

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	28/06/2019
Planning Development Manager authorisation:	<i>AL</i>	28/6/19
Admin checks / despatch completed	<i>AL</i> <i>SB</i>	28/06/19 28/06/19

Application: 19/00260/FUL

Town / Parish: Clacton Non Parished

Applicant: Mrs X Yang

Address: 128 Wellesley Road Clacton On Sea Essex

Development: Proposed conversion of house into 2 no. flats.

1. Town / Parish Council

Clacton – non parished.

2. Consultation Responses

ECC Highways Dept

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

1 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

93/00272/FUL	Extension to existing house to form additional bedroom and study	Approved	16.04.1993
93/01310/FUL	Conversion of existing house to 1 flat and 3 bedsitters	Refused	11.01.1994
94/00185/FUL	Conversion of existing house to two flats	Approved	07.04.1994

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development Within Defined Settlements

HG10 Conversion to Flats and Bedsits

HG6 Dwelling Size and Type

HG9 Private Amenity Space

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP4 Housing Layout

HP5 Open Space, Sports & Recreation Facilities

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 128 Wellesley Road, Clacton on Sea an east facing detached, extended dwelling located within the Clacton on Sea Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site is located in close proximity to Clacton Town Centre with an array of easy accessible amenities and public transport links.

Description of Proposal

The application seeks full planning permission for the conversion of the dwelling into 2 no. 2 bedroom flats and the creation of a dropped kerb access.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Design and Impact;

- Residential Amenities;
- Highway Considerations and Parking;
- Financial Contributions - Open Space;
- Financial Contributions - RAMS; and,
- Representations.

Principle of Development

The site is located within the Clacton on Sea Settlement Development Boundary where the principle of residential development is acceptable.

Design and Impact

The proposed alterations are predominantly internal and at ground floor level. Overall the changes are minor and do not materially alter the external appearance of the building having no harmful impact upon visual amenity or the character of the street frontage.

The property is located in an area characterised by similar flat conversions, purpose built flats and other residential dwellings. The development will not be harmful to the character of the area.

Residential Amenities

The application has been amended reducing the development from 3 units to 2. The amended plans show designated private amenity areas for each flat as well as cycle storage. The amendments have also allowed a more suitable layout minimising any potential noise and disturbance to occupants.

Saved Policy HG9 of the adopted Tendring District Local Plan 2007 states that flats should be provided with a minimum of 25 square metres of amenity space provided communally or 50 sqm metres for a ground floor flat and a balcony area of 5 square metres for units above.

Flat 1 is served by approximately 24.5 sqm of private amenity space and Flat 2 is served by 24sqm.

Although the development does not precisely meet the criterion set out within saved Policy HG9, the space provided is useable, private and will appropriately serve the flats to ensure a good standard of amenity for the occupants.

Furthermore, the site is within easy walking distance of many amenities and leisure facilities including the beach.

On balance, the proposal results in an acceptable standard of living and amenity for future occupants.

Highway Considerations and Parking

The proposal results in the creation of 2 no. 2 bedroom flats. Adopted Parking Standards require 2 parking spaces to serve a 2 bedroom dwelling. The requirement for this development therefore amounts to 4 spaces. The frontage of the site provides space for a single parking space therefore failing to meet the adopted standards. However, in this instance, due to the highly sustainable location of the site within such close proximity to Clacton Town Centre, the occupants of the dwellings are within easy walking distance of Clacton Train Station, an excellent bus service and an array of amenities and leisure facilities.

In this instance, the creation of 2 flats contributes to the housing stock and mix of housing to meet the districts needs in a highly sustainable location. Furthermore, the development provides secure cycle storage within the private amenity areas for the properties.

Essex County Council Highway Authority raise no objection.

On balance, the parking deficit is not considered materially harmful in the instance.

Financial Contribution - Open Space

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. Although there is a current deficit of open space and play areas in Clacton it is unlikely that this development would have an impact on the current deficit. Therefore no contribution is being requested on this occasion.

Financial Contributions - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Representations

The application site is located within the non parished area of Clacton on Sea.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

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 plan: Drawing No: 1:A.

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

- 3 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 Prior to the occupation of the dwellings hereby approved, the private amenity areas and cycle storage shown on Drawing No: 1:A shall be provided and retained in this approved unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenities and in order to promote alternative sustainable modes of transport.

- 6 Prior to the occupation of the dwellings hereby approved, the parking space shown on Drawing No: 1:A shall be provided and retained in perpetuity for this sole purpose free from obstruction unless otherwise agreed in writing by the Local Planning Authority.

Reason - To minimise on-street parking in the interests of highway safety

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant and Agent acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

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