

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	23/09/19
Planning Development Manager authorisation:	AN	23/9/19
Admin checks / despatch completed	the	25/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ex	25/9/19

Application: 19/00932/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Hall - Bubblegum Distribution

Address: Comrades Sports and Social Club 9 Colne Road Clacton On Sea

Development: Change of use of the ground floor from (A4 Drinking Establishment) to two flats (C3 Use) and an Office (B1a), alteration of one existing window and insertion of new windows to ground floor.

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is situated on Colne Road which has an existing 9am - 6pm; Mon - Sat waiting restriction outside the front of the building. There appears to be provision for off street parking and turning at the rear of the building accessed via an existing vehicle access but not for this development. The site is close to the centre with good public transport links and a public car park situated nearby therefore:

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

1. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Prior to occupation of the proposed dwelling, 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

Informative 2:

In relation to doors and windows abutting the highway no permanent part of a development shall overhang the highway.

Informative 3:

Any 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.

3. Planning History

97/01213/FUL	Internal alterations to form disabled toilets and new toilets and bar space. Also to revise dray delivery point	Current	27.09.1997
98/00042/ADV	Back illuminated 6 sheet advertisement unit	Refused	17.03.1998
17/00342/FUL	Conversion of offices at first floor level into two flats and insertion of associated windows, doors and balcony areas.	Approved	26.04.2017
19/00225/FUL	Proposed conversion of existing ground floor into 3no. Two bedroom residential apartments with insertion of associated windows.	Refused	18.04.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN17 Conservation Areas

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

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)

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

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.

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

Site Description

The application site is located on the western side of Colne Road within the Clacton Town Centre area and Clacton-on-Sea Conservation Area. The site comprises of a red brick three storey building that accommodates a social club at ground floor and residential development at first and

second floor level. Access to the first and second floors is via a separate entrance door to the frontage. To the north of the building is an access road that leads to a parking/service area associated with surrounding commercial development and flats. The site has a small forecourt with parking space for one vehicle. This section of Colne Road is characterised by commercial and residential uses.

Description of Proposal

This application seeks planning permission for the conversion of the ground floor from an A4 (Drinking Establishment) use to a mixed C3 residential and B1a business. The proposal will result in two flats to the rear of the property, each served by two bedrooms, and to the front of the property will be an office and meeting area.

The proposed development will only result in minor external changes, with the infilling of one existing opening to the south elevation and the installation of eight windows across the south, west and north elevations.

History

Under planning reference 17/00342/FUL, permission was granted for the conversion of the first floor to two self-contained flats from office/storage use associated with the use of social club at ground floor.

Under planning reference 19/00225/FUL, planning permission was refused for the conversion of the ground floor from an A4 (Drinking Establishment) use to a C3 residential use incorporating three two bedroom flats. The reasons for refusal focussed on a lack of detailed marketing information to demonstrate that the site was no longer viable or suitable for any form of employment use. The proposal also showed no private amenity space and waste storage and recycling facilities, while a contribution towards Open Space and RAMS was also not provided.

Assessment

1. Principle of Development

Paragraph 85 of the National Planning Policy Framework (2019) states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The application site does not fall within a protected shopping frontage, but does fall within the Clacton-on-Sea town centre. Within the previous application refused at this site (reference 19/00225/FUL), the proposal resulted in the total loss of an existing employment use, to be replaced solely with C3 residential use. This application differs to this in that the front section of the ground floor is to be retained as an employment use, and therefore a marketing campaign is now not required. The submitted information details that the proposed office will be of a size to accommodate approximately four employees, whereas the existing use only supports two employees. Given this and that an office use such as this is to be expected within this town centre location, the principle of this development is acceptable.

With regards to the residential units in this location, the site is situated within the defined settlement limits of Clacton-on-Sea as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable.

2. Visual Impacts

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 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. These sentiments are carried forward in

Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There are very few external changes proposed as part of the development. The front elevation is retained in its existing form bar an amended door, however a number of windows to the south, west and north elevations are to be installed. A further infilling of an existing window is also proposed. These changes are all minor works expected of such a development. Given the site is on the edge of the Clacton-on-Sea Conservation Area, the minor changes, which will also not be particularly prominent, will preserve its character and appearance, and are all in line with restoring a currently unused building.

3. Parking/Amenity

The submitted plans do not demonstrate any off-street parking provision. However, the site is located within a highly sustainable town centre location where it is expected that any residents will either walk to local facilities or use readily available local transport links. Furthermore, there are no parking restrictions after 6pm within this section of Colne Road. Therefore in view of the sustainable nature of the site a zero parking scheme is considered to be acceptable in this location.

Essex Highways Authority have not objected to the application, but have requested conditions relating to cycle parking provision and the submission of a Residential Travel Information Pack was requested; however given there is no room for the cycle parking provision and the minor nature of the development it would not be reasonable to include these as conditions on this occasion.

Saved Policy QL10 of the Tendring District Local Plan (2007) requires that all new development should meet functional requirements. In particular the policy states that planning permission will only be granted if; provision is made for functional needs including private amenity space, waste storage, separation and recycling facilities and cycle parking. Saved Policy HG9 regarding private amenity space stipulates that a flat should be provided with a minimum of 50 square metres of private amenity space for a ground floor flat. Emerging policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) again reflects these requirements.

In this instance the proposal does not accord with the aspirations of saved policies QL10, HG9 and emerging policy SPL3 in terms of quality of life for the occupants. However, it is also acknowledged that in comparison to the previous scheme, the number of residential properties has reduced, while the site is in a highly sustainable location in close proximity to a number of amenity areas, including the beach approximately 200m to the south. Therefore, on balance, while the lack of private amenity provision is not welcomed the harm identified is not significant enough to warrant a reason for refusal.

4. Impact to Residential 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 area comprises of a mixture of commercial uses and predominantly flatted development. The proposed external changes are all at ground floor level, so will result in no additional overlooking. Therefore, there will be a neutral impact to neighbouring amenities.

5. Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of

Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

6. Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of 41.08 hectares of equipped play in Clacton/Holland. However, despite this deficit it is not considered that this development would impact the current deficit, and therefore no contribution is required on this occasion.

Other Considerations

Clacton is non-parished so no comments are required.

There have been no other letters of representation received.

Conclusion

Following amendments to the earlier scheme that was refused on this application site, notably the inclusion of an employment use at ground floor level, the principle of a mixed residential/business use on this site is acceptable. The minor alterations result in no harm to the character or appearance of the conservation area, and while it is acknowledged there is no parking or amenity provided, the site is in a highly sustainable location that on balance overcomes these concerns. The application is therefore recommended for approval.

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 083/1101, 083/1201, 083/1301, 083/1202, 083/1302 and the document titled 'Planning Statement'.

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.

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:

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

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