

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13 th Nov 2019
Planning Development Manager authorisation:	TF	14/11/19
Admin checks / despatch completed	CC	14.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	14/11/19

Application: 19/00836/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Andrew Temperton

Address: Apartment 1 Red Rose House 12 Church Road

Development: Partition off part of existing flat to create additional flat.

1. Town / Parish Council

No comments received

2. Consultation Responses

ECC Highways Dept As this is an existing dwelling with a driveway the use of the vehicular access is established and currently has spaces for two vehicles. There are no existing waiting restrictions or limited waiting spaces within Church Road. Being in the centre the dwelling has good local transport links.

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

UU Open Spaces Although there is a deficit of play space in Clacton/Holland, it is not felt that this development would impact the current deficit. Therefore no contribution is being requested on this occasion.

3. Planning History

07/00602/FUL	Change of use from hotel to residential, incorporating the creation of 8 flats and physical alterations to the front elevation.	Approved	07.09.2007
19/00836/FUL	Partition off part of existing flat to create additional flat.	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

QL6 Urban Regeneration Areas
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG1 Housing Provision
HG9 Private Amenity Space
HG10 Conversion to Flats and Bedsits
EN6 Biodiversity
EN6A Protected Species
EN11A Protection of International Sites European Sites and RAMSAR Sites
TR7 Vehicle Parking at New Development
Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SP1 Presumption in Favour of Sustainable Development
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PP14 Priority Areas for Regeneration
LP1 Housing Supply
EN17 Conservation Areas
PPL8 Conservation Areas
PPL4 Biodiversity and Geodiversity
CP1 Sustainable Transport and Accessibility
Local Planning Guidance
Essex Design Guide

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 property comprises part of the ground floor of a 2½-3-storey semi-detached building. Originally the building would have been one of a pair of semi-detached villas (with No 10) which are likely to have been constructed in the mid to late 1870s. Historically No 12 was converted to a hotel including some unsympathetic extensions and additions and, in doing so, was combined with 5 Church Crescent to its rear (known together as the Red Rose Hotel). In 2007/8 both No 12 Church Road and 5 Church Crescent were converted to flats and 12 Church Road now comprises 5 flats in what is known as Red Rose House.

Description of Proposal

The application relates to the Church Road part of Flat 1 on the ground floor only. Under application 07/00602/FUL the plans show a 2-bedroom flat; at some point in time the internal layout has been changed to form a 3-bedroom flat. It is proposed to sub-divide this flat in to 1 x 2 and 1 x 1 bedroom flats.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The extent of the external alterations are limited to the insertion of a front door; this would be set back from the front elevation down a narrow alleyway by around 9.5m and have limited visibility in regards to the streetscene. Notwithstanding this the new entrance door will break-up the blank unsympathetic overhanging elevation, improving its appearance. The style of the door is also smaller than the existing front door and will appear subservient to it; it will match the adjoining existing side entrance door.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 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 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).

Due to proposed layout internally of the additional flat, there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

As this is an existing dwelling with a driveway the use of the vehicular access is established and currently has spaces for two vehicles. There are no existing waiting restrictions or limited waiting spaces within Church Road. Being in the centre the dwelling has good local transport links.

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.

Urban Regeneration

Certain parts of the District require focused attention in order to improve the quality of life, the economy and the physical environment, to make these better places to live, work and visit. The Council has identified five 'Priority Areas for Regeneration' which will be a focus for new initiatives.

These areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure. As well as this, the Council will seek to preserve or enhance the historic assets of these areas, including the at risk conservation areas – of which Clacton is one.

Within these Urban Regeneration Areas permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. In particular, the Urban Regeneration Areas will be the focus for investment in social, economic and transportation infrastructure; and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

The proposal will result in the creation of a one-bedroom unit which is located close to the sea front and in a highly sustainable location within a 400m walk to the town centre.

The introduction of the new entrance door will break-up the blank unsympathetic overhanging elevation, improving its appearance. The style of the door is also smaller than the existing front door and will appear subservient to it; it will match the adjoining existing side entrance door. Overall it is considered that the internal alterations and very minor external alteration will preserve the historic asset of the conservation area.

Conversion to Flats and Bedsits

The Council will generally encourage the provision of self-contained flats comprising a separate lounge, kitchen, bedroom(s) and bathroom facilities. Key to retaining character is the external appearance of the resultant dwellings. Policy HG10 aims not only to safeguard the external appearance of existing dwellings proposed for conversion, but also other buildings that retain the essential character and appearance of dwelling houses. This would include previous conversion from a dwelling to flats for a smaller number of units or to offices. In this regard, conversion proposals should ensure that the entrance doors to all units within the property are contained behind a single external front door.

Proposals for the sub-division of premises into flats and/or bedsits within the defined development boundaries of towns and villages will be permitted providing highway safety, residential amenity and the character or appearance of the street frontage are not adversely affected by arrangements for off-street parking and vehicular access, there is an appropriate private rear amenity area in accordance with Policy HG9 and the layout minimises possible noise disturbance to adjoining residents.

As this is an existing dwelling with a driveway the use of the vehicular access is established and currently has spaces for two vehicles. There are no existing waiting restrictions or limited waiting spaces within Church Road. Being in the centre the dwelling has good local transport links. In regards to residential amenity; no additional windows are proposed that could cause a significant loss of privacy. In regards to amenity of the occupiers of the flats; the existing building has very little scope for any amenity space – with only the occupiers of the two existing ground floor flats having access to an open area at the rear. The new flat (1a) would gain the use of this space and the resulting flat 1b would have no access to the space. It is considered that (both) the highly sustainable location on the periphery of the shopping core and being around 200m from the beach front are sufficient to off-set this. The proposal overall retains the essential character and appearance of a dwelling houses, despite the fact that it has already been converted in to flats. Entrance to the flats is served by one single entrance, set significantly back from the front elevation; these works are of such a de-minimus nature they are unlikely to materially affect the externally appearance of the property.

Habitat Regulations 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.

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Other Considerations

One contribution was received in response to the publicity of the application:-

by approving this application you are going to increase traffic and parking problems already at an unacceptable rate	See the Highways Section in the main body of the report
We currently are having to experience a number of issues (noise, waste food being thrown on to my property and access to my drive being restricted) with some of the tenants that live in this apartment	This would be a civil matter between the occupiers of the two properties.
Furthermore dead Ivory [sic] is on the external of the building which is not only a fire hazard to his property but to neighbouring properties no attempt by the owners have been made to remove this despite a request.	This would be a civil matter between the occupiers of the two properties.
The application has stated that he is having issue letting this 3 bedroom apartment. And that he is having issue regarding rent payments, Can only suggest that he carry's [sic] out credit and Reference checks on the occupants more closely I would have assumed that 3 bed apartment would be of high demand in an area that is currently over loaded with bedsits and 1&2bed apartments.	This is not a material consideration in the determination of this application.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: 016/003, 016/004 and 016/005; received 4th June 2019.

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

8. Informatives

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.

The applicants should be advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to:

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

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO