

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|----------|
| File completed and officer recommendation: | MP | 31/01/19 |
| Planning Development Manager authorisation: | AN | 4/2/19 |
| Admin checks / despatch completed | ERC | 07/02/19 |

AN

Application: 18/02076/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Thomas Scrimshaw

Address: 73 - 75 York Mews High Street Clacton On Sea

Development: Change of use from 8No. Flats (6No. 2 Bed Flats & 2No. 1 Bed Flats) to 7No. Flats (6No. 1 Bed Flats & 1No. 2 Bed Flat), communal space and staff for supported living (use class C2).

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal does not alter or change the existing vehicular or pedestrian access to the site therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies:

- A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February

Building Control and Access Officer Flat 7 means of escape does not comply with Approved Document B.

3. Planning History

96/00045/FUL (73-75 High Street, Clacton on Sea) Conversion into seven flats from builders merchants Approved 02.04.1996

96/00565/FUL (73-75 High Street, Clacton on Sea) Conversion into seven flats variation to elevations and perimeter railings of approved application TEN/96/0045 Approved 12.06.1996

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|-----------------|--|----------|------------|
| 17/02113/FUL | Application of variation to condition 3 on approval 96/00565/FUL - condition to be varied for permission for 8 flats instead of 7 - existing storage & cleaners room to be changed to a studio flat. | Approved | |
| 17/02187/FUL | Proposed change of use for a storage and cleaners room into a studio flat. | Approved | 02.02.2018 |
| 18/00281/DISCON | Discharge of Condition 2 of 17/02187/FUL - cycle parking facilities. | Approved | 05.03.2018 |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

COM5 Residential Institutional Uses

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP10 Care, Independent Assisted Living

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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.

In relation to housing supply:

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. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application site is 73-75 York Mews, High Street, which comprises of a two storey pebble-dashed building that accommodates 6 x 2 bedroom flats and 2 x 1 bedroom flats. The surrounding area is heavily urbanised, with residential and commercial properties to all sides. The building is located on the corner of the High Street and Chapman Road in close proximity to Clacton Town Centre. Approximately 350m to the south-east is the beach. To the rear of the building is a parking area and to the side a small grassed area for amenity purposes. Present within the building is a redundant storage and cleaners space.

The flats were granted permission in 1996. Previously the building accommodated a builder's merchants.

History

Under planning reference 17/02187/FUL, planning permission was granted to change the use of the storage/cleaners room into a 1 bedroom studio flat.

Proposal

This application seeks full planning permission to change the use of the property from its existing C3 residential use to 7 no. flats (6 x 1 bed flats and 1 x 2 bed flat) with communal space and staff for supported living (C2 residential institution use).

The occupiers of the flats will be adults with learning difficulties, who are able to live independently but require minor support from staff.

There are no external changes proposed, with all alterations being solely to the internal layout of the property.

Assessment

1. Principle of Development

Policy COM5 of the Adopted Tendring Local Plan 2007 states that applications for changes of use, new residential institutions and extensions to existing residential institutions will be considered on their own merits subject to meeting other relevant Local Plan policies and the following additional criteria:

a. the site would not be located away from existing Settlement Development Boundaries, in order that support services, facilities and public transport routes can be available. Only in exceptional circumstances may such uses be located outside existing Settlement Development Boundaries;

The application site sits within the Settlement Development Boundary for Clacton-on-Sea. It is located in close proximity to the Clacton Town Centre, which offers a range of services. Further there are numerous public transport options, including the Clacton Train Station approximately 300m to the north and numerous bus stops. The proposal therefore comfortably meets this criteria and is sited in an ideal location for such a use.

b. the development would not lead to a clustering of similar uses in the locality;

It is considered that the development would not lead to a clustering of similar uses as the surrounding area is characterised by a number of different residential and commercial uses.

c. the development would not create or give rise to a significant material adverse impact on public safety;

Additional information supplied by the agent for the application has detailed that the residents of the proposed use are to be adults with learning difficulties but who are able to live independently. That notwithstanding, there will be two staff present in the building day and night in the event care is needed to be provided. It is therefore considered that the proposed change of use will not create a significant material adverse impact upon public safety.

d. there would be sufficient external space in the proposal to accommodate the normal recreation and other needs of residents, visitors or employees without impacting on highway safety, or the residential amenities enjoyed by adjoining properties; and

Essex County Highways have been consulted on this application and do not raise any objections.

Adopted Car Parking Standards state for a C2 residential institution use, minimum provision should be made for 1 space per full time equivalent staff member plus 1 visitor space per 3 beds. However, that notwithstanding the site is served by 7 parking spaces and a separate cycle storage facility. Given this and, as stated above, the site is located close to Clacton Town Centre and the nearby railway station and other transport links, the parking provision is considered to be acceptable and will not result in harm to highway safety.

There is a small external amenity space area to the north-east of the site; however it is acknowledged that this is not a secure and safe environment away from adjoining properties. However, given that the occupiers of these properties are adults able to largely live independently, and that there are a number of alternative amenable areas in close walking distance, on balance this is considered acceptable and will not significantly harm neighbouring amenities.

e. the extent and nature of any alterations/extensions or new separate buildings which may be required for the purposes of the use proposed should not result in the over development of the site.

The application is for a change of use application only and the plans do not propose any additional buildings or extensions.

2. Impact to 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 proposed change of use will be largely similar to the existing arrangement, although the number of overall flats will decrease by one to seven in total. Further, there are no external amendments proposed. Therefore it is considered that the proposal will not cause any significant additional impact in this busy location close to Clacton Town Centre.

Other Considerations

Clacton is non-parished so no comments are required.

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

1. It would make the surrounding area a bad place to live; (not a material planning consideration)
2. Concerns with vulnerable residents in a location with potentially bad crime; and (there is no suggestion this proposal would result in additional crime)
3. There is no fire escape. (this is a matter for building control and falls outside of planning, but the Building Control comments have been passed on to the applicant)

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 FP1576-001 Revision PL1 and FP1576-002 Revision PL1.

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.