

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	27 th April 2021
Planning Development Manager authorisation:	SCE	30.04.2021
Admin checks / despatch completed	DB	30.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.04.2021

Application: 20/01746/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Darren Rea

Address: 46 Coppins Road Clacton On Sea Essex

Development: Change of use from Children's Care Home (C2) to Residential Dwelling (C3) and proposed single storey rear and side extensions including 3 No. roof domes, following demolition of conservatory and garage.

1. Town / Parish Council

Clacton Non-Parished

2. Consultation Responses

ECC Highways Dept

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 proposal is to revert the building back to a residential dwelling with no changes to the parking or vehicle accesses and retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

Building Control and
Access Officer
24.02.2021

No comments at this stage

UU Open Spaces
17.03.2021

Response from Public Realm
Open Space & Play

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. This is broken down as follows:

Although there is a deficit of play space in Clacton/Holland, it is not felt that this development would impact the current deficit. Therefore no contribution is being requested on this occasion.

3. Planning History

07/01874/FUL	Change of use to be a 4 bedded children's respite home for children with severe disabilities and life limiting illness.	Approved	25.01.2008
19/01928/FUL	Proposed single storey rear and side extensions including 3 No. roof domes, following demolition of conservatory and garage.	Approved	13.02.2020
20/01746/FUL	Change of use from Children's Care Home (C2) to Residential Dwelling (C3) and proposed single storey rear and side extensions including 3 No. roof domes, following demolition of conservatory and garage.	Current	

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

- ER3 Protection of Employment Land
- PP6 Employment Sites

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The property is a four bedroomed single storey bungalow in a residential area close to Clacton Coastal Academy. The building is within a row of bungalows on the north side of Coppins Road. Planning permission was granted for a change of use from dwelling to C2 use (07/01874/FUL). The building was vacated in 2017 and has had no intervening use.

Description of Proposal

Having regard to the 2017 permission to change the use from a residential dwelling to a C2 respite home for children, the application seeks planning permission to formally revert back to C3 residential use, in combination with the development as permitted under 19/01928/FUL for single storey rear and side extensions including 3 No. roof domes, following demolition of conservatory and garage.

Assessment

The main planning considerations are:

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

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.

In terms of the use; this is simply a reversion back to its previous use, in an area which predominantly comprises single family homes. In regards to the extensions; the extension is single storey with flat roof and largely hidden at the back except for the side extension which is well set back from the front. The materials are smooth render (warm neutral colour shown on plans) with uPVC windows and doors and grey fibreglass flat roof over the single storey extension. The roof tiles of the original house will be replaced by Redland tiles. Overall, the massing, scale, position and materials of the extension largely are considered to have no significant impact on the streets scene and is furthermore considered to enhance the appearance of the existing vacant property.

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).

The existing property boundary treatment on both sides of the property is well established (1.8m high wooden fencing and shrubbery/hedging). Taking this into account along with the low level height of the side/rear extension, the proposal is considered to have no adverse impact on the amenities at either neighbouring properties (Nos 48 and 44).

It should be noted there is an existing outbuilding close to the western boundary and the proposed side/extension is similar in height and impact.

There is one small side window at No. 48 which is obscure glazed, suggesting it is not from a principal room. Therefore there would be no adverse impact on light or outlook to No. 48.

Regarding privacy, there are no concerns: there is one obscure glazed toilet window on the eastern elevation and one bedroom window on the western elevation which is sufficiently screened from neighbouring property by the boundary fence.

It should also be noted that there have been no objections from neighbouring properties.

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 dwellings in accordance with the following standards:- a three or more bedroom house - a minimum of 100 square metres; two bedroom house - a minimum of 75 square metres; one bedroom house - a minimum of 50 square metres. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwelling would have more than sufficient private amenity space available if it were a three-bedroom 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.

It is noted that the proposal is to revert the building back to a residential dwelling with no changes to the parking or vehicle accesses and retains adequate room and provision for off street parking and turning, for the proposed dwelling and it is noted that the Highways Authority have no objections.

Protection of Employment Land:

The District Council considers that in an area under pressure for residential development and where appropriate new employment sites in villages and towns are hard to find, there is a pressing

need to protect existing employment sites and premises. The protection of employment land, sites and premises through the implementation of Policy ER3 forms an important part of the Plan's economic and sustainable development strategy. In order to assist with economic regeneration objectives and to maintain a balance between the location of jobs and homes within different parts of the District the retention of employment land, sites and premises is seen as vital. The consideration of the importance of safeguarding employment land is also reflected in Emerging Policy PP6. In such instances, in order to demonstrate that other forms of employment use have been fully explored, documentary evidence will be required to demonstrate that a proper and sustained marketing campaign, at current market value, for either continued or alternative employment purposes has been undertaken. Important factors in evaluating the appropriateness of such a campaign will be the length of time it has been pursued and the prevailing market conditions. Examination of documentation of enquiries and responses will be expected. The marketing campaign will have to be agreed between the determining authority and applicant(s) before it begins. This should include the following: length of campaign; asking price; sales particulars; and number, frequency and source of advertisements.

The care home closed ceased operation in 2007. Whilst the Planning Authority do not consider that an appropriate marketing campaign has been adequately demonstrated the following facts are prudent in determining that the loss of commercial use is appropriate in this specific case. The Authority are satisfied that, in this case alone, the loss of commercial activity and a return to residential is entirely appropriate in this area where the vast majority of properties are in domestic use.

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 3,600m from Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar. Since the development is for 1 dwelling only, the number of additional recreational visitors would be limited and the likely effects on the Colne Estuary 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 the Colne 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 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.

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 plan:- 01 A; received 28th January 2021.

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

- 3 The proposed window on the western side of the proposed side/rear extension should be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason - In the interests of amenities of neighbouring properties in accordance with Policy QL11 of the adopted Tendring District Local Plan 2007.

- 4 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

- 5 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

- 6 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

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.

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:

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

Steps should be taken to ensure that the Developer provides sufficient 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.

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.

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