

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/10/18
Planning Development Manager authorisation:	AN DW	8/10/18
Admin checks / despatch completed		9/10/18

ER

Application: 18/01315/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Ms Meunier

Address: Stone Hall 55 London Road Little Clacton

Development: Retention of two static caravans for a twelve month period.

1. Town / Parish Council

Little Clacton Parish Council Only on the basis of renovation of Stone Hall building, Little Clacton Parish Council recommend approval of this application.

2. Consultation Responses

N/A

3. Planning History

15/01561/OUT	Erection of dwellings and minor access way off modified existing highway access.	Approved	07.12.2015
16/01001/FUL	Erection of 10 No. dwellings, car ports, visitor parking and new access road from the public highway.	Approved	30.11.2016
17/00815/FUL	Variation of conditions 3, 6 and removal of condition 7 of planning permission 16/01001/FUL. Erection of 10 No. dwellings, car ports, visitor parking and new access road from the public highway.	Approved	24.07.2017
17/00855/DISCON	Discharge of condition 2 (Materials), 5 (Fencing/walls), 15 (Construction Method Statement), 17 (Surface Water Drainage), 18 (Offsite Flooding) and 19 (Maintenance Plan) of approved planning application 17/00815/FUL	Approved	18.08.2017
17/01370/DISCON	Discharge of conditions 4 (landscape management plan) and 14 (details of estate roads and footways) of planning permission 17/00815/FUL.	Approved	27.09.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN23 Development Within the Proximity of a Listed Building

HG21 Residential Mobile Homes, Static Caravans and Houseboats

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)

PPL9 Listed Buildings

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 Stone Hall, 55 London Road, which is located within the parish of Little Clacton. Stone Hall is a Grade II Listed Building. The surrounding area is largely urban, with significant residential development to all sides; notably land adjacent to the north and east of the site has been approved for 10 dwellings, which are currently under construction on the day of the site visit. The site falls within the Settlement Development Boundary for Little Clacton within both

the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks planning permission for the retention of two static caravans located within the rear garden area of Stone Hall for a 12 month period.

The first caravan is located to the northern boundary, measures 3.3m height, 14.8m width and 5.2m depth. It serves one bedroom and includes a patio room.

The second caravan is sited to the eastern boundary, measures 3.2m height, 11m width and 3.7m depth, and serves two bedrooms.

Assessment

1. Principle of Development

Policy HG21 of the Adopted Local Plan 2007 states proposals for static caravans for residential occupation will only be permitted if:

- (i) they are consistent with other policies for the location of new housing;

The site is located within the Settlement Development Boundary for Little Clacton within both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. Therefore the site is considered to be sited within a sustainable location comfortably able to support additional residential development.

- (ii) there is a clear and identifiable temporary need for the accommodation; and

Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows the siting of one caravan temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

The submitted Design and Access Statement states that two static caravans are required as the applicant has recently purchased Stone Hall (20 April 2018), which it is claimed is in a poor state of repair. The applicant therefore intends to renovate and extend the dwelling. The two static caravans are for the temporary occupation of the applicant, and also her sister and brother-in-law, all of whom live a significant distance from the site. It is stated two static caravans are required to ensure sufficient space and privacy is maintained when visits are made to the site at similar times.

The submitted information has provided no justification to explain why the existing residential dwelling is not able to be occupied. Further, no application to obtain either Planning Permission or Listed Building Consent has been forthcoming, whilst no schedule of works to justify the need for a lengthy twelve month temporary permission has been provided. Furthermore detailed internal photographs visible on www.zoopla.co.uk appear to show the property as being in a good habitable standard. It is therefore considered that a clear and identifiable temporary need for the accommodation has not been provided and thereby fails to accord with the above policy.

- (iii) the proposed structure is consistent with other policies within the Plan, which require the protection of the open countryside, landscape character, other natural resources and the amenities of adjoining residents.

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).

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).

Policy EN23 of the Saved Plan states development within the proximity of a Listed Building that would adversely affect its setting, including group value and long distance views, will not be permitted.

The two static caravans are located within the rear garden area of the Grade II Listed Building Stone Hall. Whilst views of the Listed Building, notably the front elevation, will be unharmed as a result of the proposal, the setting will be harmed by the inclusion of two structures of no historic or visual merit within such close proximity. However, that notwithstanding it is accepted that the proposals are of a temporary nature and whilst it is not desirable they can easily be removed from the site and therefore, on balance, the visual harm or harm to the setting of the listed building is not significant enough to warrant a reason for refusal had a short temporary period have been adequately justified.

In terms of the impacts to neighbouring properties, whilst those in closest proximity will be adjacent to the east, as they are currently under construction there is no guarantee these will be occupied prior to the end of the temporary permission, so therefore do not form part of the assessment. Notwithstanding this no significant harm would result from temporary siting.

There are a number of residential properties located along Stonehall Drive to the south. Whilst residents of these dwellings will have views of both static caravans, of particular concern is the caravan located along the eastern boundary and sited within 5 metres of Numbers 2 and 3 Stonehall Drive. However, given its height and that there is mature vegetation to the boundary, there will not be significant harm to existing amenities as a result.

There are also a number of residential properties to the north of the site along Bertram Avenue. Whilst there are no concerns with regards to the caravan on the eastern boundary, given the separation distance and siting, of more prominence is the caravan located to the northern boundary of the site. Whilst due to its raised nature the five windows along this boundary serving a living room, kitchen, utility room and dressing room are prominent and have the potential to directly overlook neighbouring garden areas, there is an approximately separation distance of 20m and boundary fencing to the neighbouring gardens. This and that the caravans are proposed to be temporary only, on balance the harm caused is not significant enough to warrant a reason for refusal.

Other Considerations

Little Clacton Parish Council have no objection on the basis the Listed Building is renovated.

There have been two letters of objection received, with the following concerns:

1. Impacting being able to sell the property;
2. Two caravans is excessive; and
3. Overlooking issues.

In answer to this, points 2 and 3 have been addressed within the main body of the report above whilst point 1 is not a material planning consideration.

6. Recommendation

Refusal

7. Reason for Refusal

- 1 Paragraph 190 of the National Planning Policy Framework (2018) states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and should take this into account when considering the impact of a proposal on a heritage asset.

Paragraph 194 of the National Planning Policy Framework (2018) states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 of the National Planning Policy Framework (2018) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Saved Plan states development within the proximity of a Listed Building that would adversely affect its setting, including group value and long distance views, will not be permitted.

Policy HG21 (ii) of the Adopted Local Plan 2007 states proposals for static caravans for residential occupation will only be permitted if there is a clear and identifiable temporary need for the accommodation.

The submitted information has provided no justification to explain why the existing residential dwelling is not able to be occupied. Further, no application to obtain either Planning Permission or Listed Building Consent has been forthcoming, whilst no schedule of works to justify the need for a lengthy twelve month temporary permission has been provided. It is therefore considered that a clear and identifiable temporary need for the accommodation has not been provided and thereby fails to accord with the above policies resulting in harm to the setting of the Grade II Listed Building Stone Hall.

This less than substantial harm to the setting of Stone Hall needs to be assessed against the demonstrated public benefits of the proposal, of which there are none, with the listed building already in its optimum viable use. The proposal does not therefore provide clear and convincing justification for the harm to the setting of the listed building, contrary to the above paragraphs of the National Planning Policy Framework (2018).

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.