

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	12/04/2021
Planning Development Manager authorisation:	TF	12/04/2021
Admin checks / despatch completed	CC	12.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	12.04.2021

**Application:** 21/00081/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Ebru Cafer

**Address:** Wellcroft Sladburys Lane Clacton On Sea

**Development:** Erection of new detached garage, change of use of track behind garage to garden use and conversion of first floor flat roof of dwelling to balcony.

### **1. Town / Parish Council**

Clacton is non parished

### **2. Consultation Responses**

ECC Highways Dept  
08.04.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. It is noted that the amount of parking available for the property will not be changing and the existing vehicular access will be retained and unaffected by the proposals, 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. A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be retained/ constructed, surfaced, 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. 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.

3. 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.

Informative:

1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

2: 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.

Essex County Council  
Heritage  
11.03.2021

The application is for the erection of new detached garage, change of use of track behind garage to garden use and conversion of first floor flat roof of dwelling to balcony.

The dwelling is located to the south of two listed buildings including Sladbury's Old House (Grade II, List Entry Number: 1111521) and the Cartlodge Opposite and Approximately 30 Metres North West of Sladbury's Old House (Grade II, List Entry Number: 1337148).

The proposed garage has been designed to reflect the materiality and form of the dwelling, as such there is no objection.

The first-floor balcony is situated on the southern elevation, away from the listed buildings. There is no objection in principle, however it is recommended that details of the proposed materials and design is conditioned. The materiality of the door and railings should be traditional and positively respond to the character and appearance of the listed buildings.

Provided the materiality of the balcony is traditional, the proposals will be compliant Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and the emerging Tendring District Local Plan (Publication Draft June 2017) Policy PPL 9 Listed Buildings, which promotes the use of materials

and design that respects the listed building to ensure that the setting of listed building is preserved.

### **3. Planning History**

11/60308/HOUENQ	Photo voltaic solar panel installation to existing roof to rear of property	06.07.2011
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### **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

HG16 Garden Extensions into the Countryside

TR1A Development Affecting Highways

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

#### **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 26<sup>th</sup> 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 10<sup>th</sup> 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 26<sup>th</sup> 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

This application relates to Wellcroft, Sladburys Lane, Clacton on Sea, a one and a half storey dwelling located outside the settlement boundary of Clacton.

### Proposal

This application seeks planning permission for the erection of:

- new detached garage,
- change of use of track behind garage to garden use
- conversion of first floor flat roof of dwelling to balcony.

### Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities, impact upon countryside, highways and heritage.

#### 1. Design and Appearance

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 a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed garage will be located to the north of the application site set back from the highway. The garage is single storey with a dual pitched roof and will be constructed from facing brickwork and plain tiles to match the main dwelling. It is therefore considered the garage is acceptable in terms of design and appearance.

The proposed conversion of the first floor to the balcony is to the southern side elevation of the host dwelling. The proposal will involve the change in fenestration from a window to a door which is considered to have a neutral impact. The proposal is considered acceptable.

#### 2. Impact upon neighbouring 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).

There are no direct neighbours to the application site and therefore the proposals are not considered to cause any impact upon neighbouring amenities.

### 3. Impact upon the countryside

Policy HG16 of the Tendring District Local Plan 2007 states that proposals for the extension of a domestic garden into the countryside will be permitted if; there is no material visual harm to the surrounding countryside, there would be no material loss of best and most versatile agricultural land, or otherwise seriously interfere with a neighbouring agricultural enterprise; and it would have no material adverse effect on the amenities of neighbouring properties.

The proposed change of use of the land behind the garage to be used as garden land is considered to infill the current garden land. It is considered that the change of use will not materially alter the appearance of the site therefore having no impact or resultant harm to the landscape or rural appearance of this part of Clacton.

### 4. Highway safety

Essex County Highways have been consulted on this application and have stated that no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. It is noted that the amount of parking available for the property will not be changing and the existing vehicular access will be retained and unaffected by the proposals. The highway authority therefore have no objections subject to conditions relating to the vehicular turning facility and storage of building materials. It is considered that the vehicular turning facility condition will not be imposed as there is no change to the existing parking facilities. The storage of building materials will be imposed as an informative only.

The proposed garage will measure 6.8 metres by 6.5 metres which falls below Essex Parking Standards requirements of 7 by 3 metres however as there is sufficient room for parking at the application site for at least two car parking spaces measuring 5.5 metres by 2.9 metres, it is considered that the proposals are acceptable in terms of highway safety.

### 5. Trees and Landscaping

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

The site is well screened from the highway and there appears to be little public benefit to be gained by soft landscaping associated with the development proposal.

### 6. Heritage Impact

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

The Historic Environment Officer has been consulted on this application and has stated that the dwelling is located to the south of two listed buildings including Sladbury's Old House (Gradell, List

Entry Number: 1111521) and the Cartlodge Opposite and Approximately 30 Metres North West of Sladbury's Old House (Grade II, List Entry Number: 1337148).

The proposed garage has been designed to reflect the materiality and form of the dwelling, as such there is no objection.

The first-floor balcony is situated on the southern elevation, away from the listed buildings. There is no objection in principle, however it is recommended that details of the proposed materials and design is conditioned. The materiality of the door and railings should be traditional and positively respond to the character and appearance of the listed buildings. The heritage statement provided by the applicant demonstrates that the materials used will be traditional and therefore are acceptable.

Therefore, there is not considered to be significant harm identified to harm the setting of the Listed Building, and the proposals are therefore acceptable against this criteria.

## 7. Other Considerations

Clacton is non parished

No letters of representation have been received.

## 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:

Block Plan scanned 15 Feb 2021  
Drawing No. 1

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

## 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

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2: 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.

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