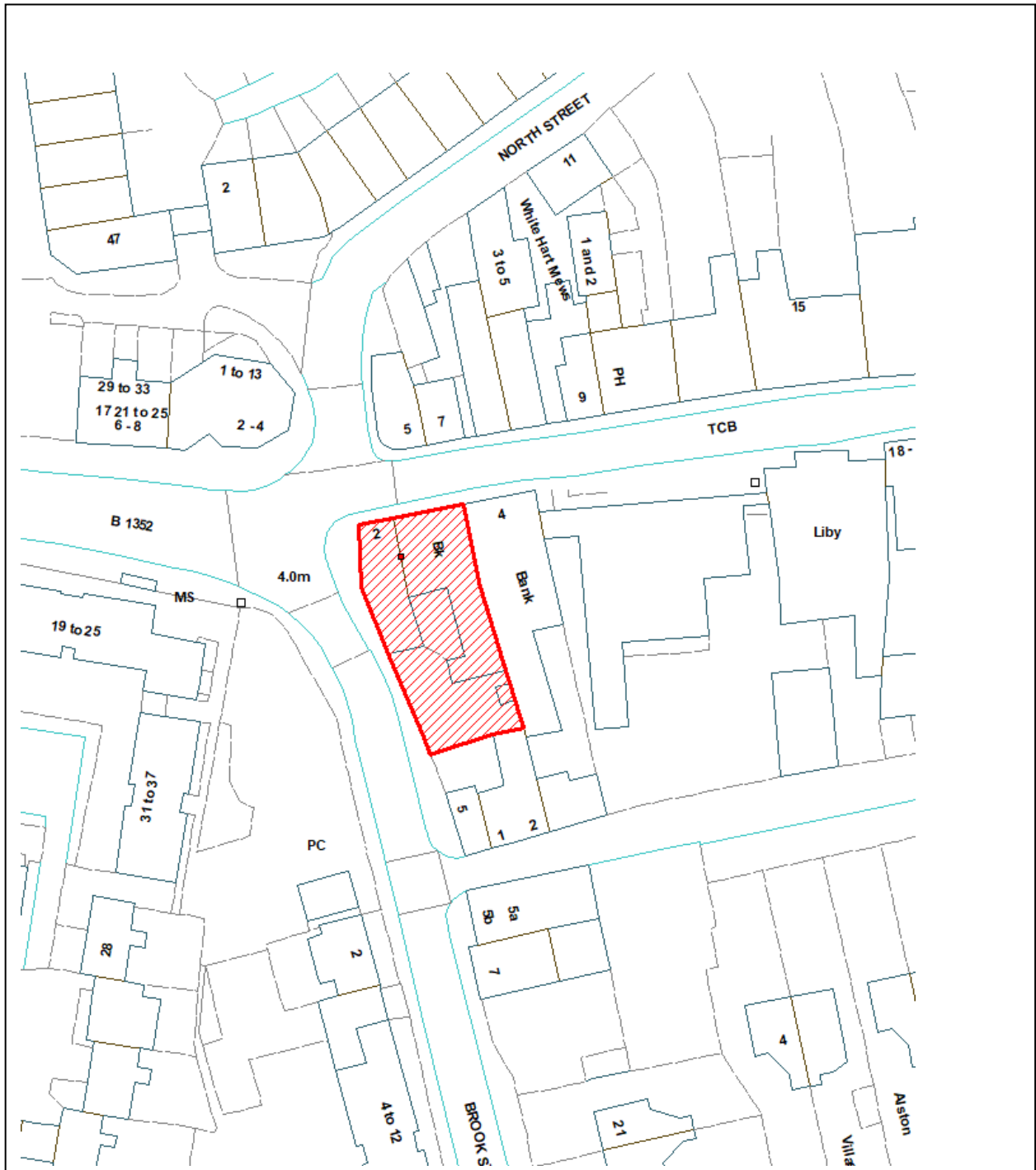


PLANNING COMMITTEE

13th April 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 20/01385/FUL – 2 HIGH STREET MANNINGTREE CO11 1AD



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Application: 20/01385/FUL

Town / Parish: Manningtree Town Council

Applicant: Harry Edwards - Roundwood Restorations

Address: 2 High Street Manningtree CO11 1AD

Development: 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)

1. Executive Summary

- 1.1 The application has been referred to the Planning Committee by the Councillor G Guglielmi due to the loss of the commercial premises in the 'Primary and main Shopping Frontage of Manningtree High Street'.
- 1.2 The site is located inside the Development Boundary for Manningtree as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 1.3 The host building is a Grade II Listed Building located in the Town Centre of Manningtree and within Manningtree Conservation Area. The former bank has obtained planning permission in 2017 for a retail unit at ground floor facing the High Street, with six flats making up the rest of the building and a separate dwellinghouse to the rear.
- 1.4 The host building is not within the Primary Shopping Frontage area as designated by policy ER33.
- 1.5 A similar application was submitted and refused in 2020 again to convert the ground floor retail unit to a residential use. The four reasons of refusal were:
 - Poor levels of residential amenity internally and externally.
 - Development proposed is within a Flood Risk 3 with Flood Risk implications
 - Unacceptable impact on the Listed Building and the Conservation Area.
 - Lack of RAMS payment in accordance with the habitat regulations.
- 1.6 Officers consider the current application has overcome these concerns.

- 1.7 The proposed development will not result in any material harm to the character of the area, residential amenities or highway safety. The application is therefore recommended for approval subject to conditions and in conjunction with a completed legal agreement.

Recommendation: Approval

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**
- **Financial Contribution Highway Improvements**
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

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

ER31 Town Centre Hierarchy and Uses

ER33 Non Retail Uses Within Primary Shopping Frontages

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
<i>Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)</i>	
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

- 2.2 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 26th 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.
- 2.3 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 10th 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.

- 2.4 The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th 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.
- 2.5 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.
- 2.6 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.
- 2.7 In relation to housing supply:
- 2.8 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.
- 2.9 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.

3. Relevant Planning History

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	Approved	10.11.2017

	use to multi-residential accommodation. (1 Retail Unit, 6 Flats and 1 House).		
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 (including changes to High Street frontage).	Refused	07.07.2020
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 one residential unit to be occupied before works are complete	Approved	04.03.2021

4. Consultations

ECC Highways Dept
11.12.2020

The observations below are based on submitted material, google earth image dated September 2018. The site is in a central location and it is noted that there are several existing residential properties in the vicinity with no off-street parking. There are existing parking restrictions present outside the existing building and in part on the surrounding streets. There is existing public transport links and a car park close to the premises. Considering these factors, the Highway Authority would not deem the introduction of one additional dwelling at this location to have a severe impact.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first 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.

2. Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for the dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

4. Prior to occupation a financial contribution of £2,000 (index linked) towards the introduction of any future residents parking scheme for the surrounding roads subject to any scheme being put forward by the North Essex Parking Partnership. The contribution (£2,000) will be returned to the applicant if a scheme is not forthcoming at the end of the 3-year period, from the date of first occupation.

Reason: To control and manage the location of on street parking for the area to minimize inconsiderate parking in the interests of highway safety and Policy DM1.

Note: the financial contribution will form part of a Section 106 contribution which will be for the North Essex Parking Partnership.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, together with an adequate parking area for those employed in developing the site.

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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

TDC Building Control and Access Officer
20.11.2020
No adverse comments at this time.

TDC Environmental Protection
15.01.2021

With reference to the above application, I can confirm that we have had the opportunity to review the relevant documents, and we have the following comments and observations to make:

Construction Method Statement - In order to minimise potential nuisance to nearby existing residents caused by construction, Environmental Protection ask that the following is conditioned.

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection Team. This report should include, but is not limited to, the following information -

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Environmental Protection prior to the commencement of works.

Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Dust Control

1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

The above comments and requests are in order to protect the amenity of nearby residential premises and to protect the health of site workers and end users.

In addition to the above, we have a query concerning the following -

Noise: Information is required in relation to the expected internal noise levels within the proposed residential units (with the windows closed) and their compliance, or not, with relevant guideline values such as those outlined in BS8233: 2014- Guidance on sound insulation and noise reduction for buildings, and any relevant mitigation techniques.

Should you have any queries concerning this, please do not hesitate to contact me

Essex County Council Heritage
15.02.2021

Following the submission of detailed updated proposals and the changing of the application descriptions, ECC Heritage are unopposed to this application subject to the following recommended conditions:

- Prior to commencement of works, a schedule of external finish materials and fixtures, including ventilation grilles, vents and flues, brick and bond style for the stallriser to match existing brickwork, finish colour for the timber work, proposed materials for the timberwork and proposed materials for the steps, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- Prior to commencement of works, plans and elevation drawings showing the locations of flues and extract vents to be installed shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the

approved details and shall be permanently maintained as such.

- Prior to installation, a schedule of drawings that show details of proposed windows and doors including their ironmongery and glazing type, cills, glazing bars, in section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

TDC Emergency Planner

No Comments against the Emergency Evacuation Plan

TDC UU Open Spaces
12.03.2021

Current Position

There is currently a deficit of -2.16 hectares of equipped play/open space in Manningtree.

Recommendation

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

Environment Agency
31.12.2020

Thank you for your consultation dated 14 December 2020. We have reviewed the application as submitted and are raising a holding objection on Flood Risk grounds.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the change of use of ground floor unit from commercial premises as permitted under application 17/01479/FUL to a two bedroom residential unit, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

We have reviewed the submitted flood risk assessment (FRA), prepared by Amazi Consulting Ltd., referenced AMA804 Rev 0 and dated October 2020 and do not consider it to comply with the requirements of the PPG. In particular:

- The proposed development includes a basement within its design, with floor levels set at 2.43mAOD. This area would be at risk of flooding internally during its [100yr] lifetime by 2.10m depth in the 0.5% (1 in 200) annual probability with climate change flood event through overtopping of the existing defences, and would therefore be unsafe for the occupants.
- The FRA shows that the proposed building would flood internally by 0.76m depth on the ground floor in the 0.1% (1 in 1000) annual probability with climate change flood event. The planning application plans show that there is no higher refuge available within the ground floor development that is accessible from within the dwelling. The only available refuge would require residents to exit the dwelling and seek refuge within the stair well/landing above. The entrance corridor to the dwelling (which would be the route for residents to access the stair well) is set at 4.61mAOD and would be expected to flood to a depth of 0.98m in the 0.1% (1 in 1000) annual probability with climate change flood event. Consequently, there may be an unacceptable risk to the health and safety of the occupants in a flood event.
- Table 3.1 referenced within section 3.3.5 of the FRA is missing from the FRA. Based upon the information contained within the FRA, we have compared flood levels to floor levels within the technical appendix.

Overcoming our Objection The applicant can overcome our holding objection by:

- Removing high risk basement accommodation from the development to prevent internal flooding of the development in the 0.5% (1 in 200) annual probability climate change event.
- Providing a satisfactory higher refuge accessible to the occupants of the self-contained ground floor flat above the 0.1% (1 in 1000) annual probability with climate change flood depths, including a 300 millimetre freeboard. The FRA proposes that the safety of the occupants is reliant on the Flood Response Plan in the FRA. However due to the vulnerable nature of residential development we have concerns as to whether in this instance it is

appropriate or safe for the proposed self-contained ground floor flat) to flood internally to 3.16m in basement and 0.76m on the ground floor, without a higher refuge available.

Consequently if a higher refuge is not provided for the self-contained ground floor flat then we will only remove our objection if the local council, in consultation with their Emergency Planner, inform us in writing that they accept the flood risk to the future occupants and consider the proposed risk of internal flooding in a breach to be acceptable and safe and able to be managed through the Flood Response Plan for the proposed self-contained ground floor residential development. The council should also make it clear whether or not they consider the basement area an acceptable element of the development.

We look forward to being re-consulted following submission of an amended FRA. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

ECC SuDS Consultee
06.01.2021

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

This application is for change of use and does not make any additional changes to the previously approved application (17/01479/FUL).

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The

NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

5. Representations

5.1 The application was called in to Committee by Councillor G Guglielmi on the following grounds:

'We raised a fundamental objection to the loss of yet another commercial premises in the Primary and main Shopping Frontage of Manningtree High Street, when it was originally considered by the Planning Committee. The application was refused, and the applicant's agent then contacted us to understand how the application could be modified to address our concerns. We met on site and it was agreed that as long as the ground floor once occupied by the Nat West Bank was going to be retained in commercial use, we would withdraw our objection to the whole proposal. This second attempt to go against our agreement is simply unacceptable, and the principle of safeguarding commercial premises in the High Street must be upheld.'

5.2 Manningtree Parish Council

The Parish objected to the application for the following reasons:

- Retaining this commercial unit is crucial in a high street that needs to be preserved.
- The town council does not believe that the owner has to date properly marketed the unit as a retail space.
- The town council is also concerned about the impact another residential unit would have on public car parking spaces, which are already limited as well as the moving of the main access point of the building from High Street to Brook Street.

5.3 A single member of the public objected to this application for the following reasons:

- Erosion of business premises in the town. - too many have been turned into private dwellings.
- There are business owners interested in the building, but their interests have been 'blocked ' by developers who don't really want this to be anything other than a dwelling.
- There is no parking at that location.
- The premises would be better used commercially, to say there is no interest is not true

6. Assessment

Site Context

- 6.1 The host building is set on a corner formed by the junction of the High Street and Brook Street. The building has two full storeys and accommodation within a hipped roof. The property was last used as a bank. However, an application in 2017, (Planning ref: 17/01479/FUL) approved alterations and extensions of the then vacant bank premises, to a retail unit at ground floor and change of use to multi-residential accommodation involving six flats and a separate house to the rear.
- 6.2 Works are currently ongoing to bring the six approved flats in the main building into use, while the house to the rear has been completed, this has access onto Brook Street.
- 6.3 The host building is on the southern side of High Street in a location that forms part of the western edge of Manningtree Town Centre as defined by the adopted Local Plan.
- 6.4 Opposite the host building, on the northern side of the High Street, the premises designated as being within the Primary Shopping Frontage in the adopted Local Plan. However, the southern side of the road, including the host building, is not within this designated area. Along the southern side of the road going east into the Town Centre is a library, post office, a bank and the odd residential unit.
- 6.5 In the wider locality to the north, south and west there are mainly housing units of flats and terraced houses, while the commercial uses are to the east.
- 6.6 The host property is a Listed Building, within a Conservation Area and within the designated Town Centre of Manningtree.

Planning History

- 6.7 Planning permission, (Ref: 17/01479/FUL), provided for the change the use of the building from a bank, to provide a retail unit on ground floor and construct six flats and one house to the rear. 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.”*
- 6.8 However, in 2021 an application (Ref: 20/01722/FUL) was approved allowing the ‘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 on the shop front.
- 6.9 Also relevant to this application is previous application ref: 20/00413/FUL for the change of use of the ground floor from an approved retail unit to residential flat (including changes to High Street frontage). This essentially is a very similar application to the

current proposal subject of this report. The previous application was refused on 4 grounds:

- Poor levels of residential amenity internally and externally.
- Development proposed is within a Flood Risk 3 area and an alternative site outside this area has not been found.
- Unacceptable impact on the Listed Building and the Conservation Area.
- Lack of RAMS payment for the development in accordance with the habitat regulations.

Proposal

6.10 The application involves the change of use of the ground floor from retail unit to residential flat.

6.11 The flat would have two bedrooms and an open plan living area and kitchen. The existing front elevation would be replaced with a new shop front (although this shall serve as the windows for the ground floor flat). The proposed shop front is a highly detractive feature and shall include 6 full sized windows with a centrally fixed central door. The lower half of the glass windows shall be etched glazing with 800mm wooden panelling on the inside, behind the obscured window. The top half of the windows shall be clear glass. Entrance to the proposed flat shall be via the Brook Street elevation.

6.12 The main planning considerations are:

- Principle of Development
- Amenity of future residents
- Impact to heritage assets
- Loss of an employment use
- Flood risk
- Legal Obligation – Recreational Impact Mitigation
- Legal Obligation – Open Space/Play Space Contribution
- Other Considerations

Principle of Development

6.13 The host site is a sustainable town centre location, within the settlement boundary of Manningtree. The conversion to a residential unit would contribute, albeit minimally, to housing provision. The site is not designated as Primary Shopping Frontage under policy ER33 with regard to retaining the vitality of a commercial centre. Considering the principle of the proposal in isolation, the proposal is acceptable with regard to strategic Policies QL1, QL2 and ER33.

6.14 The detailed development management policies associated with this proposal are assessed in turn below.

Amenity of future residents

6.15 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 benefits

from a very sustainable location. These factors are considered to outweigh the lack of private amenity space or parking. Essex County Council Highways have also not objected to the proposal on lack of parking. Therefore, as with the flats approved by the original conversion application (Ref: 17/01479/FUL), the proposal is considered acceptable with regard to Policy HG9 and TR7.

- 6.16 The two bedrooms within the flat would be well served by windows facing the High Street in the form of the new 'artificial' shop front and the two existing sash windows. Likewise, the central kitchen / dining area benefits from three large windows facing the High Street, providing natural light. There are ventilation grills at the top of the 'artificial' shop front providing ventilation. Also, the bottom half of the shop front windows shall be frosted glass, with wooden panelling behind to protect amenity. The Environmental Protection Team have not objected to these arrangements subject to a planning condition associated with the type of glass to be installed.
- 6.17 Bedroom 1 includes an en-suite area facing Brook Street, the total combined size is approximately 18.2sq m. Bedroom 2 has a separate bathroom, that can be served by visitors and residents alike. This room would have to be mechanically ventilated. The bedroom size is 12.0sq m. The central kitchen / dining / living area measures some 25.7sq m.
- 6.18 Technical housing standards -nationally described space standards (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. The document 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 (for 4 people) or 61sq m (for 3 people) and 2sq m of built in storage. The proposed flat would have a gross internal area of some 63sq m and circa 3 sqm of built-in storage. Whilst the technical housing standards document has not been formally adopted by the local planning authority, it is considered a useful guide. It is perhaps more likely that 3 people max would reside at a flat of this size and location. Therefore, the development could be said to be in excess of the national standards.
- 6.19 The windows would face the High Street, however this is not an uncommon arrangement and ECC Heritage have confirmed they would not object to the use of double glazing in this location. Officers are content, subject to details of the materials used, that the rooms would be both thermally efficient and able to minimise noise from the street scene.
- 6.20 In relation to Policy QL10, 'Designing New Developments to Meet Functional Needs'. The first two criteria relate to highway matters which are not strictly relevant to this proposal given the town centre location. The third criterion is that safe and convenient access for people with mobility impairments is available. This is not the case with the host application. However, given that the property forming the site is a Listed Building, and its location next to a public pavement, it is considered that this could not reasonably form a reason for refusal. Indeed, the application for a similar proposal to convert the ground floor flat in 2020 was not refused on this ground. 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. Officers consider the arrangements acceptable in this case given the internal design and

levels of natural light. Officers accept that the bathrooms would not be served by natural light, however this is not an uncommon occurrence for such non habitable rooms. 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. Again, given the town centre location the lack of parking spaces on site is considered on balance acceptable, furthermore, a bike could be stored in the ground floor flat. Therefore, no objection is raised. The final criterion relates to utility services, there is water, gas and electrics supplied to the building. No objection is raised.

6.21 The proposals are also considered acceptable with regards Policy QL11 which states that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. The first criterion relates to the scale and nature of the development; officers consider a ground floor flat in this town centre location is acceptable in principle. The building is not within a Primary Shopping Frontage and the sympathetic proposals would enhance the appearance of the Listed Building and the Conservation Area more widely. The second criterion relates to the development retaining the privacy, daylighting and other amenities of nearby properties. Via the use of frosted glass and internal wooden panelling, no objections in this regard are raised. The third criterion relates to ensuring no harm to the historic environment. ECC Heritage do not object to the proposals put forward, as such no objection is raised. The final two points relate to the amenity of future occupiers, again subject to planning condition no objections are raised.

Impact to heritage assets

6.22 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.

6.23 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.

6.24 ECC Heritage has been consulted regarding the proposal, indeed a meeting was held on site with Heritage Officers, the applicant and case officers. The proposed designs have been informed from this meeting. ECC Heritage have confirmed that they have no objections to the proposals subject to conditions on the schedule of the external finish materials and fixtures, elevational drawing of the flues and extract vents, details of the windows, doors and ironmongery, finally the rainwater goods being black painted or

powder coated metal. Officers accept all these conditions other than the black painted rainwater goods, as the rest of the rainwater goods on the building are white. Nevertheless, these should not be required for the proposed ground floor flat.

- 6.25 The proposals are deemed a sympathetic, highly detailed, impressive alteration to this prominent elevation in the streetscape. The current ground floor elevation onto the High Street is detrimental to the architectural articulation and rhythm of the host building. However, the proposals are a significant improvement that would improve the character and significance of the Conservation Area and enhance the setting of the Grade II host building and those nearby. As such paragraph 200 of the NPPF is relevant here as the proposals would 'better reveal' the significance the associated designated heritage assets in the locality, therefore the application is supported on heritage grounds.
- 6.26 The proposal is in accordance with Policies EN17 and EN22 and the Government advice regarding conserving and enhancing the historic environment as set out at section 16 of the NPPF.

Loss of an employment use

- 6.27 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.
- 6.28 A marketing report has been submitted as part of this application. The unit was marketed between October 2018 and January 2020 (15 months) by a local estate agent. Indeed, the same marketing report has been used for this application and the previously refused application (Ref: 20/01722/FUL). Officers would point out that the first application to convert the ground floor to a residential flat was not refused on grounds of 'loss of employment land'. However, the fact that no additional marketing has taken place since the previous application is unfortunate.
- 6.29 The marketing included information online (Rightmove), within the estate agent window, on the host building and on the estate agent's website. Appendix 3a of the adopted Local Plan indicates that a 6 month time frame could be considered acceptable for such marketing. The marketing report clearly showed the interior of the building in a state of construction that was not ideal for prospective tenants. Nevertheless, 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.
- 6.30 The receiving Officer of the original application (Ref: 20/01722/FUL) had concerns about the level and nature of marketing originally undertaken, although this did not manifest itself as a reason for refusal. Equally with this application, Officers are content this should not form a reason for refusal. The effects of Covid 19 during the last year has significantly reduced demand for such commercial ventures. In December 2020, the agent reported there were two further vacant units and two other seasonal 'pop up units' locally. Demonstrating the weak demand for such retail uses in the area.
- 6.31 Officers would also add that a new (Class E) use class has been brought in from 1 September 2020. This allows for a wide range of uses including retail, food, financial

services, gyms, healthcare, nurseries, offices and light industry into a single Class E use class. The previous approval on site for retail at ground floor, did not remove permitted development rights therefore there is a much wider range of uses that could occur in the building within Class E. However, due to the effects of Covid 19 and the reduced demand for such units, Officers accept the conclusions drawn in the previous application remain in place with this current application. The loss of an employment use under policy ER3 is not a reason to refuse the application in this instance as the exemption criteria of policy ER3 have been adequately demonstrated.

- 6.32 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 only required on larger sites ie allocated employment areas or out of town retail spaces, this not being applicable for this proposal.
- 6.33 As the site is located within the Town Centre boundary the proposal has to be assessed against Policy ER31. This policy states development proposals which adversely affect the vitality, viability and urban regeneration objectives associated with each centre will not be permitted. Given the lack of interest in the building during the 15 month marketing campaign the introduction of additional people living in the town will provide economic benefits and possibly social enhancements also through the wider range of accommodation choices available. Furthermore, environmentally the new shopfront albeit, a dummy shop front, shall significantly improve the character and appearance of the host building and Conservation Area as a whole.
- 6.34 Overall, the proposal is considered acceptable with regards Policy ER3 and ER31.

Flood risk

- 6.35 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.
- 6.36 A Flood Risk Assessment has been submitted. This indicates if flood defences remain in operation, then the site peak flood level during the future 1:200 year flood event may reach 4.53m AOD (Metres above ordnance datum). To combat this risk the applicant has raised the internal floor level (finished floor level) to 4.831m AOD which is 0.3m above the predicted peak 1:200 year flood level. In the event that the flood defences were to fail, there is a cellar for some of the water to drain into, also the inhabitants could use the stairs by the entrance to seek safety at higher ground.
- 6.37 Furthermore, the applicant has submitted an Emergency Evacuation Plan that has been reviewed by the Council's Emergency Planner and has resulted in no objections, which should result in the Environment Agency withdrawing their holding objection to the proposal, as this was a pre-requisite for them to do so; albeit at the time of writing this report this formal confirmation is still awaited and an update will be provided to Committee.

- 6.38 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing the risk of flooding elsewhere.
- 6.39 In terms of current policy the proposal, it is considered that the public realm shall benefit from a high quality shop front, significantly improving the appearance of the building. The loss of the commercial premise has been accepted in the previous application and no tenant has been found in the following months. It is regretful that the application is in a location where flooding takes place. However, the internal floor level has been significantly increased in height. The applicant has submitted a comprehensive Emergency Evacuation Plan which shall be provided to any future resident. Overall, Officers consider the measures taken to mitigate the flood risk as acceptable and therefore on balance hold no objection to the development via Policy QL3.

Legal Obligation – Recreational Impact Mitigation

- 6.40 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.
- 6.41 The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 85m from the Stour and Orwell Estuaries RAMSAR. New housing development within the Zol 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.
- 6.42 A proportionate financial contribution has been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.
- 6.43 The proposal is therefore considered to be complainant 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.

Legal Obligation – Open Space/Play Space Contribution

- 6.44 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".
- 6.45 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.

7. Conclusion

7.1 For the reasons set out above, the proposal is considered to represent a sustainable form of development that will not result in any material environmental or residential harm that warrants refusal of planning permission. Therefore, the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits when assessed against the policies in the adopted and emerging local plans and also the NPPF taken as a whole.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Highway Improvements – towards promoting future residents parking scheme for the surrounding roads	£2,000

8.2 Conditions and Reasons

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 (Excluding the ground floor flat facing the High Street)

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) (Excluding the ground floor flat facing the High Street)

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

Drawing Number - 3633-1207-P01-Joinery Sheet 8

Drawing Number - 4999-01001 b - Replacement shop front details

Drawing Number - 4999-01000 b - Replacement shop front details sheet 2

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.

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.

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.

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.

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 event of flooding.

16. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

17. Prior to the commencement of any construction works related to the shop front, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection Team. This report should include, but is not limited to, the following information -

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted

between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Environmental Protection prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Dust Control

- 1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Reason: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

18. Prior to commencement of works related to the shop front, a schedule of external finish materials and fixtures, including ventilation grilles, vents and flues, brick and bond style for the stallriser to match existing brickwork, finish colour for the timber work, proposed materials for the timberwork and proposed materials for the steps, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: The application relates to a listed building and within a Conservation Area, therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

19. Prior to commencement of works related to the shop front, plans and elevation drawings showing the locations of flues and extract vents to be installed shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: The application relates to a listed building and within a Conservation Area, therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

20. Prior to installation and any works relating to the shop front, a schedule of drawings that show details of proposed windows and doors including their ironmongery and glazing type, cills, glazing bars, in section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: The application relates to a listed building and within a Conservation Area, therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

21. Prior to installation and any works relating to the shop front, an assessment on the potential for noise in relation to the expected internal noise levels within the proposed residential units (with the windows closed) and their compliance, or not, with relevant guideline values such as those outlined in BS8233: 2014- Guidance on sound insulation and noise reduction for buildings, and any relevant mitigation techniques. Shall be submitted to and been approved in writing by the Local Planning Authority.

If the assessment indicates that noise from the surrounding area is likely to affect neighbouring affecting residential or commercial properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of residential noise sensitive premises by noise from outside.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In order that noise levels may be agreed prior to the commencement of works on site which may require changes to the design and to safeguard the amenities of nearby occupiers.

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

1. - 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 or by post to:

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

2. - 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.

3. In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

4 Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, together with an adequate parking area for those employed in developing the site.

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 for more information.

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.

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9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.