

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	27/09/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	27/09/2024
Assistant Planner final checks and despatch:		ER	27/09/2024

Application: 24/01015/FUL

Town / Parish: Thorpe Le Soken Parish Council

Applicant: Mrs Trudy Cooper

Address: Coopers High Street Thorpe Le Soken

Development: Change of use of the front area of the ground floor from commercial (Class E) to residential (Class C3).

1. Town / Parish Council

Thorpe-le-Soken Parish Council No comments received.

2. Consultation Responses

Essex County Council
Heritage
03.09.2024

Coopers is an unlisted building located within the Thorpe-le-Soken Conservation Area, that has limited architectural interest and is not a building of substantial age. As such, the building is not considered to be a potential non-designated heritage asset. However, the neighbour to the southeast of the site named The Dutch Gable and marked with the date 1650 and the terraced cottages of Holbys Row to the northwest of the site could be potential non-designated heritage assets.

Therefore, the main consideration for this proposal is whether the change of use of the building will impact the character and appearance of the Thorpe-le-Soken Conservation Area, and/or the setting of the potential non-designated heritage assets through any external alterations that may be required.

Although this application is not supported by a Heritage Statement, and so does not comply with the requirement of the NPPF paragraph 200. I consider that there will be no harm to the Conservation Area or the setting of the potential non-designated heritage assets from the change of use. On the basis that the description given for the proposal by the application form states that there will be no internal or external changes made to the property and explains that the commercial premise space will be absorbed into the existing residential portion of the property to form a single dwellinghouse.

As there are no harmful impacts arising from the buildings change of use, the proposal is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority, subject to the following requirement;

1. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per 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).

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

i. 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

3. Planning History

91/00606/FUL	Use of premises for the displaying of particulars of vehicles for sale, car hire and associated services	Approved	06.08.1991
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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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of

specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

4. 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 force in this location.

5. Relevant Policies / Government Guidance

National:

NPPF National Planning Policy Framework 2023
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021):
SP1 Presumption in Favour of Sustainable Development
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
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL5 Water Conservation, Drainage and Sewerage
PPL8 Conservation Areas
PPL9 Listed Buildings

6. Officer Appraisal

Site Description

The application is Coopers, which is a two-storey detached property that is currently utilised within commercial use at the front section at ground floor level, with residential use throughout the remainder of the property. It is sited southern section of High Street, within the parish of Thorpe-le-Soken.

The site is located within the Settlement Development Boundary for Thorpe-le-Soken within the adopted Local Plan 2013-2033 and is also within the Thorpe-le-Soken Conservation Area. The property itself is not listed but there are a number of Grade II Listed Buildings in the surrounding area, notably to the south-east.

The character of the area is heavily urbanised, with a mixture of residential and commercial development along the High Street to the south-east and north-west.

Description of Proposal

This application seeks planning permission for the conversion of the front section of the ground floor from Class E(c)(ii) to Class C3. This area would then be utilised as a lounge in order to expand the size of the existing residential unit across the remainder of the property.

As part of the application no external alterations are proposed.

Assessment

1. Principle of development

The application site falls within the settlement development boundary for Thorpe-le-Soken within the Adopted Local Plan. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

In addition, whilst Officers acknowledge that the site is currently within an employment use, and the application would result in the loss of employment along the High Street, it is noted that the site does not fall within the Thorpe-le-Soken Neighbourhood Centre (this is located approximately 100m to the south-east). As such the site is not allocated to be within employment uses only, and there is no policy requirement to maintain such a use.

As such the principle of residential development on the site is acceptable subject to the detailed considerations relevant to this proposal which are set out below.

2. Visual Impacts

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments

deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

Adopted Policy LP4 states the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area.

The proposed development relates to the change of use of part of the ground floor to residential use, with no internal or external alterations. As such the impact to the character of the surrounding area will be neutral.

With respect to private amenity space provision, it is noted no new dwellings are to be created, instead just an extension to the size of the existing residential unit. That said, there is an existing private amenity area to the rear of the property for this purpose that is considered to be of an acceptable size.

3. Impact to Neighbouring 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.

There are residential properties located adjacent to the south-east and north-west, however on this occasion Officers acknowledge that the proposal is of a low-key nature and would see the conversion of an existing commercial use to expand the existing residential unit. No external changes are proposed, and the use/noise associated with the building is likely to slightly drop. Given this, there is likely to be a neutral or potentially improved impact to the surrounding neighbouring properties, and therefore no objections are raised in this regard.

4. Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 115 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable subject to a condition requiring the submission of a Residential Travel Information Pack, however as no new dwellings are being proposed this condition is not considered reasonable.

Furthermore, the Essex Parking Standards (2009) require that for dwellings with two bedrooms or more, a minimum of two parking space is required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally.

Officers note that the remainder of the existing property is already in residential use, and the proposal does not generate any additional dwellings, instead just expanding the existing residential unit. That

said, there is space to the side of the property to accommodate two parking spaces, and the site is also within a highly sustainable location in walking distance to a range of facilities and services offered by commercial units along High Street.

5. Heritage Impacts

Adopted Policy PPL8 highlights that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

The application site falls within the Thorpe-le-Soken Conservation Area, and is also in proximity to a number of Grade II Listed Buildings. As such ECC Place Services (Heritage) have been consulted, and they have provided the following comments:

“Coopers is an unlisted building located within the Thorpe-le-Soken Conservation Area, that has limited architectural interest and is not a building of substantial age. As such, the building is not considered to be a potential non-designated heritage asset. However, the neighbour to the southeast of the site named The Dutch Gable and marked with the date 1650 and the terraced cottages of Holbys Row to the northwest of the site could be potential non-designated heritage assets.

Therefore, the main consideration for this proposal is whether the change of use of the building will impact the character and appearance of the Thorpe-le-Soken Conservation Area, and/or the setting of the potential non-designated heritage assets through any external alterations that may be required.

Although this application is not supported by a Heritage Statement, and so does not comply with the requirement of the NPPF paragraph 200, I consider that there will be no harm to the Conservation Area or the setting of the potential non-designated heritage assets from the change of use. On the basis that the description given for the proposal by the application form states that there will be no internal or external changes made to the property and explains that the commercial premise space will be absorbed into the existing residential portion of the property to form a single dwellinghouse.

As there are no harmful impacts arising from the buildings change of use, the proposal is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.”

Therefore, taking the above comments into consideration, Officers are content that given there are no alterations to the building, and that the building itself is of limited architectural interest, there will be no harmful impacts to the surrounding heritage assets that would justify recommending a reason for refusal.

6. Renewable Energy

Paragraph 112 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 is for the conversion of an existing property, with no internal or external alterations being proposed. Given this, it would not be reasonable or necessary on this occasion to recommend a condition requiring details relating to water, energy and resource efficiency measure.

7. Ecology and Biodiversity

Biodiversity Net Gain:

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25sqm of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

Other Considerations

The proposal does not result in any additional dwellings and therefore on this occasion there is no requirement to secure a legal agreement for a financial contribution towards RAMS.

Thorpe-le-Soken Parish Council have not provided any comments.

There have been no other letters of representation received.

Conclusion

The application site falls within the Settlement Development Boundary for Thorpe-le-Soken and also does not fall within the Thorpe-le-Soken Neighbourhood Centre, and therefore the principle of converting part of the building from a commercial use to residential use is acceptable.

There are no external alterations to the property, and ECC Heritage have confirmed due to this there will be no harm to surrounding heritage assets. ECC Highways have raised no objections, and Officers are content there is sufficient parking provision.

The application is therefore in accordance with local and national planning policies and is recommended for approval.

7. **Recommendation**

Approval.

8. **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 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.

The untitled Site Location Plan received dated 20th August 2024, the untitled Block Plan received dated 20th August 2024, and the untitled Floor Layout Plan received dated 25th July 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.

9. 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.

Shopfront Alterations:

Please note that in the event alterations are required to amend the shopfront, this would require separate planning permission.

Highways Informative:

i. 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

Biodiversity:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

10. 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.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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
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