

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	12/05/2020
Planning Development Manager authorisation:	AN	12/05/2020
Admin checks / despatch completed	CC	14/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PW	14/05/20

Application: 20/00415/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Castell - Jenny's Resource Centre

Address: 36 Old Road Clacton On Sea Essex

Development: Proposed single storey outbuilding.

1. Town / Parish Council

Clacton Non Parished.

2. Consultation Responses

The occupier of 105 Rosemary Road West
Objection: This will stop natural light coming into my garden and house, loss of privacy and noise pollution. This will devalue my property from being too overlooked.

3. Planning History

08/00972/FUL	Change of use from C2 care home to C3 dwelling house.	Approved	03.09.2008
10/00022/FUL	Proposed conservatory extension, following demolition of the existing rear store room extension.	Approved	22.02.2010
12/01235/FUL	Proposed conservatory extension following demolition of the existing rear store room extension (extension of time to previously approved application 10/00022/FUL).	Approved	13.12.2012
20/00415/FUL	Proposed single storey outbuilding.	Current	
20/00424/FUL	Proposed single storey rear extension, three storey side and rear extension.	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

QL6 Urban Regeneration Areas

COM22 Noise Pollution

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

SP1 Presumption in Favour of Sustainable Development

SP6 Place Shaping Principles

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

The site is that of a care home in a former detached house on the eastern side of Old Road, Clacton-on-Sea. The Waterglade Retail Park is on the opposite side of the road. To the south of the site is a car park and a building with a commercial type character, the premises of CADOW (Clacton And District Occupational Workshop Society) a registered charity specialising in making bespoke items at customers' request for purchase. To the north and east are rear gardens of residential properties onto Rosemary Road West and Ellis Road respectively.

The immediate setting to the site is nearly entirely residential. More widely the site is set in an area which is residential albeit with a scattering of non-residential uses reflecting the general area being just outside a town centre.

The proposal is for an outbuilding set against the rear boundary of the outside amenity area, the rear garden of the care home. The outbuilding would effectively take up nearly all the width of the rear garden and be set just off the rear boundary.

The outbuilding would be 9m wide by 5m deep. The outbuilding would be divided into three sections: a store, a garden room and a workshop. The building would have a side gable roof with a maximum height to the ridge of 4m, 2.5m to the eaves. External walls would be of vertical timber cladding and the roof would be of slates. Windows and doors would only be on the western elevation, facing up the garden, and would be of white UPVC.

Policy QL6 states that within Urban Regeneration Areas, as the site is, 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 scale of the proposal is such that this policy is barely relevant but suggests that in principle this investment in a business use has some favour.

Policy QL9 is concerned with character and appearance and seeks a positive contribution to the quality of the local environment and to protect local character. The proposed building is considered to be to a good quality of design. The overall design would be simple and unpretentious. A slate finish to the roof would have a good appearance. The timber finish to external walls would be acceptable though barely visible above fences of a standard height. The UPVC windows would face the rear elevation of the care home and therefore be essentially out of sight of neighbours. The proposal is considered acceptable with regard to Policy QL9.

Policies QL10 and QL11 are concerned with such matters as ensuring adequate daylight, outlook and privacy and of not having a materially damaging impact on other amenities of neighbours of nearby properties. Neighbouring residential properties are orientated to the north and to the east. To the south is a non-residential property and the built form of the care home is to the west. With regard to daylight, the proposed building would cast a shadow to rear gardens of houses to the north, houses onto Rosemary Road West. However, only the gable of the roof would project above the height of a normal rear boundary treatment to a rear garden. The nearest property to the proposed building, 99 Rosemary Road West, appears to have a rear garden depth of some 14m. 105 Rosemary Road West appears to have a rear garden of about the same depth. Given the limited height of the triangular silhouette of the gable that would be presented to view from properties on Rosemary Road West and given the isolation distances between the gable and the windows on the rear elevations of houses to the north, it is considered that there would be no loss of daylight to a degree which could reasonably justify refusal. The proposed building may create some loss of light, in afternoons, to gardens of properties to the east, onto Ellis Road. The nearest property on Ellis Road, no. 39, has a rear garden of some 10m. It is considered that there would be no loss of daylight to properties on Ellis Road to a degree which could reasonably justify refusal. Given the sizes of rear gardens of neighbouring properties it is considered that there would be no material loss of amenity in terms of outlook. The building would be single storey and no material loss of privacy is envisaged. The proposal is considered acceptable with regard to Policies QL10 and QL11.

A neighbour has commented that the proposal may lead to noise pollution. The agent has confirmed by email that a work shop shown on a floor plan would be more of a space for the clients to try skills like woodwork and craft based activities. It would be an extension of their learning space. Such an activity would have the nature of a resident of a house undertaking wood working as a hobby. The work shop would be enclosed and have a very limited space. The proposal is considered acceptable with regard to Policy COM22.

A site notice was posted and letter were sent of occupiers of 25 neighbouring properties. One written response of objection has been received raising issues of loss of light, loss of privacy, noise pollution and a devaluation of property value. Property value is not a planning matter in itself and other matters are addressed above.

6. Recommendation

Approval.

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:
322JRC-004 Rev B and 322JRC-005 Rev A.

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

3. The workshop as shown on approved plan 322JRC-004 Rev B shall only be used by clients of and in a manner ancillary and incidental to the use of 36 Old Road, Clacton-on-Sea as a care home.

Reason – For the avoidance of doubt as to the scope of this planning permission and to ensure the amenity of occupiers of neighbouring properties in accordance with Policies QL11 and COM22 of the adopted Local Plan.

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.

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