

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	20/05/2020
Planning Development Manager authorisation:	TF	20/05/2020
Admin checks / despatch completed	CC	21/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	21/05/2020

Application: 19/01955/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Castell - Jenny's Resource Centre

Address: 220 St Johns Road Clacton On Sea Essex

Development: Proposed three storey rear and side extension, loft conversion, demolition of existing garage, new garage and hydrotherapy pool with office to first floor.

1. Town / Parish Council

n/a

2. Consultation Responses

ECC Highways Dept
09.03.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposals are not impacting on the existing vehicular access or parking at the front of the property, therefore:

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

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be retained and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

3. All double garages should have a minimum internal measurement of 7m x 5.5m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and 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.

Informative:

1: 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.

2: 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

Environmental Protection
11.02.2020

I have reviewed that application and have the following comments to make:

The application form states that there will be no installation of plant or machinery, however EP will need more information in relation to the location and type of equipment that may be required for the hydrotherapy pool such as any pumps, heaters, fans and air con units (if any).

This will indicate if there will be any noise issues related to the installation and if a noise impact assessment would be required.

21.04.2020

If there is going to be no external equipment/machinery such as extraction systems or pumps (contained within the building) then we have no further comments to make in relation to the application. If the extraction fans are the same kind that would be installed in a shower room at a residential property and only in use when the shower is in use then we would also have no issues with that.

Building Control and
Access Officer
31.01.2020

No comments at this stage.

3. Planning History

TRE/1/92	T.1 - Oak - 20% crown reduction	Current	22.01.1992
01/01136/FUL	Change of use of downstairs only to adult mentally or handicapped day centre, downstairs study to change to shower room and toilet	Approved	31.10.2001
05/00826/FUL	Change of use of downstairs only to adult mentally or handicapped day centre, downstairs study to change to shower room and toilet, 'as amended by drawing No. 1350-	Approved	12.08.2005

01A received on 19.07.05'.

07/00772/FUL	Remove condition 1 of planning application 05/00826/FUL (Change of use downstairs only to adult mentally or handicapped day centre, downstairs study to change to shower room and toilet, as amended by drawing no. 1350-01A received on 19/07/05).	Approved	04.07.2007
08/00867/FUL	Ground floor extension to side (east) to improve/increase disabled facilities for the Jenny's Resource Centre.	Approved	18.08.2008
08/01686/FUL	To remove condition 2 to give additional amenities to clients. Referring to application 07/00772/FUL.	Refused	11.03.2009
09/00270/FUL	Variation of Condition 2 of existing planning permission (07/00772/FUL) to allow use of the premises on Saturdays between 9 am and 3.30 pm for up to 6 clients.	Refused	30.04.2009
19/01955/FUL	Proposed three storey rear and side extension, loft conversion, demolition of existing garage, new garage and hydrotherapy pool with office to first floor.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Tendring District Local Plan 2007
COM5 Residential Institutional Uses
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG14 Side Isolation
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing

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)

Proposal

This application seeks permission for a two storey and single storey rear extension to include a loft conversion. In addition an outbuilding is proposed in the rear garden which will serve as a double garage and house a swimming pool, hot tub and associated changing facilities which will be used in connection with the day centre. The property of 220 St Johns Road is located within the development boundary of Clacton on Sea with the ground floor of the premises operating as a day centre in D1 use Monday to Friday with limited service hours. The first floor of the property is for occupation only by a person employed within the day care centre hereby permitted and their dependants.

Design and Appearance

The rear extensions will square off the existing building of 220 St Johns Road, tying it all together with matching materials of render, roof tiles and white UPVC windows and doors. The single storey element completes the rear of the house and creates a step down from the two storey section with loft conversion to improve the appearance when viewed from the rear. Due to the position of the extensions to the house at the rear there will be no significant impact to the street scene or harm to the character of the immediate area or existing dwelling.

The proposed outbuilding is set back from the house, slightly further back than the existing double garage with a larger footprint. It will also be finished in render and tiles that match the main house. Although the outbuilding has a considerable footprint, it will be single storey and given the size of the garden remaining at approximately 250 square metres it is deemed acceptable.

The design and scale of the extensions and the outbuilding would result in no material harm to visual amenity.

Impact on Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case there is a distance of 1.5 metres to the western side boundary shared with 220A St Johns Road and a distance of 4 metres to the eastern side boundary shared with 218 St Johns Road.

The proposal will have no significant impact in terms of loss of light, loss of privacy or outlook to the neighbour at 220A St Johns Road. The rear single storey extension is the part of the proposal

which is nearest to this neighbour and given the low level pitched roof and eaves height it is considered acceptable in this regard.

Due to the separation distance between the host dwelling and the neighbour of 218 St Johns Road there will be no significant impact in terms of loss of light, loss of privacy or overlooking caused by the extensions to the main house or the outbuilding. The outbuilding is a distance of 0.99 metres from the eastern side boundary which is in line with the distance that the existing double garage is from the side boundary. The proposed outbuilding has an eaves height of 2.4 metres compared to the previous garage eaves height of 2.295 metres. The ridge height of the proposed garage has increased by 0.3 metres to 4.4 metres ensuring that the pitched roof is kept as low as possible.

The additional first floor and second floor space that will be created by the proposal will be occupied only by a person employed within the day care centre provided on the ground floor and their dependants as approved under planning permission reference 07/00772/FUL.

The proposed outbuilding will provide facilities for the day centre in the form of a hydrotherapy swimming pool, hot tub and changing rooms. The swimming pool is confirmed as being a Riptide Atlantis and the hot tub is a Riptide Riverflow commercial hot tub. Both models have integral pumps which do not require separate external plant and machinery to operate. The changing rooms will be fitted with domestic extraction fans. The Council's Environmental Health department have been consulted as part of the application and they have confirmed that the specifications of the installations proposed are acceptable.

Highway Safety and Parking

The applicant has confirmed that an additional FTE will be employed as part of the proposal taking the full time members of staff to four. D1 use requires one space per employee and provision of space for dropping off and picking up plus 1 disabled bay. The proposed garage provides 2 spaces that meet the parking standards for a double garage. The remaining spaces required and space for dropping off and picking up can be accommodated in front of the main house and to the east of the house.

Essex Highways have been consulted on the application and they have no objection subject to conditions pertaining to a vehicular turning facility, the reception and storage of construction materials and size of the double garage. It is not necessary to impose a condition for a vehicular turning facility as the D1 use already exists at the property and ample space for parking and turning is already in place. The applicants will be advised to make provision for reception and storage of construction materials as an informative. The double garage meets the recommended parking standard however it will be secured by condition to ensure these spaces can be used for parking. An additional condition to ensure the garage is not used for any other purpose has also been imposed as it is important given the busy nature of St Johns Road that off road provision for parking remains as approved.

Other Considerations

Two objections were received to the originally submitted plans which raised concerns of the new windows on the side elevation facing east on the first and second floors of the proposal which would cause overlooking and loss of privacy.

One objection has been received to the revised plans which still raises the concern of overlooking and loss of privacy from the windows on the east facing elevation. The revised plans do not include new windows on this side elevation at first or second floor level.

The Building Control and Access Officer has no comments to make at this stage.

No further letters of representation have been received.

Conclusion

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 plans: Drawing Reference: 323JRC-004 Revision: B, 323JRC-003 Revision E and 323JRC-002 Revision E.

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

- 3 All double garages should have a minimum internal measurement of 7m x 5.5m.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 4 The use of the outbuilding hereby permitted shall only be undertaken between the hours of 8:30am and 4:00pm on Mondays to Fridays consistent with the use of the day centre at 220 St Johns Road, Clacton on Sea.

Reason - In the interest of residential amenity to ensure disturbance to neighbours is minimised.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no alternative use of the double garage without planning permission having first been submitted to and approved, in writing, by the Local Planning Authority.

Reason – To ensure that adequate vehicle parking facilities are retained on the site.

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 Applicant, acceptable amendments to the proposal 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.

Highways Informatives

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.

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.

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

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