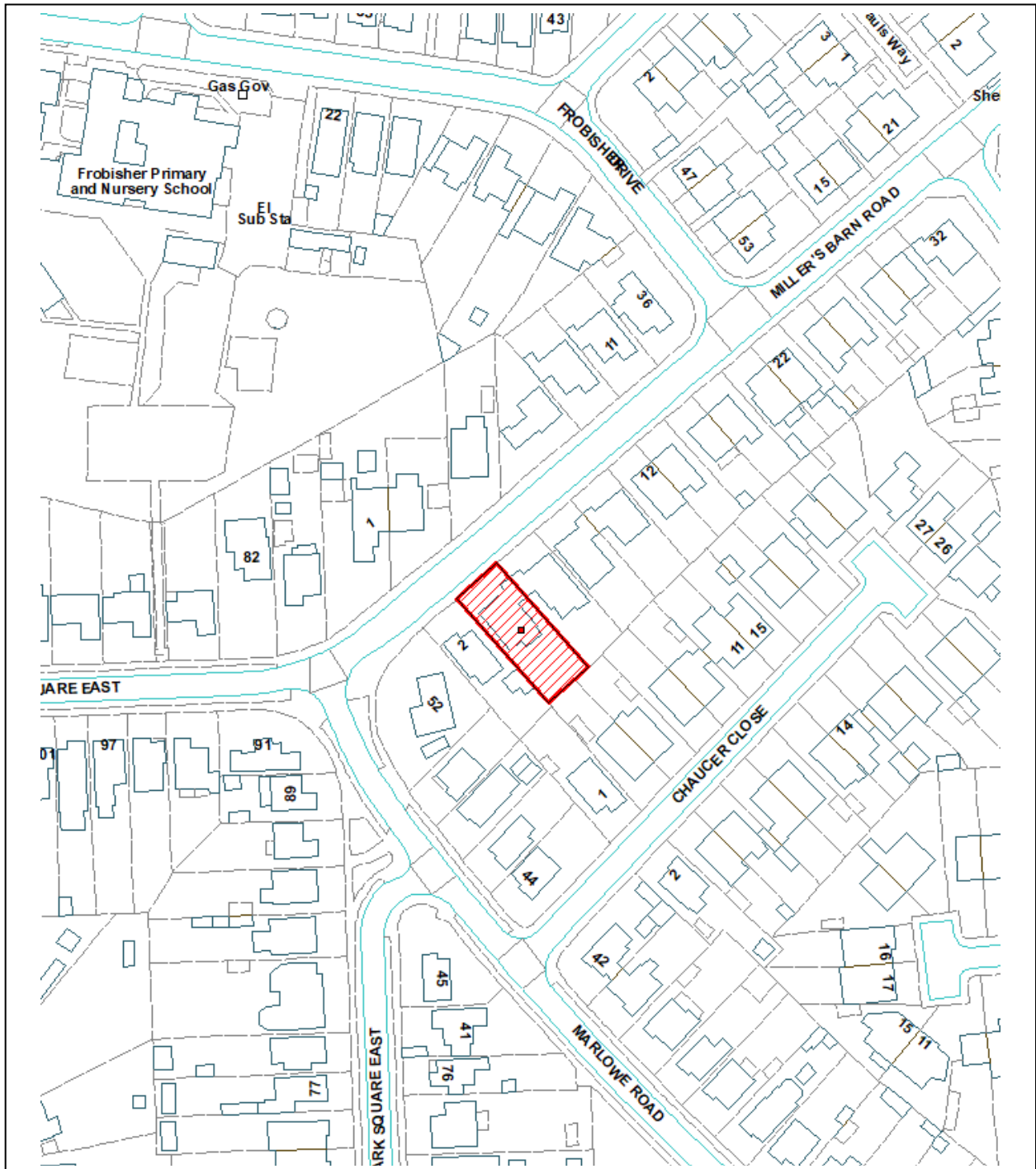


PLANNING COMMITTEE

06th July 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 21/00876/FUL – 4 MILLERS BARN ROAD JAYWICK CLACTON ON SEA CO15 2QA



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Application: 21/00876/FUL

Town / Parish: Clacton Non Parished

Applicant: Mr and Mrs Pole

Address: 4 Millers Barn Road Jaywick Clacton On Sea CO15 2QA

Development: Erection of single storey rear extension (following demolition of existing conservatory)

1. Executive Summary

- 1.1 The application is before Members as the applicant is a member of staff.
- 1.2 The proposed extension will be located to the rear of the property and will be shielded from the streetscene by the existing dwelling. The extension is of a single storey nature and is considered to be of a size and scale in keeping with the existing dwelling with the application site retaining adequate private amenity space. The proposed extension will be finished in matching materials to that of the existing dwelling and is not considered to have any significant adverse effects on the visual amenities of the area.
- 1.3 The proposed rear extension does not result in any significant loss of light nor privacy to the adjacent neighbours and is considered to be acceptable in terms of residential amenities.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL6 Urban Regeneration Areas

CL15a Jaywick Regeneration

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
(Section 1 adopted on 26th January 2021)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PP14 Priority Areas for Regeneration

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

- 2.2 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.
- 2.3 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.
- 2.4 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.

- 2.5 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.
- 2.6 The confirmation from the Inspectors that the Section 2 Local Plan can progress to the next stage of the process is a positive step in the plan-making process that allows the Council to increase further the weight that can be given to the emerging Local Plan when determining planning applications – particularly those policies where either no changes are being recommended or where the changes are relatively subtle. However, where policies are the subject of main modifications that represent a material change in approach, it will be necessary for decision makers, whether Officers or Planning Committee members, to carefully consider how much weight can sensibly be applied to both those policies and the modifications given that the modifications are recommendations and are still subject to consultation and potential further changes ahead of the Council's final decision to adopt.
- 2.7 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.

3. Relevant Planning History

21/00876/FUL	Erection of single storey rear extension (following demolition of existing conservatory)	Current
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4. Consultations

Not Applicable

5. Representations

Clacton is non-parished and therefore no comments are required

No other letters of representation have been received

6. Assessment

Site Context

- 6.1 The application site is located towards the south east of Millers Barn Road within the development boundary of Jaywick. The site serves a detached bungalow finished in facing brickwork and hanging tiles with a pitched tiled roof. The surrounding area is characterised by dwellings of a similar design and appearance.

Proposal

- 6.2 This application seeks planning permission for a single storey rear extension (following demolition of existing conservatory).

Principle of Development

- 6.3 The principle of the development is considered acceptable as the proposal simply seeks to extend and improve the host dwelling. The main considerations are the design and impact as set out below.

Jaywick Regeneration Policies

- 6.4 The Brooklands, Grasslands and Village areas of Jaywick are defined as an urban regeneration area in Policy QL6 of the adopted Local Plan and a Priority Area for Regeneration in Policy PP14 of the emerging Local Plan. Such areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility. The policy supports proposals for development that are consistent with achieving these regeneration aims.
- 6.5 The regeneration of Jaywick is one of the Council's top long-term objectives and the Council has been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick is to actively encourage the redevelopment of the poorest and most vulnerable properties in the area and to introduce a new benchmark for built design that addresses flood risk concerns, improves the quality of accommodation, maximises the enjoyment of Jaywick's assets (particularly the beach) and inspires property owners and developers to redevelop and remodel other parts of the area.
- 6.6 Saved Policy CL15 sets out specific requirements for development in Jaywick which are:
- i) Any new residential development should take the form of single dwellings on combined plots, the desirable width and depth of resulting plots to be at least 18 metres and 15 metres respectively. The minimum width and depth of resulting plots to be 15 metres and 15 metres respectively;
 - ii) Only three storey development that excludes habitable rooms on the ground floor will be allowed;
 - iii) Direct road frontage access should be available to each plot;
 - iv) A minimum of 5 metres deep rear yard/amenity area shall be provided;
 - v) A minimum one metre space between side boundaries and any detached, semi-detached or end terraced dwelling, or a minimum distance of 2 metres between the flank walls of any two such dwellings will be required;

- vi) Any off street car parking should be provided within the ground floor of each dwelling;
- vii) The front building line to be 2 metres from the highway;
- viii) Subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
- ix) No development will be allowed within four metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of Maintenance Plant;
- x) Development along the Brooklands Frontage will need to be set back 2 metres to allow for the expansion of the road and minimum 1.2 metre-wide foot path.

6.7 However, this 2007 policy aimed at strictly controlling development to facilitate a phased programme of redevelopment has failed to bring about any positive changes in the area. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that lifting some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach.

Appearance, Design and Visual Impact

- 6.8 The site is located in a residential area. The surrounding streetscene is comprised from detached bungalows of a similar appearance to that of the host dwelling.
- 6.9 The extension will measure 9 metres wide by 4 metres deep with an overall flat roof height of 2.9 metres. The extension is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space.
- 6.10 The proposed extension will be finished in a matching facing brickwork to that of the existing dwelling with a flat roof design incorporating a roof lantern. The windows and doors will be of white UPVC to match those of the existing dwelling. Due to the use of matching materials the proposal is considered to blend with the existing dwellings design and will not have any adverse impacts on visual amenities. As the extension is located to the rear it will not be visible to the streetscene.

Impact on Neighbouring Amenities

- 6.11 The proposed extension is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy to the adjacent neighbours.
- 6.12 The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Due to its positioning within the site in relation to the positioning of the neighbouring dwellings the 45 degree line down from the

extension roof does not intercept the neighbouring properties and therefore the proposed extension has no effect on light to the neighbouring properties.

- 6.13 In summary, it is considered that the proposed rear extension has no significant adverse effect or result in harm to residential amenities.

Highway Safety / Parking

- 6.14 The proposal neither generates an additional need for parking nor decreases the parking provisions at the site and will not impact on highway safety.

7. Conclusion

- 7.1 The application is recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives

8.2 Conditions and Reasons

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 Number 01

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

8.3 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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10. Background Papers

10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.