

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	21/02/2020
Planning Development Manager authorisation:	TF	21/02/2020
Admin checks / despatch completed	CC	21/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	[Signature]	21/02/2020

Application: 19/01139/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr N Young

Address: The Sheldrake Meadow Way Jaywick

Development: Alterations to ground floor in association with 2no. retail units, conversion of first floor into 3no. flats and addition of a second floor extension to accommodate 2no. flats.

1. Town / Parish Council

Clacton – non parished.

2. Consultation Responses

Environment Agency
ORIGINAL COMMENTS

Thank you for your consultation received on 06 September 2019. We have inspected the application, as submitted, and are raising a holding objection to this application on flood risk grounds as a Flood Risk Assessment (FRA) has not been submitted. The application does not therefore comply with the National Planning Policy Framework (NPPF).

Flood Risk

Our maps show the application site partially lies within Flood Zones 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding respectively. Paragraph 163, footnote 50 of the NPPF requires applicants for planning permission to submit a site-specific FRA when development is proposed in such locations.

An FRA is vital if you are to make an informed planning decision. In the absence of an FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming our Objection

The applicant can overcome our objection by undertaking an FRA that demonstrates that the development is safe without increasing risk elsewhere and, where possible, reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Advice to Applicant

For further information on our flood map products please visit our website here: Strategic Flood Risk Assessments (SFRA) are undertaken by local planning authorities as part of the planning

process. The SFRA may contain information to assist in preparing site-specific FRAs. Applicants should consult the SFRA while preparing planning applications. Please contact your local authority for further information. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding'.

We have included a factsheet with our response, which sets out the minimum requirements. Further guidance on completing an FRA is available on our website here and in the Site-specific flood risk assessment: Checklist.

We trust you find this advice useful

Environment Agency
AMENDED COMMENTS

Thank you for your re-consultation received 28 January 2020 we have reviewed the additional information and, we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for alterations to ground floor in association with 2no. retail units, conversion of first floor into 3no. flats and addition of a second floor extension to accommodate 2no. flats, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 2444/RE/01-20/01 and dated January 2020, are:

Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences. However the defences have an effective crest level of 4.11 m AOD which is below 1% 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is actual risk of overtopping in this event.
- Finished ground floor levels have been proposed at 2.57m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 5.15m AOD and therefore dry/at risk of flooding by 2.58m depth in this event.
- Finished first floor levels have been proposed at 5.87m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level of 5.5m AOD.
- All residential development is on the first floor and above
- This proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan

has been submitted by the applicant but you should determine its adequacy to ensure the safety of the occupants.

- Flood resilience/resistance measures have been proposed.
- A Flood Evacuation Plan has been proposed

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Additional information can be found at the end of this letter, we trust you find this advice useful.

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The premises are located on a one-way street and has existing parking restrictions outside the front of the building and has some existing off-road parking adjacent to the building therefore:

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

1. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

2. 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.

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.

Informative 2: 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 3: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site

Informative 4: 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 or by post to:

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

Essex County Council
Archaeology

Due to the nature and small scale of the proposed development there will be no requirement for archaeological investigation or historic building recording at the above site.
If you have any questions about this advice, please do not hesitate to contact me.

3. Planning History

02/01863/FUL	Wrought iron perimeter fencing adjacent Meadow Way and Lake Way (Replacement of wooden fence)	Approved	05.12.2002
03/00058/FUL	Replacement fence	Approved	04.03.2003
15/30294/PREAPP	Change of use from public house with flat above to daycare nursery and church activities.	Refused	15.01.2016
15/30315/PREAPP	Change of use to 3 x 3 bedroom flats.		08.01.2016
16/30094/PREAPP	Elevational changes and section building into 4no 3 bedroom houses.	Refused	31.05.2016
19/00330/FUL	Proposed change of use of ground floor from A4 Drinking Establishment to A1 Retail, its subdivision to create 2 retail units and the installation of 2 new shop	Approved	17.05.2019

fronts to replace the existing central entrance.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

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 the former Sheldrake Public House situated on the north-western side of Meadow Way, Jaywick.

The site has been subject of a recent approval for the change of use of the ground floor from a Class A4 Drinking Establishment to a Class A1 Retail use; its subdivision to create 2 retail units and the installation of 2 new shop fronts. This application has been implemented and the A1 use has commenced.

The site is located within the Jaywick Settlement Development Boundary and also lies within an area defined as an Urban Regeneration Area. The site also lies within Flood Zone 3.

Description of Proposal

The application seeks full planning permission for alterations to the ground floor (altering the entrances to the upper floors and other minor changes in association with the retail units) the conversion of the first floor into 3 no. flats (1 no. one bedroom and 2 no. two bedroom flats) and the addition of a second floor, flat roof extension to accommodate 2 no. flats (2 no. two bedroom flats).

Each flat will be served by a balcony area with further communal outside space providing a bin store, drying area and secure cycle storage. The perimeter of the side and rear boundaries are to be enclosed by 1.8 metre high close boarded fencing.

The first floor is to have a rendered finish (refurbishment of existing) and the second will be finished in vertical cedar cladding with glazed balconies.

The overall development will be served by 8 no. parking spaces across the site frontage with additional cycle parking for retail customers.

Assessment

The main considerations are;

- Planning History;
- Permitted Development Rights;
- Principle of Development & Flood Risk;
- Design and Appearance;
- Residential Amenities;
- Parking and Highway Safety;
- Financial Contribution – Open Space and Play Space;
- Financial Contribution – Recreational Disturbance; and,
- Representations.

Planning History

Application 19/00330/FUL was approved on 17th May 2019 for 'Proposed change of use of ground floor from A4 Drinking Establishment to A1 Retail, its subdivision to create 2 retail units and the installation of 2 new shop fronts to replace the existing central entrance.'

The subdivision and change of use has taken place.

The Public House accommodated a 3 bedroom flat at first floor level and it is understood that this remains.

Permitted Development Rights

The provisions of Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) deal with retail or betting office or pay day loan shop to mixed use. Class G states that development consisting of a change of use of a building from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flats is permitted development.

Having regard to the above, permitted development rights would allow the first floor to be converted into 4 flats without the benefit of planning permission. This application seeks 5 residential units overall, being 1 more than that allowed under permitted development (extensions are required to achieve this number of units).

Principle of Residential Development & Flood Risk

The site lies within the defined settlement boundary where the principle of residential development is acceptable under Saved Policy HG3 subject to the detailed considerations out below.

The site and a large area of this part of Jaywick falls within Flood Zone 3a which is the highest area of risk due to its low-lying position on the coast. The National Planning Policy Framework 2019 as supported by saved Policy QL3 in the adopted Local Plan (2007) and draft Policy PPL 1 with the emerging Local Plan (2017), requires a 'sequential approach' to the location of new development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. There are clearly many locations of lower risk where new flats could be provided, however, in Jaywick an exceptional approach is justified where new development can assist in the regeneration of the area and help to reduce the risk of flooding to life and property overall. The site lies within the defined Urban Regeneration Area of Jaywick. Policy QL6 of the adopted Tendring District Local Plan 2007 states that 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.

The NPPF and Local Plan policies refer to the 'Exception Test' which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 156 of the National Planning Policy Framework 2019 states that local planning authorities should take advice from the Environment Agency and other relevant flood risk management bodies. The Environment Agency raise no objection in this instance.

A flood risk assessment and flood evacuation plan have been provided demonstrating how the occupants of the building would be safe in a flood event. All living areas are located on the first and second floor levels.

The application is accompanied by an amended site-specific flood risk assessment. The Environment Agency confirm that they have no objection on the basis that:

- The site benefits from the presence of defences;
- Finished first floor levels have been proposed at 5.87m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level of 5.5m AOD;
- All residential development is on the first floor and above; and,
- The application is accompanied by an Emergency Flood Evacuation Plan

The proposal is therefore considered to pass the sequential and exception tests and is acceptable in relation to flood risk.

In regard to the regeneration aims for the area, the retention of the retail units at ground floor level ensure that employment opportunities are retained and alternative local amenities are created to

serve the community. Furthermore, the development will contribute positively to the housing need and affordable housing need in a sustainable location.

Design and Appearance

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. As stated above, the site lies within the defined Urban Regeneration Area of Jaywick. Policy QL6 of the adopted Local Plan states that within these Urban Regeneration Areas permission will be granted for development that enhances the function, character and appearance of the area and contributes towards regeneration and renewal.

The first floor of the building currently accommodates a 3 bedroom apartment associated with the former public house use. Whilst it is recognised that the development will see an increase to 5 flats, this is not considered excessive or overdevelopment of the site having regard to what can be carried out as permitted development and the high density character of the area.

The development proposes alterations and additions to the building including the creation of a second floor level. Although the immediate neighbouring properties are single storey in height, directly opposite is Corner Lodge a 3 storey building and to the south-west is Harvey Court a 2.5 storey building. In terms of the street scene impact, the addition of a second floor would not appear overly prominent or out of keeping.

Furthermore, the inset at second floor level from the outer elevation of the building minimises the bulk and visual impact the extension. The alterations to the fenestration layout, addition of balconies and cedar cladding would result in a modern appearance that would contribute positively to the regeneration of the area by creating a design feature within the street scene.

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. 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. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

In general terms, the proposed use of the building comprising retail and residential dwellings will likely result in a lesser impact when compared to the potential noise and late opening hours associated with the former public house use. The recent conversion of the ground floor into 2 commercial units was approved subject to restrictive open hours to minimise noise and disturbance to neighbouring properties. The very nature of these uses also helps minimise the impact upon residential amenities.

The site is positioned on a corner plot with Meadow Way and Lake Way. The properties opposite the site are separated by the width of the road and footway being over 18 metres away. The properties on the opposite side of Lake Way to the south-west of the site are again separated by the width of the road being over 11 metres to number 1 Lake Way and over 25 metres to Harvey Court. The orientation of the site and distance to these neighbouring properties means that no loss of sunlight, daylight or privacy will result from the development.

The building is positioned on its rear boundary and has three dwellings to the immediate north in very close proximity and further neighbouring property to its north-eastern side boundary, these being the most effected by the proposed development.

Currently, the rear elevation contains 6 first floor windows serving a bathroom, stairway, master bedroom for the flat and a kitchen, hallway and WC for the former pub use (accessed via a stairway). The side elevation contains 3 first floor windows serving the kitchen and living areas for the flat. The development will result in 5 no. rear facing windows all serving bedrooms (and 1 side facing window serving a bathroom (to be obscure glazed and top hung opening only). On the basis that the development results in a reduction in number of windows and the accommodation results in these

windows serving bedrooms and not main living areas, any overlooking can be considered negligible. The second floor addition will result in an additional 4 rear facing windows and 1 side facing window all of which will be obscure glazed to the lower half with top hung opening only. All balconies are located to the front of the building and will not result in any additional overlooking. The inset of the second floor by 1.5 metres from the outer elevation of the building also minimises the perception of being overlooked.

Due to the orientation of the building, the addition of the second floor may also result in some loss of light to the neighbouring dwellings directly adjacent. However, the inset position of the second floor minimising the impact to an acceptable level.

The proposal seeks conversion of the first floor into 1 x 1 bed flat and 2 x 2 bed flats and the addition of a second floor extension to accommodate 2 x 2 bed flats giving a total of 5 units.

In terms of the amenity of future occupants, Saved Policy HG9 states;

For flats, either:

- (i) a minimum of 25 square metres per flat provided communally; or
- (ii) a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above.

The proposal introduces a balcony to serve each flat of an appropriate size. The site also allows for bin storage and cycle storage areas to the sides of the building.

On balance, it is unlikely that the development would result in any significant harm to existing neighbouring properties whilst achieving a good standard of amenity for future occupants.

Highway Safety 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 and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The development would be served by a total of 8 parking spaces to the front of the building.

The Council's adopted Parking Standards require; 1 parking space per 1 bed property and 2 parking spaces for 2+ bedroom properties. Retail uses are required to be served by 1 space per 20 sqm or 1 per 14 sqm for food stores. Therefore the requirement for the overall development would amount to 22 spaces.

However, it is recognised that the former use as an A4 drinking establishment would require a total of 41 spaces in order to comply with these standards. Given that the site is in a highly sustainable location within easy access to existing (and proposed) amenities and recreational facilities, is served by good public transport links (bus stop directly adjacent), and will also be served by cycle stores, the deficit is not considered harmful and is notably better than the deficit associated with the former public house use.

Essex County Council Highway Authority raise no objection to the application subject to conditions.

Therefore, a refusal based on highway safety would not be justified in this instance.

Financial Contribution - Open Space and Play Space

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations

must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5, the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

In this instance, no contribution is being requested.

Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 125 metres from the Essex Estuaries SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Essex Estuaries and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure 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.

Representations

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

1 letter of objection has been received. The concerns raised can be summarised as follows;

- Noise from the ground floor cooling fans at unsocial hours.
This would need to be reported to the Council's Environmental Protection Team who would assess if this amounted to a statutory noise nuisance.
- Insufficient parking for additional flats.
Parking provision has been addressed in the main report above. Given the highly sustainable location and inclusion of cycle storage, the application is considered acceptable.
- Overlooking and loss of privacy.
- Noise and disruption from increased flats and development.
- Loss of light.
- No positive contribution to the local environment, only negative.
The design, impact and residential amenities have been addressed in the main report above. Any noise and disturbance from the building works is an inevitable part of the development process and cannot form a reason for refusal. Any disturbance that amounted to a statutory noise nuisance would be controlled by environmental health legislation. A condition controlling hours of operation will be added to help mitigate the impacts.
- Inadequate fire escape.

This would be a matter for building control.

Conclusion

For the reasons set out above, the development will not result in any significant harm that would warrant refusal of planning permission. Furthermore, the development would result in regeneration benefits and contribute toward the housing need for the area. These benefits outweigh any harm identified above. The application is therefore recommended subject to conditions.

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 plans and materials details: DRAWING NUMBER: 1925/1, DRAWING NUMBER: 1925/2, DRAWING NUMBER: 1925/3, DRAWING NUMBER: 1925/4, DRAWING NUMBER: 1925/5 and Eco Cycle Shelter Details.

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

- 3 All new driveways, parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 4 No construction works or deliveries in connection with the development shall take place outside the hours of 0800 hours and 1800 hours Monday to Friday and 0830 hours and 1300 hours Saturdays.

Reason - To protect local amenity and reduce the likelihood of complaints of statutory nuisance.

- 5 The hereby approved development shall only be implemented in full accordance with the agreed Flood Risk Assessment dated January 2020 reference 2444/RE/01-20/01. On commencement of development the Flood Risk Management and Evacuation Plan dated July 2019 shall be immediately brought into use and shall remain in force for the duration of the construction and occupation period. The Flood Warning and Evacuation Plan shall remain a live document and be updated where required.

Reason - The site lies within Flood Zone at high risk from flooding and a detailed evacuation plan is essential to safeguard occupiers of the development.

- 6 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 7 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.

- 8 Prior to the occupation of the development hereby approved, the single storey structure to the northern side of the building shall be demolished and the bin storage area and drying area shown on approved Drawing Number 1925/1 shall be provided and retained in this approved form.

Reason – In the interests of residential amenities.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the agent, acceptable amendments to the application to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

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.

Informative 2: 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 3: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site

Informative 4: 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 or by post to:

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

Informative 5: 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.