

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	28/08/2019
Planning Development Manager authorisation:	GN	28/8/19
Admin checks / despatch completed	ER	28/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RNE	28/08/19

**Application:** 19/00994/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs S Swinbourne

**Address:** 40 Old Road Clacton On Sea Essex

**Development:** Proposed subdivision of existing dwelling to form a two bedroom flat at first floor, including a new external staircase and change of use of ground floor to office space for use in conjunction with business at 112 Rosemary Road West.

### 1. Town / Parish Council

Clacton non parished.

### 2. Consultation Responses

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](mailto:development.management@essexhighways.org) or by post to:

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

Building Control and Access Officer      No comments at this stage.

### 3. Planning History

None relevant.

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL6 Urban Regeneration Areas

QL8 Mixed-Uses

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER13 Employment Use in Residential Areas

ER31 Town Centre Hierarchy and Uses

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP4 Housing Layout

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

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 (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 relates to 40 Old Road, Clacton-on-Sea a 2 bedroom detached dwelling within the Settlement Development Boundary, Town Centre Boundary and Urban Regeneration Area of Clacton-on-Sea.

The dwelling is served by an integral garage and parking to the frontage accessed via 2 existing dropped kerbs at either end of the plot with a section of boundary wall and railings between each access. To the rear of property is a private garden area.

### Description of Proposal

The application proposes the subdivision and change of use of the existing dwelling to form a two bedroom flat at first floor level (including the erection of a new external staircase to its northern side

elevation and first floor entrance door) and office space and ancillary kitchen at ground floor level for use in conjunction with the established business at 112 Rosemary Road West directly adjacent to the site.

Amended plans have been received to show how the rear kitchen access is to be blocked up to allow the existing private amenity space to be retained for the flat.

### Assessment

The main considerations in this instance are;

- Principle of Development and Compatibility of Uses;
- Residential Amenities;
- Access and Parking;
- Financial Contributions - RAMS;
- Financial Contributions - Open Space / Play Space; and,
- Representations.

### Principle of Development and Compatibility of Uses

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

Also of particular relevance in this instance is Saved Policy ER13 which deals with employment use in residential areas. This states that in primarily residential areas, change of use of part of a dwelling house to business activities will be permitted provided that:-

- a) the business activities are of an appropriate scale;
- b) no physical alterations are proposed which would prevent a return to a residential use;
- c) the business activities do not significantly harm residential amenity;
- d) the business activities do not have unacceptable noise, smell, safety and health impacts or excessive traffic generation; and
- e) the storage of any goods would not take place in the open.

The subdivision of the property creating a 2 bedroom 1st floor flat and creation of a B1(a) office use on the ground floor is considered to accord with the aims and criteria of the aforementioned policies. The development retains a residential property within the settlement boundary whilst contributing to the housing mix on offer in this sustainable location. The site is located within a busy town centre on a busy junction with a nearby retail park. The nature of the office use and the character of the area mean that no harm will result to residential amenities.

### Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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 (2017).

The erection of an external stair case to the northern side of the building and insertion of a first floor entrance door will not result in any material harm to neighbouring amenities. This is due to the siting and depth of the adjacent building and position of a single window in the side facing flank. Views into adjacent private garden areas from the staircase will be fully screened by the host building and adjacent building.

The rear garden space will remain as a private amenity area for the first floor flat accessible via the side entrance.

### Access and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. Furthermore, the parking standards set out the requirements for office use which require 1 space per 30 sqm. In both cases, a lower provision of vehicle parking may be appropriate in urban areas including town centre locations where there is good access to alternative forms of transport and existing car parking facilities.

Based on the parking standards, the resultant mixed use development requires 2 parking spaces for the residential element and 2 spaces for the office use element amounting to 4 overall.

The development will be served by a total of 2 parking spaces with the existing garage being used for storage in relation to the business use, therefore falling short of the parking standard requirements. However, due to the highly sustainable location of the development within Clacton Town Centre within easy walking distance of public transport and an array of amenities, the reduced parking provision is considered acceptable in this instance.

Essex County Council Highway Authority raise no objection to the development.

### Financial Contributions - RAMS

As the proposal results in the subdivision of the property to a mixed use of residential and office and does not result in any additional dwellings, a financial contribution toward recreational disturbance is not considered relevant in this instance.

### Financial Contributions - Open Space / Play Space

There is currently a deficit of 41.08 hectares of play/open space in the Clacton/Holland area. However, as no additional dwellings are being created in this instance, it is unlikely that this development will impact current facilities.

Therefore, no contribution is being sought.

### Representations

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

No letters of representation have been received.

### Conclusion

For the reasons set out above, the proposal is considered to represent a suitable form of development offering employment opportunities whilst retaining residential accommodation in a sustainable location within the Town Centre Boundary and Regeneration Area of one of the District's main centres. In the absence of any material harm, 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 SOR-01 Revision A.

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

- 3 The B1(a) Office use hereby approved at ground floor shall not be open outside of the following times:

Monday to Friday 9am to 5pm  
Saturday 9am to 1pm

Reason - To ensure the use is appropriate in this locality in the interests of residential amenities.

- 4 Notwithstanding the details shown on the approved drawing, prior to the occupation of the development the rear facing ground floor windows serving an office and kitchen area shall be obscure glazed and retained in this approved form in perpetuity.

Reason – In the interests of residential amenities to ensure an acceptable level of privacy is retained to the private amenity area.

## **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.

### Highways Informatives

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot  
653 The Crescent  
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