

3. Planning History

20/01718/FUL Single storey rear extension and Current
change of use from single dwelling
into 2no. one bedroom flats.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

LP1 Housing Supply

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal

Site Description

32 Anchor Road is a two storey mid terraced property which has two bedrooms in total. The ground floor comprises an open-plan living/dining room, hall, utility room and kitchen; the first floor comprises two-bedrooms and a bathroom. The property is situated 114m west of the junction between Anchor Road and Old Road. It is in close proximity to all local amenities with a range of supermarkets, banks and the main high street all within a 10-minute walk away. In regards to sustainable travel, the train station is a 5 minute cycle or 10 minute walk away and the town is a hub for bus routes.

The property is of traditional construction and is finished with a light cream render on the front and rear facades. The plot has an approximate area of 110sqm.

Description of Proposal

The proposal is to split the house into two one-bedroom flats, one at ground floor one at first floor. The number of bedrooms is not increasing. The application also proposes a modest single-storey rear extension having a 3m-deep projection and 3.5m width; this would be against the shared boundary with No. 30 Anchor Road. The extension would be flat-roofed and have a maximum height of 2.7m. Internally this would facilitate the bathroom for the ground-floor flat.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Financial Contributions - RAMS;
- Financial Contributions - COM6; and,
- Representations;

Principle of Development:

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance:

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 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 and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

No trees or other significant vegetation will be adversely affected by the development proposal.

Save for the modest single-storey rear extensions the works are internal and are tantamount to a change of use. As existing, each bedroom could be occupied by two people and the same density could result from two people occupying a one-bedroom flat.

In regards to the single-storey rear extension, the proposed materials are very much in keeping with the existing property. It would be of traditional construction finished with the same light cream render to match the existing rendered walls on the rear facade. The roof finishings will match the existing, utilising dark grey asphalt and dark grey felt. The parapet will be continued over onto the

new roof to keep the style of the original property. If the proposal was not to convert the dwelling in to two flats, the parameters of the extension are such that it would not require an express grant of planning permission.

For this reason it is considered that the proposal has very little impact on the character of either the host property or wider streetscene in general.

Amenities of Existing & Future Occupiers:

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).

Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space. "Private amenity space" comprises a private outdoor sitting area not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It will therefore not necessarily always amount to the entire rear garden. Apart from its private recreation function, private amenity space is also important in achieving well laid out development.

Private amenity space shall be provided to new flats, either (i). a minimum of 25 square metres per flat provided communally; or (ii) a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above.

The application proposes a sub-division of the garden to provide two separate amenity spaces; one space measures approximately 36sqm and the other around 59sqm. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed flats would have sufficient private amenity space.

In regards to the single-storey rear extension which is sited to the west of the attached neighbour; if the proposal did not include the conversion of the dwelling in to two flats, the parameters of the extension are such that it would not require an express grant of planning permission. It is also acknowledged that the layout of the building internally would be different than it is now which will likely result in an increased level of noise; notwithstanding this – the test of the development is whether it would result in a materially-damaging impact and not just an impact. Due to the times of the day a kitchen is likely to be used, the level of noise generated from having a kitchen next to a bedroom is not considered to result in a materially-damaging impact on the amenity of the neighbouring property.

Overall the proposal is considered to secure a good standard of amenity for future occupants of the proposed dwelling.

Highways:

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's current Parking Standards require that for dwellings with 3 bedrooms a minimum of 2 parking spaces be provided per unit. The preferred bay size for cars is 5.5 metres by 2.9 metres and the minimum bay size is 5 metres by 2.5 metres.

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. The

existing dwelling does not have any existing off-road parking however, there is an existing residents parking permit scheme in place within the vicinity of the dwelling however it should be noted that only part of Anchor Road has the residents parking scheme as not all the residents wanted the scheme. The current scheme can cater for approximately 15-20 spaces, depending on the size of vehicles using the scheme. It should be noted that in these cases it is the North Essex Parking Partnership discretion on whether permits could be allocated to additional householders within a particular residential parking scheme.

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS):

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 contribution is secured by unilateral undertaking.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 3331 metres from Essex Estuaries SAC. Since the development is for 1 dwelling only, the number of additional recreational visitors would be limited and the likely effects on Essex Estuaries SAC from the proposed development alone may not be significant. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to Essex Estuaries SAC; 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 unilateral undertaking has been prepared to secure this legal obligation. This will 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.

Public Open Space:

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that no contribution is being requested from Open Spaces on this occasion.

Representations:

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters. Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

One letter has been received in response to the publicity of the application; summarised as:-

The proposal will change the character of our properties and our road	See Section entitled 'Layout, Scale and Appearance' above.
The impact of possible work may cause damage to the foundations of my property, also No. 34 and further properties in the terrace	Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc are not a material consideration in the determination of this planning application.
The extra weight of waste water and sewerage could cause potential problems in the drains and pipes	The property is already a two-bedroom property; converting it to 2 x 1 bedroom flats would have no difference in regards to the number of people in the property.
We are a permit parking area; the parking of any building contractors and others will cause a problem. Where will materials be stored?	Noted; controlling where a builder parking is not within the remit of the Planning Authority. All properties have a small enclosed front garden.
How will the debris of the house be removed?	This is not a matter within the remit of the Planning Authority.
Moving a kitchen and living area next to our bedrooms will be an intrusion of extra noise.	See Section entitled 'Amenities of Existing & Future Occupiers' above.
We have been plagued by drug and anti-social behaviour, some emanating from No. 32	Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc are not a material consideration in the determination of this planning application.
The extension will impede significant light into my kitchen and dining area and block light to my garden	See Section entitled 'Amenities of Existing & Future Occupiers' above.
A kitchen next to our bedroom make the risk of fire daunting	Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc are not a material consideration in the determination of this planning application.
The noise of drills and hammering will make life during the day unbearable	Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are not a material consideration in the determination of this planning application.
Worried about the security of my property.	Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc are not a material consideration in the determination of this planning application.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

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:- 000_S4/01 2, 000_S4/02 2, 000_S4/03 2, 000_S4/04 2 and 000_S4/07; received 27th November 2020.

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

- 3 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.

- 4 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 free of charge.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 5 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.

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.

Highways:-

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.

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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO