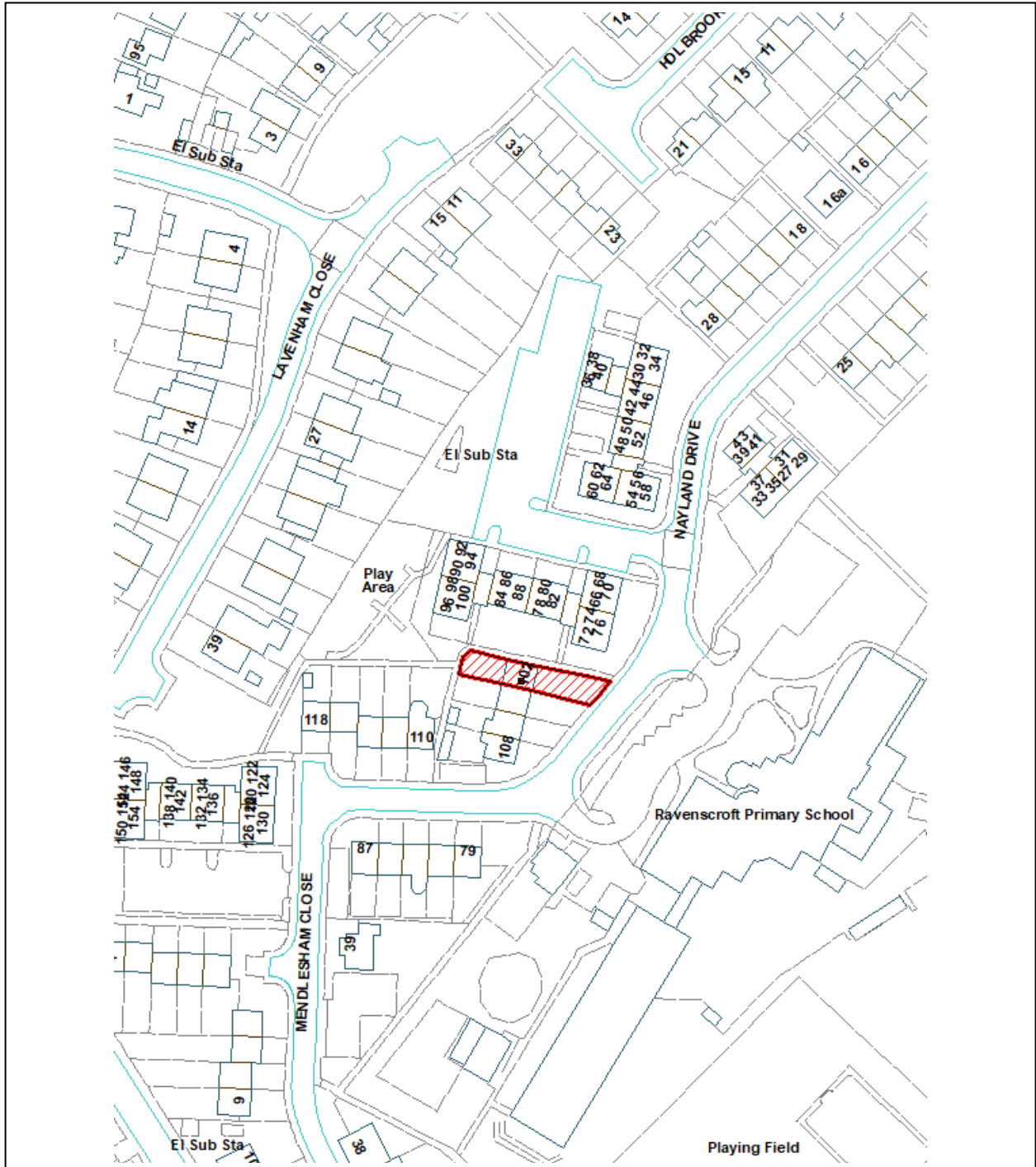


PLANNING COMMITTEE

3<sup>rd</sup> August 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.2 PLANNING APPLICATION – 21/00809/FUL – 102 NAYLAND DRIVE CLACTON ON SEA**  
**CO16 8TZ**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Application:** 21/00809/FUL

**Town / Parish:** Clacton Non Parished

**Applicant:** Housing Portfolio Holder - Tendring District Council

**Address:** 102 Nayland Drive Clacton On Sea Essex CO16 8TZ

**Development:** Proposed single storey rear extension to provide facilities for disabled person.

## 1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application involves a single storey ground floor rear extension to the existing dwellinghouse at 102 Nayland Drive which is inside the settlement boundary of Clacton.
- 1.3 The proposal, through a number of internal alterations, seeks to convert the ground floor of the property for use by someone with limited mobility. In doing this, the existing sitting room would become a bedroom with en-suite facilities and the rear extension is proposed to provide a sitting room with ramped access from the rear garden.
- 1.4 The proposal will not result in harm to the host dwelling or wider streetscene in general in regards to the siting, scale or external appearance of the development, nor any material harm to residential amenity nor highway safety.

### **Recommendation:**

That the Head of Planning be authorised to grant planning permission for the development 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.

This planning application was first submitted when the NPPF - National Planning Policy Framework February 2019 was in place. During the LPA assessment phase of the development proposals, a revised version of the National Planning Policy Framework (NPPF 2021) was published by the Ministry of Housing, Communities and Local Government (MHCLG) with revisions to both the NPPF and National Model Design Guide (NMDG), following consultation in January 2021. Among the key changes to the NPPF are updated policies aiming to improve the design of new developments, in response to the findings of the government's Building Better, Building Beautiful Commission. Due regard is given to both the NPPF 2019 as well as the NPPF 2021 (collectively referred to as the 'NPPF' in the remainder of this report) and as part of the assessment of this planning application.

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Relevant Section 1 Policies (adopted)*

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

*Local Planning Guidance*

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### **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 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.
- 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 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.
- 2.4 The Council has now formally adopted 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.
- 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**

21/00809/FUL	Proposed single storey rear extension to provide facilities for disabled person.	Current
--------------	--	---------

### **4. Consultations**

- 4.1 Due to the nature of the development consultations with neither internal nor external consultants were deemed necessary.

### **5. Representations**

- 5.1 Letters were sent to the occupiers of adjoining properties on 24<sup>th</sup> May 2021 and a site notice was displayed on 11<sup>th</sup> June 2021. No representations have been received.

### **6. Assessment**

#### Site Context

- 6.1 The application site is an end-of-terrace property comprising four dwellings.
- 6.2 Development in the locale typically comprises mid-nineteenth century high-density terraces of four/five dwellings or three storey flatted developments. Directly opposite the application site is the entrance to Ravens Academy - a mainstream, state funded junior school.
- 6.3 Properties are finished typically in a textured render and some properties are self-coloured in muted tones.
- 6.4 Within the site's terrace two of the four dwellings have small enclosed porch entrances – these are the exception to the norm within what is a very uniform estate layout.
- 6.5 Off-street parking is typically forward of the façade and some dwellings have erected low-key boundary fences.
- 6.6 To the north (side) of the property a public footpath links to a public playground.
- 6.7 The site is located deep within the settlement boundary of Clacton

#### Planning History

- 6.8 There is no planning history for the site as it remains as originally constructed.

### Proposal

- 6.9 This application seeks planning permission for adaptations to the dwelling for a mobility-impaired person; these adaptations include a single-storey rear extension. All other adaptations are internal and do not amount to operational development.

### Principle of Development

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

### Design & Appearance

- 6.11 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 6.12 The proposed extension is simple in form, being 6m deep in its rearward projection and 4.2m wide. It would run parallel to the boundary with its attached neighbour, 104 Nayland Drive. It would have a flat roof with an overall height of approximately 2.8m and it would be finished externally in render to match the host dwelling.
- 6.13 The extension is of a scale and external appearance which relates satisfactorily to the host dwelling and wider streetscene in general.

### Highway Safety/Parking

- 6.14 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.15 The property benefits from two off-street parking spaces. The proposal does not generate any additional requirement for parking places, nor does it cause the loss of any existing parking spaces.

### Impact to Neighbouring Amenities

- 6.16 The NPPF, at paragraph 130 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.17 The dwelling has one attached neighbour; the proposed extension would be to the north of their garden. Whilst it is acknowledged that the extension is quite large with regard to its rearwards projection, the existing boundary treatment is in the region of 2m high and the extension would be only 0.8m higher than this. For these reasons, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

## **7. Conclusion**

- 7.1. Overall the proposal represents development which respects the scale, design and siting of the host dwelling, whilst also meeting the particular needs of the mobility impaired resident. The proposal would retain a good standard of amenity for all existing and future occupants of land and buildings, both of the application site and surrounding dwellings; and finally, the proposal does not generate a need for additional off-street car parking.

## **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 plan:- A2021/11/01; received 4th May 2021.

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

### **8.3 Informatives**

Application Approved Without Amendment

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:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 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
- C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 9.2 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.
- 9.3 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.
- 9.4 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

- 9.5 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.
- 9.6 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).
- 9.7 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

- 9.8 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/>.