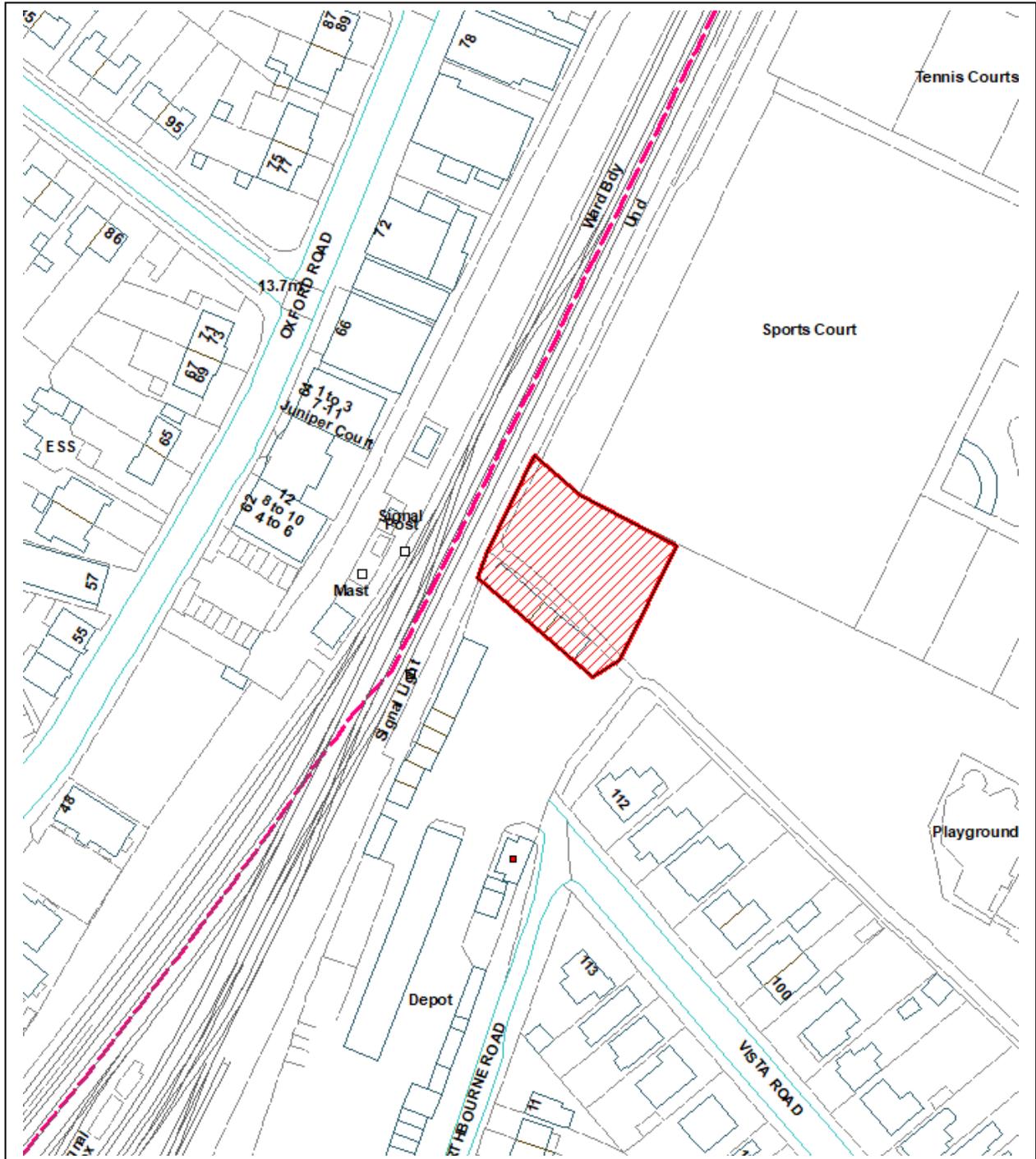


PLANNING COMMITTEE

16 JUNE 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.5 PLANNING APPLICATION – 20/00160/FUL – NORTHBOURNE DEPOT VISTA ROAD
CLACTON ON SEA CO15 6AY**



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Application: 20/00160/FUL

Town / Parish: Clacton Non Parished

Applicant: Mr Andrew Nepean - Tendring District Council

Address: Northbourne Depot Vista Road Clacton On Sea CO15 6AY

Development: Proposed single storey extension to existing storage building, extended compound and relocation of footpath.

1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application involves a proposed single storey extension to the existing storage building, extended compound and relocation of footpath.
- 1.3 The site is not allocated as Employment Land nor safeguarded for employment use in the Employment Land Review. Policy ER3 of the Tendring District Local Plan (2007) seeks to ensure that land in or allocated for employment use will normally be retained for that purpose. The use of the site will be retained for employment purposes. The principle of development is acceptable subject to the detailed consideration below.
- 1.4 The proposal will not result in any material harm to residential amenity or highway safety and will result in a slight visual improvement.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

Subject to the conditions stated in section 8.2

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Policy:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Local Policy:

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

TR4 Safeguarding and Improving Public Rights of Way

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

SPL3 Sustainable Design

PP6 Employment Sites

Local Planning Guidance:

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

- 2.2 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.
- 2.3 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.
- 2.4 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.

3. Relevant Planning History

96/00223/FUL	(Northbourne Depot, Northbourne Road, Clacton on Sea) Proposed single storey flat roof structure for office use	Approved	29.03.1996
18/00111/FUL	Proposed change of use from storage facilities, B8 to new office accommodation, B1(a).	Approved	08.03.2018
19/01189/FUL	Proposed construction of a single storey building to house new dog	Withdrawn	12.03.2020

kennels.

20/00160/FUL Proposed single storey extension to existing storage building, extended compound and relocation of footpath. Current

4. **Consultations**

ECC Highways Dept Highways acknowledge that a diversion application has been made and do not object; notwithstanding this - no obstruction of the current route can take place unless/until that diversion is successful.

Public Rights of Way In principal PROW are happy with this proposal.

5. **Representations**

5.1 One letter was received in response to the public consultation process. The contents are summarised as:-

What will the compound be used for and is it appropriate to be screened from the recreation ground	The compound will be used as an extension to the existing storage facilities (sports equipment and sports pitch maintenance equipment) and the application is determined on the basis of the information submitted. This new extension is to replace a building located elsewhere which is being disposed of by the Council.
The site has raised areas and trees. Is it proposed to keep to these levels, what is proposed?	The raised areas of the site will be levelled to form the area of the extension, compound and relocated footpath. The trees were removed by the Council prior to the application.
Why is gated access to the recreation ground needed? Is an access track required, frequency of use please?	The compound gate access is required to access the tennis courts and all weather pitches for maintenance. This will have a very low use according to the applicant.

6. **Assessment**

6.1 The main planning considerations are: the principle of development, visual amenity, impact on neighbouring amenities and the relocation of the public footpath.

Site Context

6.2 The application site is located to the west of Northbourne Road, Clacton. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies within the defined Settlement Development Boundary of Clacton on Sea.

6.3 The site comprises of a number of office, storage buildings as well as parking facilities with access to the north eastern end of the site used by Tendring District Council. To the east of the site are residential properties in Northbourne Road and Vista Road, to the west of the site is the railway line and to the north lies Clacton Leisure Centre.

Proposal

- 6.4 The application seeks planning permission for the erection of a single storey extension to an existing store, an extension to the existing compound area and the relocation of a public footpath.
- 6.5 The extension would be sited to the north-east (rear) elevation of the existing storage area; it would be 6.1m deep and have an overall width of 18m and be accessed through the creation of two new openings in the existing rear wall. As the extension is entirely contained behind the existing store there would be very little visible change to the existing views. The addition has a dual pitched roof with a ridge height around 3.9m; this is around 0.2m higher than the existing. Externally the walls would be finished in a facing brickwork to match the existing and contain one north-east facing roller-shutter door, the roof covering would be a corrugated sheeting.
- 6.6 The existing site layout does not have any provision for external storage as the rear boundary is tight against the rear elevation. The compound would follow alongside the (new) right hand wall of the new extension and continue in a north-easterly direction for around 17m, at which point it would turn 90 degrees and continue in a north-westerly direction for around 26.5m until it meets the existing site boundary – thereby enclosing approximately 300sqm of land. The perimeter of the compound would be delineated with a 2.4m high metal palisade fence to match existing boundary treatments.
- 6.7 The existing public footpath (Footpath No. 23 – Great Clacton) currently runs in a north-westerly direction behind the rear elevation of the existing store in a roughly ‘L’ shape. The realigned footpath would form a lazy ‘S’ shape, curving approximately 2m away from the south-easterly corner of the compound and, following a north-easterly direction would continue until re-joining the existing footpath just below the south-westerly boundary of the existing sports-field of Clacton Leisure Centre.

Principle of development

- 6.8 The site is not allocated as Employment Land nor safeguarded for employment use in the Employment Land Review. Policy ER3 of the Tendring District Local Plan (2007) seeks to ensure that land in or allocated for employment use will normally be retained for that purpose. The use of the site will be retained for employment purpose and the extended store and new compound will not affect this use.
- 6.9 The principle of development is acceptable subject to the detailed consideration below.

Visual Impact

- 6.10 The adopted Tendring District Local Plan (2007) “Saved” Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of suitable scale, mass and form.
- 6.11 The proposed extension and new perimeter fencing will not be visually prominent from Northbourne Road or Vista Road due to the extension being situated behind the existing storage building; for this reason it will not adversely impact upon the street scene. Whilst the development would be visible from the newly realigned public footpath the development is well designed, relates satisfactorily to its setting and is of suitable scale, mass and form and for these reasons would have limited visual impact for users of the realigned public footpath.

Impact to Neighbouring Amenities

- 6.12 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).
- 6.13 The new extension and curtilage fencing would be sited no closer to the closest neighbour at 112 Vista Road than the existing structures; the realigned footpath is further to the north-west than the existing footpath. For these reasons, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Parking and Highways

- 6.14 Essex County Council Highways have been consulted on this application and raise no objection.
- 6.15 The proposal neither generates nor decreases the existing parking provision at the site.
- 6.16 In regards to the diversion of the Public Right of Way; a separate application under Section 257 of the Town & Country Planning Act 1990 (the authorising of the diversion of any footpath) will be made once it is possible to comply with the requirements of the legislation. It is not currently possible to comply with the requirement of S.257 inasmuch as deposit copies of orders and order notices cannot be made available for the public to view at a local government office by virtue of the current pandemic.

7. Conclusion

- 7.1 The construction of a single-storey rear extension, provision of a new compound with perimeter railings and the relocation of Public Footpath No. 23 are considered to be acceptable in principle. The proposals do not result in any material harm to visual amenity, impact upon neighbouring amenities or have any adverse impact on highway safety.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

- 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:- 3447-PA-10, 3447-PA-11 and 3447-PA-12; received 5th February 2020.

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

- 3) Notwithstanding the requirement that the development hereby permitted shall be begun before the expiration of three years from the date of this permission; no obstruction of the current Public Footpath (Footpath No. 23) can take place unless/until the diversion under Section 257 of the Town & Country Planning Act 1990 (the authorising of the diversion of any footpath) is successful.

Reason - To ensure the continued safe passage of the public on the definitive right of way is maintained free and unobstructed at all times.

8.3 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.

A separate application under Section 257 of the Town & Country Planning Act 1990 (the authorising of the diversion of any footpath) must be made once it is possible to comply with the requirements of the legislation. Due to the current restrictions on non-essential movements of the general public, it is not currently possible to comply with the requirement of S.257 inasmuch as making deposit copies of orders and order notices available for the public to view in person at a local government office.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.