

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	NW	19.02.2021
Planning Development Manager authorisation:	TF	03/03/2021
Admin checks / despatch completed	DB	04.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.03.2021

**Application:** 20/01722/FUL **Town / Parish:** Manningtree Town Council

**Applicant:** Mr Harry Edwards - Roundwood Restorations

**Address:** Former Natwest Bank 2 High Street Manningtree

**Development:** Variation of condition 3 of approved application 17/01479/FUL to change the condition wording to allow for one residential unit to be occupied before works are complete

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

No response

### **2. Consultation Responses**

None consulted

No Third party letters were received.

### **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) Elevational 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	Approved	19.08.2004

	handrail and install new entrance door and frame.		
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/PREA PP	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.)	Approved	17.12.2020
20/00411/LBC	Proposed re-roofing of building.	Approved	02.12.2020
20/00413/FUL	Proposed change of use of the ground floor from A2/approved retail unit to residential flat	Refused	07.07.2020

	(including changes to High Street frontage).		
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).	Withdrawn	09.12.2020
20/01385/FUL	Variation of conditions 2 and 3 of application 17/01479/FUL to allow for change of use of ground floor unit from retail premises to two bedroom residential unit alongside the other residential uses (6 flats and 1 house)	Current	
20/01386/LBC	Variation of conditions 2 and 3 of application 17/01479/FUL to allow for change of use of ground floor unit from retail premises to two bedroom residential unit alongside the other residential uses (6 flats and 1 house)	Current	
20/01722/FUL	Variation of condition 3 of approved application 17/01479/FUL to change the condition wording to allow for up to three residential units to be occupied before works are complete.	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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

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

### Site Description

The property is set on a corner formed by the junction of High Street with Brook Street. The property has a small yard to the rear with access onto Brook Street. A new two storey dwelling has been constructed to the rear of the host building with a frontage 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.

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 to the east 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, within a Conservation Area and within the designated Town Centre of Manningtree.

### 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.”

### Proposal

Variation of condition 3 of approved application 17/01479/FUL to change the condition wording to allow for up to three residential units to be occupied before works are complete.

During the course of the application, the applicant changed from requesting 3 units to be released to a single unit.

### Appraisal

The main issue is considered the impact to heritage assets in allowing one unit to be released (sold) before the new shop front is installed.

### Principle of proposed development

The use of the building for retail at ground floor with residential to within the rooms above, with a new separate residential unit to rear has been established through the approval of application 17/01479/FUL.

### 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.
- Mistley 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.



Officers have requested the following information to be submitted in order to assess the proposal.

1. Drawing ready for the shop front application.- (le showing a commitment that you are prepared to undertake this work).
2. Quotes received from firms who would seek to undertake the works
3. A Unilateral undertaking confirming a schedule of works. le upon completion of the sale of the property to the rear works shall commence on the shop front installation.
4. A justification statement outlining the rational of the proposals against the impact on the setting of the Listed Building and the Conservation Area.

All these aspects have been undertaken.

1. The Drawings submitted have been submitted as part of a change of use application (20/01385/FUL and 20/01386/LBC) for the same site. The design of the shop front and the changes to the internal layout have come about through engagement the Heritage Advisor and case Officers. It is considered the proposals would have a positive effect on the Manningtree Conservation Area and importantly the appearance of the host Listed Building.

2. The installation of the new shopfront could cost circa £70,000 and take 7 months to complete according to the details received. Therefore, given also the current Covid 19 Health crisis, there is a real possibility that without the release of the single residential unit to the rear of the building. The developer could be in a position where they cannot afford to complete the restoration works on site.

The previous application (including substantial extensions to the rear) was allowed on the grounds that the new shop front would be installed before the residential units are occupied. Therefore, the delay would result in minor temporary 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. However, the public benefits of completing the restoration works with an upgraded shop front would outweigh this minor harm.

As such, the proposal is in keeping with Policies EN17 and EN22. Also, Central Government's advice regarding conserving and enhancing the historic environment as set out at section 16 of the NPPF.

3. The unilateral undertaking has been undertaken by the applicant confirming that the shop front shall be installed once the single residential unit is released. This gives Officers certainty that the works will be carried out.

4. A comprehensive justification statement has been submitted to the Local Planning Authority outlining the applicant's case. Ultimately the proposed works will benefit the Conservation Area and the Listed Building. Also, the project represents significant investment into Manningtree, via a local company who employ local builders. Finally, the additional dwelling being released in this sustainable town centre location will help boost the housing supply in the District.

Overall, the justification is accepted and the works as proposed are considered justifiable and non-objectional.

## Other Matters

As this is a variation of conditions application, all the conditions included within application 17/01479/FUL are to be included in this Decision Notice other than condition 3 that is to be varied to allow for the release of one residential unit prior to the shopfront being installed. Also, all the conditions at have already been discharged and as the development has already begun, the time condition is removed from the decision notice.

## **6. Recommendation**

Approve.

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

- 1 The development has already commenced therefore there is no time limit.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: -

Drawing Number - 3633-0102-P03-Location Plan;  
Drawing Number - 3633-0300-P08-Floor Plans as Proposed;  
Drawing Number - 3633-0301-P02-Floor Plans as Existing;  
Drawing Number - 3633-0302-P01-Graphic Flood Risk Assessment;  
Drawing Number - 3633-0400-P02-Existing Elevations;  
Drawing Number - 3633-0401-P03-Proposed Elevations (Sheet 1);  
Drawing Number - 3633-0402-P04-Proposed Elevations (Sheet 2);  
Drawing Number - 3633-0403-P02-Demolition Plans;  
Drawing Number - 3633-1202-P01-Joinery Sheet 3;  
Drawing Number - 3633-1203-P01-Joinery Sheet 4;  
Drawing Number - 3633-1204-P01-Joinery Sheet 5;  
Drawing Number - 3633-1205-P01-Joinery Sheet 6;  
Drawing Number - 3633-1206-P01-Joinery Sheet 7, and;  
Drawing Number - 3633-1207-P01-Joinery Sheet 8.

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

- 3 The development hereby approved shall be carried out in its entirety as shown on the submitted plans. One residential unit may be occupied before works to the front facade of the building and new shop-front have been installed and the retail unit completed for occupation.

Reason - 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.

- 4 The Archaeological Recording shall be undertaken in accordance with the written scheme of investigation, entitled Historic Building Record – TM 10567 31851 by Leigh Alston, dated May 2018 as approved via application 17/02092/DISCON.

Reason - In the interests of protecting/recording features of archaeological importance.

- 5 The Archaeological Monitoring shall be undertaken in accordance with the written scheme of investigation, (Project Number 1225), dated March 2018 as approved via application 18/00911/DISCON.

Reason - In the interests of protecting/recording features of archaeological importance.

- 6 The materials used on the construction of the development hereby approved shall be as agreed within application 18/00120/DISCON:

#### Brick Work

Sussex Hand Made Brick – 3 colour custom mix –

- Hastings Medium
- Waverley Orange
- Guestling Red

#### Roofing Tiles

Sussex Hand Made Brick – William Blyth – Weathered plain clay tile

#### Metal roofing and wall cladding

Powder coated metal, Merlin (BS 18B25)

The development shall then be carried out in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority. The proposed materials for any repairs shall match those of the existing building as closely as possible.

Reason - In order to preserve and enhance the character and appearance of the Listed Building/Conservation Area.

- 7 The joinery details used in the construction of the development hereby approved shall be those approved within application 18/00120/DISCON.

Joinery Details on Plan Nos drawing 3633 – 1207 P01, 3633 – 1208 P01 and 3633 – 1209 P01.

The joinery shall then be constructed in accordance with the agreed details and be retained as such thereafter.

Reason - In order to preserve and enhance the character and appearance of the Listed Building/Conservation Area.

- 8 Prior to occupation of the development the vehicular parking facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 10 At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.

Reason - To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 11 Notwithstanding the submitted plans, any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 12 The cycle parking facilities of the development hereby approved shall be those approved within application 18/00120/DISCON.

Drawing No 3633 – 1220 P01

The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 13 The Residential Transport Information Packs for each unit shall be provided in accordance with the information provided within the submitted RTIP information sheet, as approved via application 18/00911/DISCON.

Reason - In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

- 14 The Landscape details used in the construction of the development hereby approved shall be those approved within application 18/00120/DISCON.

Drawing No 3633 – 1220 P01

All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - In the interest of the appearance of the area.

- 15 There shall be no public access to the cellar and it shall not be used for retail sales.

Reason - In the interest of public safety as the site falls within a flood-risk zone and the cellar could be subject to rapid inundation in the even of flooding.

## **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 advice

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) for more information.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

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

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developers 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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

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