

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AN	22/12/2020
Planning Development Manager authorisation:	TF	22/12/2020
Admin checks / despatch completed	ER	23/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.12.2020

**Application:** 20/01043/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** Mr Matthew Taylor

**Address:** Parkeston House Adelaide Street Parkeston

**Development:** Variation of conditions 3 and 4 of application 08/01485/FUL (09/00029/REFUSE) to install 2no. automatic garage roller shutters.

### 1. Town / Parish Council

Mrs Lin Keating  
25.08.2020

The view of the Ramsey & Parkeston Parish Council is to support this application with the understanding that this will allow the car park for residents to be opened, in turn releasing the congestion of available parking for residents cars of Adelaide Street and Garland Road Parkeston.

### 2. Consultation Responses

ECC Highways Dept  
17.09.2020

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

Informative1: No part of the proposed development should oversail nor encroach over or into the highway whatsoever.

Informative2: 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

00/00385/FUL      Change of use for suites 9-12 from office B1 to storage B8      Approved      11.05.2000

02/00750/FUL	Rooftop telecommunications installation supporting 3 No. sectored GSM and UMTS type antennae (Total 6 No.) Mid-Point 13.0 AGL, together with ancillary development thereto.	Refused	20.06.2002
97/00034/FUL	(Harwich Tourist Information Centre, Parkeston House, Station Road, Parkeston) CC/TEN/01/97 Part use of office for provision of tourist information	Approved	11.02.1997
98/00534/FUL	Erect postmans pedestal pouch box	Approved	10.06.1998
05/00911/FUL	Change of use of vacant 2nd floor offices to 5 residential flats.	Refused	15.07.2005
05/01584/FUL	Change of use of vacant 2nd floor offices to residential	Refused	02.11.2005
08/01485/FUL	Change of use of vacant 1st and 2nd floor offices to 10 (2 bedrooms) residential flats, and external alterations, as amended by drawing no. 0804/02/Rev C received on 27th January 2009.	Refused	24.02.2009
09/00663/FUL	Change of use of vacant 1st and 2nd floor offices to 10 (2 bedrooms) residential flats.	Approved	
16/00179/DISCON	Discharge of Condition 03 (Cycle storage, car parking, storage of refuse bins) of Planning Permission 08/01485/FUL allowed at appeal under APP/P1560/A/09/2104770.	Approved	25.04.2016
16/00192/COUNO T	Conversion of office to 1 x 2 bedroom flat. Provision of refuse, cycle and car parking space to ground floor rear.	Withdrawn	05.04.2016
16/00238/COUNO T	Conversion of office to 2 x 1 bedroom flats. Provision of refuse, cycle and 2 car parking spaces to ground floor rear.	Withdrawn	05.04.2016
16/30049/PREAPP	Erection of additional floor to accommodate 4 new units.	Withdrawn	14.02.2017
16/00518/COUNO T	Conversion of office to 1x2 bedroom flat with provision of refuse, cycle and car parking space to ground floor rear.	Determination	02.06.2016
16/00659/FUL	Erection of additional floor to provide 4 self contained residential	Approved	12.08.2016

	flats with provision of 1 car parking space.		
16/01505/FUL	Alterations to the existing elevations.	Current	
20/00471/DISCON	Discharge of condition 3 (cycle storage, parking and bins) for approval 08/01485/FUL allowed at appeal under APP/P1560/A/09/2104770	Approved	16.06.2020

#### **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

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

#### **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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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 technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires 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.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

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

Proposal

08/01485/FUL was allowed at appeal for Change of use of vacant 1st and 2nd floor offices to 10 (2 bedrooms) residential flats; and external alterations, as amended by drawing no. 0804/02/Rev C received on 27th January 2009.

Condition 3 was discharged under 20/00471/DISCON and the current layout reflects those approved details in respect of car and cycle parking, and bin storage.

This current application seeks to vary condition 3 of that permission to install two automatic metal roller shutters to the undercroft vehicular entrance and exit points.

Condition 3) of 08/01485/FUL states: Within 1 month, or such other time scale as may be agreed in writing by the local planning authority, a plan showing the details of the parking provision for 12 cars, together with 10 secure and undercover cycle storage spaces and provision for an enclosure for storage of refuse bins shall be submitted to the planning authority for approval in writing. The full extent of these provisions shall be provided on site and operational before any residential unit in the development is first occupied and thereafter shall be retained in the approved form for such purposes.

Condition 4 of 08/01485/FUL also states: No gates shall be installed to the car parking area unless the detail of the gates and their means of operation have been submitted to the local planning authority and approved in writing. Paragraph 16 of the appeal decision states "Finally there was discussion about possible gates being installed to the ingress/egress points of the car park because any such gates should not require material obstruction of the public highway as cars arrive or leave the premises. A condition requiring the submission and approval of the details of any gates and their operation is therefore necessary."

Although the roller shutters are not "gates" they create the same concern as that controlled by condition 4. The Council have therefore recommended to the applicant that condition 4 is also varied to clarify that the proposed change does not represent a breach of condition 4 of 08/01485/FUL and to reword the condition to include gates or other means of closure for any future replacement of the roller shutters.

#### Representations

- Ramsey and Parkeston Parish Council support this application with the understanding that this will allow the car park for residents to be opened, in turn releasing the congestion of available parking for residents cars of Adelaide Street and Garland Road Parkeston.
- No other representations have been received.

#### Assessment

##### Visual impact

- The two proposed roller shutters will enclose the approved undercroft parking access and egress. The roller shutters are vertically opening perforated roller shutters so allow some light to permeate through. The visual impact of the proposal is minor and would not result in any material harm to visual amenity or the character or the surrounding area.
- The applicant confirms the shutters will be painted black to match the windows.

##### Highway safety

- The roller shutters are located at the front of the building clear of the designated parking bays so raise no highway safety concerns.
- The Highway Authority confirm no objection to the proposal subject to informatives confirming no part of the proposed development should oversail nor encroach over or into the highway, and all work within or affecting the highway is to be laid out and constructed by prior arrangement.

##### Conclusion

- Approve in the absence of any material harm. As a variation of condition application the appeal conditions have been reimposed and amended where required.

## 6. **Recommendation**

Approval - Full

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

- 1 Except as required by any other condition of this permission, the development hereby permitted shall be carried out in accordance with the approved plan 0804/02/C submitted under 08/01485/FUL; and drawing numbers 003 and 004, and email received 17/12/2020 detailing the vertically opening perforated roller shutters.

Reason - For the avoidance of doubt.

- 2 Development shall be carried out in accordance with drawing number 003 and the parking, cycle storage and waste storage shown shall be retained thereafter in the approved form for such purposes.

Reason - To ensure an appropriate provision of car and cycle parking, and waste storage to meet the needs of the development in the interests of highway safety and amenity.

- 3 No gates or other means of closure shall be installed to the car parking area unless the detail of the gates/means of closure and their means of operation have been submitted to the Local Planning Authority and approved in writing.

Reason - To ensure safe access and egress to the development in the interests of highway safety.

- 4 With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by that authority.

Reason - For the avoidance of doubt.

- 5 The hereby approved roller shutters shall be painted to match the colour of the windows and retained as such thereafter.

Reason - In the interests of visual 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.

### Highway Authority Informatives:

1. No part of the proposed development shall oversail nor encroach over or into the highway whatsoever.
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 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.

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