

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	11/10/2019
Planning Development Manager authorisation:	TF	11/10/2019
Admin checks / despatch completed	CC	14/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	14/10/19

**Application:** 19/01243/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Sarah Robinson

**Address:** Valley Dental Practice 130 Valley Road Clacton On Sea

**Development:** Erection of a single storey side extension in connection with the existing medical (Class D1) use.

### 1. Town / Parish Council

Clacton Non Parished

### 2. Consultation Responses

NHS East Essex CCG In relation to the above-mentioned planning application, please note that NEE CCG have no comment in this regard.

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority. Although the side extension reduces the hard-surfaced area it does not reduce the parking capacity or current parking practices onsite. Six parking bays remain, so would not result in loss of parking requirements 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 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. 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.

3. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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. (Continued....)

Informative 1:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2:

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.

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.

### 3. Planning History

09/00787/FUL	Proposed single storey front and side extensions to accommodate the relocation of the staff room and waiting room. Entrance door relocated to the front of the building. Internal alterations include forming a disabled wc and new reception area within existing building.	Refused	17.09.2009
10/00023/FUL	Proposed single storey front and side extensions to accommodate the relocation of the staff room. Internal alterations to form a disabled wc and new reception.	Approved	22.02.2010
19/01243/FUL	Erection of a single storey side extension in connection with the existing medical (Class D1) use.	Current	

### 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

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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is located to the south of Valley Road, on a corner plot shared with Mountview Road to the west. The site is inside the development boundary and serves a Dental Practice that has a reception area, 2 no. consultation rooms and a waiting room. The building is single storey, constructed of render, brick and a tile roof and benefit from 6 no. car parking spaces. The site is set across different levels with the land sloping upwards from the road towards the building itself. A detached garage and shed (to be retained) are located on the eastern side boundary. The front of the site has a low level brick wall and an area of lawn with planting. Fencing is located on the boundaries shared within residential properties.

### **Proposal**

The application proposes the erection of a single storey side extension in connection with the existing medical (Class D1) use, to provide an additional consultation room. The extension will measure 5.1m wide by 3.52m deep with a hipped roof with eaves height of 2.8m and a ridge height of 4.4m. The proposed materials will be consistent with those used on the existing building.

### **Representations**

2 no. letters of objection have been received from the occupiers of 46 Mountview Road; the property to the south of the application site. They have raised concerns regarding:

- Parking and highway safety issues (See officer report)
- Impact on outlook (See officer report)
- Working hours during construction (Whilst some noise will be created as a result of the construction of the development the level of noise generated is not considered significant enough to warrant the refusal of planning permission. To assist with the neighbours' concerns an informative has been included on the decision notice suggesting working hours at the site)
- Will it be in keeping with residential area? (See officer report)

Essex County Council Highways consider that the impact of the proposal is acceptable subject to conditions. Details are outlined in the officer report below.

The Building Control Team and the NHS have no comments to make on the application.

### **Assessment**

The main considerations of this application are the design, impact on residential amenity and parking.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

### **Design**

The proposed extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The extension will have the same eaves height as the existing building and a slightly lower ridge height, and the hipped roof design will be consistent with the host building. As the extension is situated level with the existing front elevation it will be publicly visible when viewed from Valley Road; however, due to the good design of the extension the development is not considered to have any adverse impact on the street scene and the residential appearance of the area.

The use of brickwork, render and tiles consistent with the main building will allow the extension to blend acceptably with the existing built form. As the extension is publicly visible, to ensure the materials used are of a similar appearance to the existing building, and do not deviate from what is specified within the application submission, a condition is imposed stating that the materials shall match.

Whilst it is noted that a previous extension has been approved and built on site (under reference 10/00023/FUL), the site is considered adequate to accommodate further development without the site appearing overdeveloped.

### **Impact on Residential Amenity**

The extension will be located 6m from the boundary to the east and 6.5m from the boundary to the south. Both of these neighbours are residential properties. The extension is single storey in nature, and is a modest development. The existing garage within the application site will partially screen the extension from the neighbour to the east. The neighbour to the south have a brick built garage located on the boundary of the application site that will obscure views of the extension. The development, given its design and proximity within the site is not considered to have any significant adverse impact on the daylight, privacy, outlook and other amenities currently enjoyed by neighbouring property.

### **Parking**

The proposed development does reduce the area of hard surfacing currently located at the front of the dental practice. However, it has been demonstrated within the application submission that 6 no. car parking spaces still remain for staff and customers, and the development as a result would not reduce the parking capacity at the site to what currently exists. It is appreciated that the addition will create an additional consulting room, but this is not considered to significantly intensify the use or the parking requirements at the site in a manner that would warrant a refusal of planning permission. The application also proposes cycle parking to be located within the site adjacent to the western elevation of the building, to encourage an alternative, more sustainable method of transport. Whilst some customers who visit the dental practice may choose to park their vehicles

in adjacent roads instead of within the application site, the practice have no control over this and can satisfactorily demonstrate that off road parking/cycle parking is available to customers.

Essex County Council Highways have been consulted on the application and consider that the impact of the proposal is acceptable subject to conditions relating to the cycle parking and parking space sizes. Therefore the development is considered to be acceptable in terms of parking availability.

### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and 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. 01 Revision B and Drawing No. 02 Revision B.

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

- 3 The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason - This is a publicly visible building where matching materials are a visually essential requirement.

- 4 The cycle parking indicated on the approved plans shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 5 Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason - To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

## **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

### Informative 1:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

### Informative 2:

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, 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.

### 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.

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## Working Hours Informative

No vehicle connected with the construction works of the extensions are to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

Working hours for construction should be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

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