

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	08/07/2019
Planning Development Manager authorisation:	TF	09/07/2019
Admin checks / despatch completed	AP	10/7/19

*XML*

**Application:** 19/00743/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Matthew Ellis - Blumarble Property Ltd

**Address:** The Ship Inn 2 Valley Road Clacton On Sea

**Development:** Variation of condition 2 of approved application 18/01446/FUL to revise drawings to show new office/study within roof space and conservation style rooflights to rear.

**1. Town / Parish Council**

Clacton – No Town Council

**2. Consultation Responses**

n/a

**3. Planning History**

18/01446/FUL	Erection of a terrace of three 3no. bedroom two storey houses with landscaping, parking, and fencing with new access onto Old Road.	Approved	07.03.2019
18/01557/LBC	External redecoration to match existing appearance. Timber and metal repairs. Replacement of 20no. bricks in gable wall with materials to match the existing.	Approved	
19/00743/FUL	Variation of condition 2 of approved application 18/01446/FUL to revise drawings to show new office/study within roof space and conservation style rooflights to rear.	Current	

**4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN6 Biodiversity

EN6A Protected Species

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

LP1 Housing Supply

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

HP5 Open Space, Sports & Recreation Facilities

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 (2019) 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 site is located within the settlement boundary of Clacton and is set on the corner of Valley Road and Old Road where it meets St Johns Road. The Ship Inn itself is a Grade II listed building and is located to the north of the site. The site is in the Great Clacton Conservation Area.

The site itself is characterised by the large two storey Ship Inn itself which addresses the corner/roundabout to the north. A part tarmac, part gravel car park exists to the east with an enclosed pub garden to the north. The far southern part of the pub garden is separated by a

detached building (in separate ownership) which leads on to an extensive fence line which directly abuts Old Road. The southern limits of the site are extensively covered by a mix of mature trees. The site slopes down gently from north to south.

### Proposal

This application proposes the variation of Condition 2 of planning permission 18/01446/FUL to include a study within the roof space of each property and the inclusion of conservation style roof lights to the rear roof slopes.

All other aspects of the previous approval remain unchanged.

### Appraisal

#### Impact of Changes

Visually the terrace building remains as previously approved aside from the insertion of 2 no. roof lights to the rear for each dwelling. The original plans showed the height of the terrace increasing by 0.5m, however following concerns being raised with the agent in respect of the heritage impact the height has been retained as approved. Further concerns were raised in respect of the size and style of the roof lights, but again these have now been made smaller and substituted to a conservation style roof light.

As a result the visual changes are relatively minimal. No rooflights are proposed to the front public facing elevation of the terrace and views of the rear would be limited to the public house car park to the east. The changes are therefore considered to be sympathetic and do not adversely impact upon the character and appearance of the conservation area or the setting of nearby listed properties.

#### Conditions/Legal Obligations

The changes do not result in an increase to the number of properties proposed or the number of bedrooms. As such the unilateral undertaking secured on the original approval does not require updating. The unilateral undertaking also includes wording which allows it to be applied to any Section 73 application to vary the original permission.

In respect of RAMS the original permission included a condition seeking to secure a scheme for the mitigation of the recreational impact of the development on protected Essex Coast Habitats (European) Sites. Since the approval the Council, following legal advice and input from Natural England, has sought to secure a financial contribution in lieu of a condition. However, given that this application seeks to simply alter the approved plans and not increase the number of dwellings it is not considered reasonable to secure a financial contribution via a legal agreement. As a consequence the RAMS condition will be re-applied to this Section 73 permission.

#### Other Considerations

No objections or third party representations have been received to this proposal.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall commence prior to the 7th Mach 2022.

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 03 Rev B, 17.2465.113 P3, 17.2465.110 P8 and 04 Rev B.

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

- 3 No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

- 4 No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

- 5 Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

- 6 The recommendations as highlighted within Section 5 of the submitted Bat Survey shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

- 7 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are

removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

- 9 No above ground development shall be commenced until samples of the manufacturer and types and colours of the external facing and roofing materials (including windows/doors) to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 10 Prior to first occupation of the development, the proposed vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 43 metres to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety.

- 11 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 6m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass simultaneously clear of the limits of the highway, in the interests of highway safety.

- 12 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

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

- 13 Prior to the first occupation of the dwellings the vehicle parking area indicated on the approved plans, shall have been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking.

- 14 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 15 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for

sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator for each dwelling.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 16 The proposed parking area shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 17 The recommendations contained in the Arboricultural Impact Assessment and shown on drawing no. ECO-2 Tree Protection Plan, relating to the extent of the Root Protection Areas and the physical protection of the tree roots, shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected.

Reason - To minimise disturbance to and help to ensure the satisfactory retention of the protected trees.

- 18 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England ) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, fences walls or other enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such buildings/structures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - The proposal involves a development within a conservation area and the provision of buildings, pools and enclosures will need to be carefully controlled to preserve the historic character of the surrounding area and to ensure adequate private amenity space is retained for each dwelling.

- 19 The development shall be carried out in accordance with the ecological mitigation/enhancement measures as outlined within section 5.3 of the submitted Initial Ecological Appraisal as prepared by ecosupport (Dated August 2018)

Reason - In the interest of biodiversity and to ensure the proposal does not adversely impact on the habitat of protected species.

- 20 No above ground works shall be carried out until proposals for the mitigation of the recreational impact of the development on protected Essex Coast Habitats (European) Sites have been submitted to and approved in writing by the Local Planning Authority. Such proposals must provide for visitor management measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The development shall be carried out in accordance with and subject to the proposals as may be approved prior to the occupation of the hereby approved dwellings.

Reason - In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations 2017. This condition is required to be agreed prior to the commencement of any house building to ensure adequate time for any agreement to be secured and mitigation implemented prior to occupation.

## 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, 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.

### ECC-Highways Informative

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	<input checked="" type="radio"/> NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	<input checked="" type="radio"/> NO