

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/09/2019
Planning Development Manager authorisation:	AN	23/9/19
Admin checks / despatch completed	SB	23/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	23/9/19

Application: 19/01128/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Guy Smith - Smith Farms Clacton Ltd

Address: Clacton Garden Centre St Johns Road Clacton On Sea

Development: Creation of a new display garden.

1. Town / Parish Council

Clacton non parished.

2. Consultation Responses

None required.

3. Planning History

96/00533/FUL	Proposed redesign and rebuild of front entrance gates, walls and boundary fence	Approved	12.06.1996
04/01326/FUL	New shopfront to form additional showroom area	Approved	31.08.2004
07/01605/FUL	New dwelling with attached single garage.	Refused	14.12.2007
15/01329/FUL	Erection of 4 bungalows with associated access, parking, landscaping and ancillary works.	Refused	22.12.2016
17/30348/PREAPP	Proposal to build a new cafe/restaurant on plot of land next to the established business.		25.01.2018
18/00737/FUL	Erection of cafe/restaurant building (Use Class A3) and associated parking/landscaping works.	Approved	19.07.2018
19/00220/DISCON	Discharge of Condition 2 (Materials), Condition 3 (Landscaping) and Condition 11 (Construction Method Statement) of application 18/00737/FUL.	Approved	27.02.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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)

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the southern side of St Johns Road within the settlement of Clacton-on-Sea. The site accommodates Clacton Garden Centre and its associated grounds and parking area. To the south and west of the site is 1970's housing development and to the east is Wordsworth Way from which access to the site is gained. Further to the east is Bluehouse Farm House which is a listed building. An area of vacant land to the north of the farmhouse also forms part of the application site and is intended to be used as an informal overflow car park.

Description of Development

The application seeks full planning permission for the creation of a new display garden to the rear of the site to complement the new café facility currently under construction approved under planning application 18/00737/FUL.

The proposed works require planning permission as they are classed as operational development due to the change in levels being created by the movement and addition of earth.

Assessment

The main considerations in this instance are;

- Visual Impact;
- Impact on Residential Amenities; and,
- Representations.

Visual Impact and Impact on Residential Amenities

Paragraph 11 of the NPPF sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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.

Furthermore in relation to neighbouring impact, the NPPF, in paragraph 127 states that planning should always seek to secure a high 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).

Due to the nature of the proposal and the minor scale of development, although the proposals will result in the creation of raised ground levels, these are not excessively high being 2.2 metres at the highest above ground level. The nature of the works represent a visual enhancement for planting only and there will be no raised areas that are designed to be accessible by the public that would allow any overlooking or loss of privacy to nearby neighbouring properties. Furthermore, the raised planting beds retain over 16 metres from the nearest neighbouring properties further minimising any impact. Additionally, it is noted that public access is further restricted by the opening hours of the Garden Centre and Café itself.

Representations

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

No 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. A-1913-PL 02 Rev No. C.

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.