

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	19/08/2020
Planning Development Manager authorisation:	AN	20/08/2020
Admin checks / despatch completed	CC	21/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	21.08.2020

Application: 20/00424/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 rear extension and three storey rear extension.

1. Town / Parish Council

n/a

2. Consultation Responses

Essex County Council
Highways

The site is in a town centre location where there is good transport links; the Highway Authority would not deem the application of current Parking Standards necessary in this instance. In addition, there are existing waiting restrictions in place within the vicinity of the site with limited parking at the front of the property that is being retained.

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

1. 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.

2. 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.

(Continued...)

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 and public car parking facilities.

2: 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.

3: 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**

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.	Approved	14.05.2020
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

COM5 Residential Institutional 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, 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.

5. Officer Appraisal

Proposal

This application seeks permission for a single storey and three storey rear extensions to an existing residential care home located within the development boundary of Clacton on Sea. The extensions to the property will increase the number of bedrooms for use by the care home by four in addition to a loft room/third floor managers flat/accommodation.

Design and Appearance

The single storey rear extension will infill the area to the south of the existing single storey element while increasing the depth of the existing single storey element by just 1 metre. The extension to the ground floor will create 2 additional bedrooms. The single storey extension will remain flat roofed at the low level height of 3.66 metres. The three storey rear extension will accommodate a further 2 bedrooms at first floor and the managers flat/accommodation in the roof space. The three storey rear extension will be set in from the northern side of the existing two storey part of the care home by 1 metre and will measure 3.26 metres in depth and 8.5 metres in width. The external finish of the extensions will match the existing care home of render, roof tiles and white UPVC. The extensions will be visible when passing by along Old Road however due to their position at the rear there will be no significant impact to the street scene or harm to the character of the immediate area or existing building.

The design and scale of the extensions 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 is the case with the three storey extension in this instance. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case there is a minimum distance of 3.6 metres to the northern side boundary which abuts the rear boundaries of the properties along Rosemary Road West. There is a distance of 1 metre to the southern side boundary shared with a commercial property of which its car park is immediately next to the care home. The careful redesign of the extensions has ensured that there will be no significant impact in terms of loss of light to the neighbouring properties.

The new windows of the extension at first and second floor will mainly be located on the rear elevation ensuring there will be no increased impact of overlooking or loss of privacy to the nearby residential properties as existing first floor windows serving bedrooms are present on the original rear elevation. One first floor window which serves a bedroom will be located on the southern elevation, however this overlooks the existing commercial property and is a distance of 26 metres to the nearest residential property to the south. One first floor window on the northern elevation will be obscure glazed and have restricted opening due to the position of the window overlooking the gardens and rear of the houses of Rosemary Road West. The obscure glazing and restricted opening of this window will be secured by condition to protect the privacy of the adjoining properties.

Over 100 square metres of amenity space will remain following the construction of the proposal along with an outbuilding approved under 20/00415/FUL for use by the residents ensuring adequate outdoor, secure and private space is available.

Highway Safety and Parking

The applicant has confirmed that an additional three FTE will be employed as part of the proposal taking the full time members of staff to six. The Essex County Council Parking Standards confirm that C2 use requires one space per employee and provision of one space per 3 beds for visitors. For the current proposal this equates to 10 parking spaces. The hard surfaced area in front of the care home is currently used for parking and can comfortably accommodate four car parking spaces that meet the parking standards where one space measures 5.5 metres x 2.9 metres.

Essex County Council as the Highway Authority have been consulted on the application and has confirmed that the proposal is acceptable subject to mitigation and conditions. They confirm that *'the site is in a town centre location where there is good transport links; the Highway Authority would not deem the application of current Parking Standards necessary in this instance. In addition, there are existing waiting restrictions in place within the vicinity of the site with limited parking at the front of the property that is being retained'*. A condition relating to the need for cycle parking has been secured due to the town centre location of the proposal and the propensity for users of the site to travel by cycle given its accessible location. An informative has been added to ensure the reception and storage of building materials is clear of the highway to avoid obstruction in the interests of highway safety.

Other Considerations

Two objections were received to the originally submitted plans which raised concerns of loss of light, including natural daylight into the garden and house, overlooking, loss of privacy, close proximity to the use of the home, layout and density of the building and noise pollution. The objectors had reason for concern to the original proposals and amendments have now been considered as part of the planning application which overcome the matters raised. Noise pollution has not been considered as part of the planning application in this instance as the building is to be used for residential purposes within a mixed use area that includes residential properties and it is not considered that a residential use would emit above normal noise levels.

One objection has been received to the revised plans which still raises the concern of loss of privacy and blocking of light which have been addressed in the report. The objector also mentions that no planning permission was granted for the transfer of use from a dwelling to a care home. It is difficult to establish without the reliance on evidence when and if the property was used as a dwelling following planning permission to change the use from a care home to a dwellinghouse in 2008. The use of the property as a residential care home was originally granted in 1987. The objector also mentions that at present there is no gap between the existing extension, thought to mean the single storey element of the care home and the garden of the objector. This is not a consideration in this planning application as the building already exists in this position.

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: 322JRC-002 Revision: D and 322JRC-003 Revision: F.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor north facing window serving bedroom 8 shall be glazed in obscure glass and fitted with restrictors to restrict opening to 100mm with override for means of escape before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 4 Prior to occupation of the approved extension cycle parking shall be provided in accordance with details to have been previously approved in writing by the Local Planning Authority. 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. 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 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 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 and public car parking facilities.

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.

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653 The Crescent,
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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