

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	07/07/2020
Planning Development Manager authorisation:	SCE	07/07/2020
Admin checks / despatch completed	CC	09/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	09/07/2020

**Application:** 20/00608/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** NHS Property Services

**Address:** Kennedy House Kennedy Way Clacton On Sea

**Development:** Variation of conditions 2, 4, 6 and 7 of approved application 19/00401/FUL to replace drawing number 16291-LSI-A1-ZZ-DR-A-1175/A with drawing number NTBS 2900/KH/06/C to change the parking bay sizes.

### **1. Town / Parish Council**

N/A

### **2. Consultation Responses**

ECC Highways Dept  
12.06.2020

Please note that at present the highway authority is not making site visits due to the COVID-19 restrictions. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and a previous site visit:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ.

### **3. Planning History**

09/00329/FUL	Change of use to Hospital Renal Unit.	Approved	29.05.2009
09/00330/FUL	Proposed flat roof extensions (16m <sup>2</sup> ), additional window and doors, window and door alterations, entrance canopy and entrance ramp and steps.	Approved	29.05.2009

09/01097/ADV	Erection of 1 no. wall mounted sign and 1 no. pole mounted free standing sign.	Approved	26.11.2009
09/01098/FUL	Proposed external render to existing face brickwork and fenestration at the 11 bay renal unit (planning approved refs: 09/00330/FUL and 09/00329/FUL).	Approved	26.11.2009
15/30044/PREAPP	Conversion of premises into GNP surgeries.		11.02.2015
19/00401/FUL	Change of use of part of ground floor from B1 office to D1 (doctors surgery), extension of front entrance lobby and construction of new canopy, 1no. new external door and window and addition of 18 covered cycle spaces.	Approved	14.05.2019

#### **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

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM24 Health Care Provision

ER2 Principal Business and Industrial Areas

TR1A Development Affecting Highways

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

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, 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.

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

### Proposal

- The applicant has agreed to a change of the original description to include all affected conditions which also refer to the plan to be superseded: Variation of conditions 2, 4, 6 and 7 of approved application 19/00401/FUL to replace drawing number 16291-LSI-A1-ZZ-DR-A-1175/A with drawing number NTBS 2900/KH/06/C to change the parking bay sizes.
- The alteration relates only to a change in parking bay sizes and orientation which are still in accordance with the Parking Standards.

### History

- On 14/05/2019 application 19/00401/FUL approved 'Change of use of part of ground floor from B1 (office serving Anglian Community Enterprise) to D1 (Doctors Surgery), extension of front entrance lobby and construction of new canopy, 1no. new external door and window and addition of 18 covered cycle spaces'.

### Context

- The site currently comprises a large two storey and single storey flat roofed office building which is occupied by Anglian Community Enterprise (ACE) for NHS administration. On the opposite side

of Kennedy Way is a large car park which is surrounded by chain link fencing and contains an overgrown area of scrub in the centre.

- The site lies within an allocated Principal Business and Industrial Area (Valleybridge Road) under policy ER2 of the 2007 adopted local plan and within the Settlement Development Boundary.
- The site is sufficiently isolated from any residential properties to prevent any adverse impact upon residential amenity.
- Development has commenced on site but is not yet complete.

- The principle of development was accepted under 19/00401/FUL and remains unchanged. This application is therefore purely considering a change to the parking bay sizes/layout.

#### Highway safety

- The existing parking area remains largely unchanged with a new crossing point which had been subject to pre-application discussions with the Highway Authority. Amended plans were provided under 19/00401/FUL to show 18 new covered cycle parking spaces.
- The site is sustainably located for both staff and visitors with good existing footpath and public transport links.
- The new proposal includes 117 parking spaces: 107 measure 2.9 x 5.5m in accordance with the preferred bay size in the parking standards and 10 diagonal spaces measure 8.0 x 6.0m. The reconfiguration has enabled a slight increase in parking provision and is therefore acceptable.
- The Highway Authority have no objection.

#### Other considerations

- No representations have been received.

- The conditions from 19/00401/FUL have been carried across and updated to reflect the amended layout plan.

## **6. Recommendation**

Approval - Full

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 16291-LSI-A1-ZZ-DR-A-1200, 16291-LSI-A1-ZZ-DR-A-1300, 16291-LSI-A1-ZZ-DR-A-1350, 6291-LSI-A1-ZZ-DR-A-1400, and NTBS 2900/KH/06/C

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

- 2 The building shall be used for a mixed use of B1 office and D1 Doctors Surgery and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of retaining a use appropriate to the employment area and in the interests of highway safety.

- 3 Prior to first occupation of the hereby approved doctors surgery the access arrangements, vehicle parking, and turning areas as shown on drawing no. NTBS 2900/KH/06/C shall be provided, hard surfaced, sealed and marked out, and retained as approved thereafter.

Reason - To ensure that appropriate access, parking and turning is provided.

- 4 Any gates to be retained at the vehicular accesses shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway.

Reason - In the interests of highway safety.

- 5 Prior to first occupation of the hereby approved doctors surgery the following shall be provided:
- o The provision of a set of dropped kerbs and tactile paving on either side of Kennedy Way in the vicinity of the new pedestrian access from the car park as indicated on drawing no. NTBS 2900/KH/06/C.
  - o The installation of double yellow lines in the form of junction protection markings on both sides of the entrance to the car park and small car park into Kennedy House off Kennedy Way; maximum length of 20 metres or less on both sides of each access as indicated on drawing no. NTBS 2900/KH/06/C.
  - o Adjustments to the low boundary wall to Kennedy House to improve pedestrian access into the building on the north-west side of the entrance.

Reason - To facilitate pedestrian access to Kennedy House from the car park in the interests of accessibility and highway safety.

- 6 Prior to first occupation of the hereby approved doctor's surgery cycle parking shall be provided in accordance with drawing numbers 6291-LSI-A1-ZZ-DR-A-1400 and NTBS 2900/KH/06/C and retained as approved thereafter.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

## **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.

### Highways Informatives:

- 1: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
- 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.
- 3: 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.
4. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO1 - Essex Highways Colchester Highways Depot, 653 The Crescent, Colchester CO4 9YQ

5. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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