

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	MP	20/02/24
Team Leader authorisation / sign off:	JJJ	21/02/2024
Assistant Planner final checks and despatch:	ER	21/02/2024

Application: 23/01786/FUL **Town / Parish:** Manningtree Town Council

Applicant: Mr Hugo Catchpole - Hugo FM

Address: St John Ambulance Hut 55 Station Road Lawford

Development: Proposed change of use from Sui Generis to Use Class E(g)(i) for office co-working.

1. Town / Parish Council

Manningtree Town Council No comments received,

2. Consultation Responses

ECC Highways Dept
19.01.2024

The information submitted with the application has been assessed by the Highway Authority and conclusions reached based on a desktop study on the information submitted with the application together with google image dated June 2023. It is noted that parking within the vicinity of Station Road is controlled by existing waiting restrictions and a limited waiting scheme. The proposal will provide three off-street parking spaces to the front of the building together with cycle parking facilities to the rear. There are a number of key facilities and amenities all within walking distance and, the location is close to existing public transport facilities to the east of the site on Station Road; it is not considered that the proposed change of use to the building would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

2. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

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.

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: 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:

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

Environmental Protection
17.01.2024

With reference to the above application, please see below for comments from the EP Team:

Noise: Given the site location and its proximity to other residential premises the EP Team would recommend the following:

The air source heat pump should be subject to a noise risk assessment and should be made in accordance with BS4142 (2014). The noise levels shall be determined at all boundaries near the noise sensitive premises. Details of any mitigation and the expected noise reduction achievable should also be submitted as part of this assessment and recommendations implemented as necessary. This shall be carried out by a competent person and confirmation of the findings of the assessment shall be provided in writing to the local planning authority for written approval. We would also request confirmation of the siting of the proposed unit.

REASON: to protect the amenity of nearby residential properties

and to reduce the likelihood of nuisance complaint relating to noise.

Contaminated Land: Given the sites proximity to historical, registered contaminated land (PRTEN19 - landfill), the EP Team are requesting a Watching Brief be conditioned (on any subsequent approval) and adhered to throughout any ground works. We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

REASON: It is the responsibility of the developer to ensure the safe

development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Brief be adhered to throughout any ground works

3. Planning History

94/01164/FUL	(St John Ambulance HQ, Station Road, Manningtree) Replacement of existing Head Quarters building with new structure and ambulance garage	Approved	15.11.1994
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4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There are no neighbourhood plans in place for this area.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PP3 Village and Neighbourhood Centres

PPL1 Development and Flood Risk
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

7. Officer Appraisal

Site Description

The application site is 55 Station Road, which is within the parish of Manningtree. The site is located within an urbanised area, surrounded by commercial and residential properties to all sides.

The site falls within the Settlement Development Boundary for Lawford within the adopted Local Plan 2013-2033, and also falls within Flood Zones 2 and 3.

Description of Proposal

This application seeks planning permission for the change of use of the property from Sui Generis use as a former St Johns Ambulance training centre to Use Class E(g)(i), which would be operated as an office for co-working. More specifically this means that the building would be occupied by up to 20 people all from different teams, or even different organisations, using it as workspace falling under Use Class E(g)(i) (office).

There are limited works involved, the applicant indicated on the submitted block plan their intention to install solar panels on a section of the roof and the removal of a side elevation door. The initial plans also requested the installation of air source heat pumps, however the application has since been amended to remove this element from the scheme.

The proposed operating hours would be as follows:

Monday to Friday: 7.30am - 9pm
Saturdays: 9am - 6pm
Sundays and Bank Holidays: Closed

Assessment

1. Principle of Development

Adopted Policy PP3 states that the Council will work with its partners, including local businesses, to protect and enhance the village and local neighbourhood centres.

The application proposes the conversion of an existing Sui Generis use into a Class E(g)(i) use that will allow for one office for up to 20 workers, with an ancillary meeting room, and kitchen and washroom facilities. Whilst the site is adjacent to, but technically just outside of the Manningtree Town Centre, the site does fall within a Settlement Development Boundary and adjacent to other commercial uses, it is also an existing building within a sustainable location. Given this, Officers raise no objections with the principle of development on this occasion.

2. Visual Impacts

The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires that all new development (including changes of use) should

make a positive contribution to the quality of the local environment and protect or enhance local character. Section A of this policy states requests that new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness and Section B requests that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

On this occasion, Officers note that the external alterations to the building are very limited, with the inclusion of solar panels onto the roof and the removal of one side elevation door. Such changes are minor in nature and do not impact upon the character and appearance of the area, moreover, following recent changes to permitted development rights for solar panels on commercial buildings, this element can be carried out without the need to apply for planning permission, accordingly no objections are raised in this regard.

3. Impact to Residential Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The property sited adjacent to the to the north-west and to the south are in residential use, and a key consideration is ascertaining the impacts to the amenities of the occupiers to these properties. The Council's Environmental Protection team, upon consultation, requested a Noise Impact Assessment be submitted in relation to the proposed air source heat pumps. However, the agent for the application has since confirmed that they do not wish to include the air source heat pumps, and there is now no requirement for a Noise Impact Assessment. Given this, that the opening hours and low noise generating use are acceptable in this location, and that the external changes will not be harmful to neighbouring amenities, overall Officers raise no objections in this regard.

4. Flooding Risks

Adopted Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site, and within the Flood Zones 2 and 3 (which includes Flood Zones 2 and 3, development proposals must be accompanied by a Flood Risk Assessment.

The application site falls within Flood Zones 2 and 3 and as such the application is accompanied by a Flood Risk Assessment. This document concludes that subject to mitigation measures including the raising of new services and fittings, the site can be developed and would be safe in terms of flood risk for its design life, and also would not increase the flood risk elsewhere.

In addition to the above, Officers note that the proposed use is a 'less vulnerable' use according to the Environment Agency, and would not be an increase in vulnerability in comparison to the existing baseline position. As such there are no objections raised.

5. Highway Safety

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking. Adopted Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

ECC Highways have been consulted and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions relating to the vehicular

parking area, cycle parking provision and the storage of building materials. Furthermore, Essex Parking Standards (2009) guidance states that for an Office use there should be provision for one parking space per 20 square metres of floor space. Officers note that there will be a total of 184 square metres of Office space and therefore a guidance for nine spaces. The supporting submission confirms there is provision of three parking spaces, although this hasn't been demonstrated via the supporting plans and based on the site visit Officers would query the accuracy of this statement, considering it more likely that there are two parking spaces. That said, the site is within a sustainable location in close proximity to a range of services within Manningtree, whilst the existing use also has the same level of parking provision.

Where these suggested conditions meet the NPPF tests for planning conditions they will be included should the scheme be recommended for approval. For example, Officers do not deem it necessary to impose a specific condition for parking to be laid out for 3 cars (for the reason given above) or for the provision of cycle storage to the rear given the reasonably sustainable location of the area, the constrained nature of the site and the potential challenges to provide a functional and user-friendly cycle storage area to the rear of the building.

Ultimately, for the reasons given, the harm of a lack of policy compliant parking spaces is not considered to be so harmful that Officers recommend a reason for refusal.

6. Renewable Energy

Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features, but there are very limited details that accompany the planning application that demonstrate the water, energy and resource efficiency measures that the scheme will incorporate. However, on this occasion it is acknowledged that the building is existing, it is a relatively constrained site and the proposal is a small scale change of use, and therefore it would not be reasonable to request a condition requiring such details.

Other considerations

Manningtree Town Council have not provided any comments on the application.

There have been no other letters of representation received.

Conclusion

The application proposed an office use adjacent to the Manningtree Town Centre, but within a sustainable location in the settlement boundary, and is supported in principle. Whilst the site is within Flood Zones 2 and 3, no issues are raised subject to securing the outlined mitigation measures, and Officers consider the limited external alterations will not be harmful to either the character of the area or the amenities of neighbouring properties. There is a lack of parking space provision that is not in accordance with Essex Parking Standards, however given the baseline position and sustainable location of the site, on balance this harm is not considered sufficient to justify a refusal reason. Taking the above into consideration, the application is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval.

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Number LAYOUT-01, the document titled 'Flood Risk Assessment', the untitled Site Location Plan received 4th January 2024 and the untitled Proposed Block Plan received 4th January 2024.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: The hereby permitted use shall only operate between the hours of 7.30am to 9pm Mondays to Fridays and 9am to 6pm Saturdays. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

- 4 CONDITION: Prior to the first occupation of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Flood Risk Assessment (RIDA, January 2024).

REASON: The site falls within Flood Zones 2 and 3, and therefore adequate mitigation measures are required in the event of a flooding incident.

10. Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives:

1: 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.

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral