

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	27/07/18
Planning Development Manager authorisation:	AN	21/8/18
Admin checks / despatch completed	XHE	03/08/18.

Application: 18/00972/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Kandiah

Address: Reunion House 35 Jackson Road Clacton On Sea

Development: The construction of an access walkway to the front elevation of the building to provide emergency access to the first and second floors.

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

Building Control and Access Officer No comments at this stage.

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

Informative1: 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:

3. Planning History

11/00996/FUL Construction of 2 No. 1 bed flats and 6 No. 2 bed flats on the existing roof. Approved 21.12.2011

17/01807/FUL Construction of an access walkway to the rear elevation of the building, to provide independent access to the first and second floors. Approved 11.12.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is Reunion House, Jackson Road, Clacton-on-Sea, which is an east facing three storey property. To the ground floor are a number of commercial units, whilst under planning permission 16/01361/COUNOT, the first and second floors were confirmed to change use from B1 business use to C3 residential use. The surrounding area is urbanised in character, with examples of residential built form to all sides. The site is situated within the Settlement Development Boundary of Clacton-on-Sea in both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks planning permission for the construction of an access walkway to the front and side elevation, to provide emergency access to the first and second floors, which will see the existing front balcony extended to 1.8m wide.

History

Under planning reference 17/01807/FUL, permission was granted for the construction of an access walkway to the rear elevation, to provide independent access to the first and second floors.

Assessment

The key considerations of this application will be the visual impacts and the impact to existing neighbouring amenities.

Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed changes are relatively minor in nature, with the extension of the existing balcony area to 1.8 metres in order to create a walkway to the adjacent stairwells. The changes will all be sited to the front and side elevations and will therefore be visible to the street scene within Jackson Road. However, the site is set back approximately 10 metres and the proposed changes are not visually harmful, with the use of painted steel considered acceptable in this location.

Therefore, there is not considered to be a harmful visual impact as a result of this proposal.

Impact on Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The surrounding properties along Jackson Road are predominantly made up of commercial units; however there is a first floor residential property to the south. Whilst the changes proposed will be visible, they represent no harm to existing amenities in terms of loss of light or the proposal appearing any more imposing. In respect of potential overlooking, the side elevation has no walkway and therefore no area that could potentially overlook. Furthermore, the future occupants of the dwellings within the site will gain a small benefit, with better emergency access, and therefore the proposal is considered to adhere to the above policies.

Other Considerations

Clacton is non parished, so no comments are required.

There have been no other letters of representation received.

Conclusion

In the absence of significant material harm as a result of the development, this application is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 579/02, 549/12 A and 549/14.

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

8. Informatives

Positive and Proactive Statement

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