiversity and impact to protected species

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. The contribution is secured by unilateral undertaking.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 85m from the Stour and Orwell Estuaries RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Provision of open space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

It has been confirmed in writing that no contribution is being requested from Open Spaces on this occasion. Accordingly the proposal is acceptable with regard to Policy COM6.

Impact to heritage assets

The proposals concern the following heritage assets:

- The host building the Grade II listed National Westminster Bank and Return to Number 2 Brook Street (List UID: 1261374).
- Setting of Grade II listed Return to Numbers 1 and 2 Stour Street (List UID: 1254251) located to the south of site.
- Grade II listed 5 High Street (List UID: 1260956) located opposite the site.
- Mistle and Manningtree Conservation Area.

Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The policy goes on to say that development will be refused where a number of criteria are not met.

Policy EN22 requires that development involving proposals to alter a Listed Building will only be permitted where the special character and appearance or setting of the building would be preserved or enhanced.

Emerging policy at PPL 8 and at PPL 9 support this approach.

Section 16 of the NPPF is concerned with conserving and enhancing the historic environment.

Essex County Council Place Services has been consulted regarding the proposal and a written response received. This refers to how paragraph 189 of the NPPF requires the applicant to adequately demonstrate understanding of the significance of the heritage assets affected including any contribution made by their setting at a level of detail proportionate to the asset's importance. The written response states that this application fails to address the requirement of the applicant to demonstrate their understanding of the heritage assets and as such the impact the proposed works will have on the above heritage assets has not been understood or demonstrated adequately and the application is deficient.

A short heritage statement was submitted as part of the application though the specialist advisor considers this to be inadequate; a future heritage statement would require more detailed research and visual illustration through the inclusion of site photos highlighting any historic features.

Whilst not opposed in principle to the proposed change of use and the proposed works facilitating this, the submitted existing elevation drawing does not show the existing shopfront façade and is therefore inaccurate. It is noted that the shopfront shown is similar to that shown in the existing drawings approved under 17/01479/FUL and detailed under 18/00120/DISCON. However, these works have not yet taken place and the existing façade of the bank is still in place. This inaccuracy combined with the lack of understanding of the designated heritage asset indicates that the existing historic fabric has not been adequately understood here.

The lack of adequate historic research undertaken for this, and the other concurrent applications, results in ambiguity over the presence of important historic features. The marketing documents submitted within these applications indicate timber roof joists present and unusual chamfered door surrounds. An alteration is also shown on the proposed floorplan at the landing at the top of the existing basement staircase. The applications are not at all clear regarding this alteration and the method of altering the interior of the gutted shop to facilitate its change of use, this must be clarified to understand any potential for harm to be caused to the designated heritage asset.

There is also potential for harm to be caused to all the aforementioned designated heritage assets through the construction of an unsympathetic design, inappropriate detailing, and materiality. The applicant needs to supply more detailed information regarding the High Street elevations, which could be informed by the researching of the heritage assets that the applicant has failed to undertake. An unsympathetic alteration to this prominent elevation in the streetscape would detrimentally impact the architectural articulation and rhythm of the host building from which some architectural and historic significance is derived. It would also result in harm to the character and significance of the Conservation Area and harm the setting of the Grade II listed 5 High Street located opposite. As such paragraph 196 of the NPPF is relevant here as the proposals would cause less than substantial harm to the designated heritage assets.

The specialist advisor is unable to support this application.

The proposal is contrary to Policies EN17 and EN22 and contrary to Government advice regarding conserving and enhancing the historic environment as set out at section 16 of the NPPF.

Procedural matter

The application was advertised by a site notice and 7 letters of notification were sent to neighbouring properties. No comment has been received from any member of the public. Manningtree Town Council strongly objects to this planning application.

An extension of time for this, and associated applications (20/00410/LBC, 20/00411/LBC and 20/00414/LBC), was requested by email dated 11th May. No response has been received.

The application was called in to Committee by Councillors A Coley, V Guglielmi, G Guglielmi on the following grounds: *"The application to convert the whole site into residential use was refused by Committee in 2017, following a request from Cllr Coley and I to be determined by Committee; the Developer and his Agent then contacted us to discuss how this application would be acceptable to us and our community.*

Our main concern then, and obviously still is now, the loss of a Retail/Business unit in the most primary High Street frontage in Manningtree. The last thing our community needs is the loss of yet another such like premises. Our area has seen the most impactful housing growth in the whole of the District, mainly because of the 55 minutes train journey to London, much more favourable housing costs, and the fact that it is a very desirable place to live. In order to sustain the huge projected increase in population, we do badly need as many attractive businesses in the High Street as possible.

We negotiated with the developer at his request, who then gave us his word that the ground floor would be retained for commercial uses. And purely on these basis we did not object to the resubmitted application, which was then approved by Committee.

Furthermore another large apartment in the location will of course need at the very least two to three extra car parking spaces in what already is an over clogged location and will add more unnecessary pressure to the local parking situation.

While we understand that this application may have come forward on the back of the near-by former White Hart Public House successful appeal, following a Committee refusal, each application must be determined on its own merits, and we simply cannot afford to lose any more businesses premises in this location.

Lastly if the applicant has conducted a full marketing campaign according to our saved Policies, we would comment that this is meaningless and flawed, as one simply cannot attract any occupants for the undeveloped and run down state this site is in at this moment.”

6. Recommendation

Refusal.

7. Conditions / Reasons for Refusal

1. Saved Policies QL9 and QL10 of the Tendring District Local Plan (2007) seek to ensure that alterations are well designed and meet functional requirements. Emerging Policies LP 3 and LP 4 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 support these objectives. The National Planning Policy Framework 2019 in paragraph 127 states that planning should always seek to secure a good standard of amenity for future occupants.

The proposed dwelling would; by reasons of poor outlook from a single aspect, poor layout and constrained gross internal area, disturbance from the adjoining highway within a locality with the character of a town centre, absence of any amenity area or outside storage for domestic items; fail to provide a degree of residential amenity which future occupiers could reasonably expect to enjoy. The proposal is contrary to Policies QL9 and QL10 of the adopted Local Plan; Policies LP 3 and LP 4 of the emerging Local Plan; and, the provisions of the National Planning Policy Framework and National Planning Practice Guidance.

2. Saved Policy QL3 of the Tendring District Local Plan (2007) and Policy PPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to ensure that the sequential test is employed to direct development to sites at the lowest risk of flooding.

It is considered that alternative sites for a dwelling are available elsewhere with a lower risk of flooding. The proposal is contrary to Saved Policy QL3 of the Tendring District Local Plan (2007) and Beyond and PPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) and the provisions of the National Planning Policy Framework at paragraph 158.

3. The National Planning Policy Framework 2019 in paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Policy EN23 of the Tendring District Local Plan (2007) states that proposals for development that would adversely affect the setting of a Listed Building will not be permitted. Policy EN17 of the Tendring District Local Plan (2007) states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. Emerging Policies SP 6, PPL 8 and PPL 9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

In the absence of sufficient justification for the proposal, the Local Planning Authority considers that the proposal would have a material adverse impact to the character of heritage assets; the assets being the host building, a Listed Building; the setting of 1 & 2 Stour Street, a Listed Building; 5 High Street, a Listed Building; and, Mistley and Manningtree Conservation Area. The proposal is contrary to Policies EN23 and EN17 of the adopted Local Plan; Policies SP 6, PPL 8 and PPL 9 of the emerging Local Plan; and, the provisions of the National Planning Policy Framework at section 16.

4. Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings. 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. The application scheme proposes a dwelling on a site that lies within the Zone of Influence (Zol) being approximately 85m from the Colne Estuary Ramsar site. New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne Estuary and in combination with other developments it is likely that the proposal would have significant effects on this designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites. The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by seeking agreement to an extension of time for the determination of the application and identifying matters of concern with the proposal and clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

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