

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	02/08/2020
Planning Development Manager authorisation:	SCE	04.08.2020
Admin checks / despatch completed	CC	04.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	04.08.2020

Application: 20/00510/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Robert Rollins

Address: 3 The Coppice Clacton On Sea Essex

Development: Proposed conversion of existing garage to residential with front extension.

1. Town / Parish Council

Clacton is non parished

2. Consultation Responses

ECC Highways Dept
18.05.2020

Please note that at present the highway authority is not making site visits due to the COVID-19 restrictions and the observations below are based on submitted material, google earth photo dated April 2019 and a previous visit to the site. The proposal is at the end of a private road and retains adequate room and provision for off street parking and turning, for the host and proposed dwelling 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. While each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 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. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
Reason: In the interests of reducing the need to travel by car and

promoting sustainable development and transport in accordance with policies DM9 and DM10.

4. 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/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) 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: 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.

2: Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

3. Planning History

91/00757/FUL	Construction of four chalet dwellings with double garages and private drive access	Approved	14.08.1991
93/00425/FUL	(Plots 3 and 4, Land at rear of 17 Wash Lane, Clacton on Sea) Single detached 5 bedroom dwelling and detached triple garage	Approved	29.06.1993
93/00777/FUL	(Plots 3 and 4, Land at rear of 17 Wash Lane, Clacton on Sea) Design variation of approval TEN/93/0425. Relocation of garage and additional dormer window to front elevation	Approved	11.08.1993

18/01866/FUL	Proposed new dwelling, and proposed attached garage to existing dwelling.	Withdrawn	17.12.2018
19/00526/FUL	Demolition of existing garage, erection of attached garage serving the existing dwelling and erection of dwelling.	Approved	04.11.2019

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
HG3	Residential Development Within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
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
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL4	Biodiversity and Geodiversity

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site relates to 3 The Coppice, Clacton on Sea, which is a two storey detached dwelling located within a spacious plot. The application site is located within the development boundary of Clacton on Sea. The character of the area is predominantly residential comprising of one and a half and two storey dwellings.

History

Planning permission was granted for the demolition of existing garage, erection of attached garage serving the existing dwelling and erection of dwelling.

Proposal

This application seeks planning permission for the conversion of existing garage to residential with front extension.

Assessment

The main considerations for this application are:

- Principle of development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping
- Highway Considerations and Parking Provision
- Legal Obligation
- Habitat Regulations Assessment
- Other Representations

1. Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Clacton on Sea, as established within the emerging local plan. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm

to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

2. Scale, Layout and Appearance

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The plans submitted demonstrate that the proposal compromises the conversion of the existing garage which serves number 3 The Coppice and seeks to extend the garage to the front to create a single storey dwelling with two gables to the front. Although the proposal will be visible from the street scene due to the garage being set back from the highway, it is considered that the proposed dwelling will not cause any impact upon The Coppice.

It is considered that the proposed dwelling would not create a cramped form of development as it would provide important gaps to both sides in excess of the minimum standards set out within Policy HG14.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100sqm. The submitted plans demonstrate that both the existing and proposed dwelling can accommodate more than 100sqm.

3. Residential Amenities

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).

The proposed dwelling will be visible to the neighbouring dwellings to the south and north, however there is at least a 1 metre distance to both boundaries which is in line with Policy HG14 of the Tendring District Local Plan 2007. A 1.8 metre fence is proposed on the neighbouring boundary to the north to help screen any impact of overlooking onto neighbouring amenities. Although the proposal will be visible to the neighbouring dwelling to the rear, as the dwelling will be single storey, due to the boundary treatments, it is considered that there will be no impact upon neighbouring amenities.

There are roof lights proposed to the side elevations however these are high level and for light purposes only and will not cause any overlooking onto neighbouring amenities.

4. Trees and Landscaping

The application site is landlocked and views from a public place are limited. There is an early mature Tortured Willow (*Salix matsudana* 'Tortuosa') situated to the west of the existing garage and that would be situated within the garden of the new dwelling.

The tree is a well formed and healthy specimen although it has only low amenity value as it has only a minimal impact on the local environment in terms of its visibility from a public place.

The tree does not merit protection by means of a tree preservation order however the plans provided, drawing number. 01A states that the tree and hedging will be retained which will soften the impact on the immediate surrounding area.

Any soft landscaping proposed as part of the development of the land would be for the benefit of the new owners of the property and their immediate neighbours. It would provide no benefit for the wider community. In this regard it is not considered expedient to secure soft landscaping by way of a planning condition. There appears to be little, if any, scope for new soft landscaping.

5. Highway Considerations and Parking Provision

Essex Highway Authority have been consulted on this application and have stated that at present the highway authority is not making site visits due to the COVID 19 restrictions and the observations are based on google earth photo dated April 2019 and a previous visit to the site. The proposal is at the end of a private road and retains adequate room and provision for off street parking and turning for the host and the proposed dwelling. The Highway Authority therefore have no objection subject to the following conditions: parking measurements, cycle parking, Residential travel information pack and storage of materials. There is sufficient room to the front of both dwellings to accommodate sufficient parking in line with Essex Parking Standards, the residential travel information pack is only imposed for major developments, there is sufficient space on site to accommodate cycle parking therefore these conditions will not be imposed. The storage of materials will be imposed as an informative only.

Further, Essex Parking Standards state that there should be a minimum parking provision for a dwelling with two or more bedrooms for parking spaces measuring 5.5 metres by 2.9 metres and garages should measure 7 metres by 3 metres.

The plans submitted demonstrate that there will be a loss of a garage serving The Coppice however due the previously approved garage as well as there being sufficient parking available to the front of the dwelling, it is considered that The Coppice has sufficient parking in line with Essex Parking Standards.

The proposed dwelling also has sufficient parking to the front of the dwelling to allow for two parking spaces in line with Essex Parking Spaces.

The proposed development is acceptable in terms of Highway Safety.

6. Legal Obligations

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".

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. Although there is a deficit of play space in Clacton/Holland, it is not felt that this development would impact the current deficit.

7. Habitats Regulation 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.

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 application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 2.3km away from the Essex Estuaries SAC.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Essex Estuary 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 received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling 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.

8. Other Representations

Clacton is non parished.

No letters of representation have been received.

6. **Recommendation**

Approval - Full

7. **Conditions / Reasons for Approval**

- 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 plan:

-Block Plan - Scale 1:200 - Scanned 15th April 2020

-Floorplans -Scale 1:50 and Elevations -Scale 1:100 - scanned 09 July 2020.

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

- 3 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - In the interests of visual amenity as insufficient details have been provided with the application.

- 4 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevations of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

8. 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.

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

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.

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.

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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