

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	16.09.2021
Planning Development Manager authorisation:	JJ	16/09/2021
Admin checks / despatch completed	DB	17.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	17/09/2021

Application: 21/01148/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mrs D Hunter

Address: 27A Frinton Road Thorpe Le Soken Clacton On Sea

Development: Retrospective application for proposed change of use from holiday let back to residential use.

1. Town / Parish Council

Thorpe Le Soken Parish Council No comments received

2. Consultation Responses

UU Open Spaces No contribution is being requested on this occasion.

3. Planning History

09/00944/FUL Use of existing building as 2 no. holiday lets. Approved 12.11.2009

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)
ER16 Tourism and Leisure Uses

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

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design
PP8 Tourism

Local Planning Guidance

Essex Design Guide for Residential and Mixed Use Areas

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Site Description

The application site is located on the northern side of Frinton Road, opposite the entrance to the Lifehouse Spa and within the settlement development boundary of Thorpe-Le-Soken. The site comprises of a detached two storey dwelling, with driveway running along the western side of the dwelling. To the rear of the dwelling is a detached single storey building containing two self-contained annexe's which have been used as holiday let accommodation.

This side of Frinton Road is residential in nature and the dwellings have extremely long rear gardens. Opposite the site is open land, with the Lifehouse Spa and Parker Nurseries set back from the highway.

Proposal

The application seeks planning permission to change the use of the outbuilding in the rear garden, from holiday let accommodation to residential (Class C3), to be used in conjunction with the main residential dwelling, No. 27 Frinton Road. The existing holiday let accommodation comprises of two, one bed units containing kitchen/lounge area, bedroom and shower room.

Principle

The site is occupied by a residential dwelling and in principle, changing the use of the existing holiday lets to provide habitable accommodation in the form of a separate outbuilding/annexe is considered acceptable, providing that it remains ancillary to the main dwelling i.e. it does not form a separate planning unit operating independently from the main house.

The proposed outbuilding has all the accommodation required to be capable of operating as two small self-contained dwellings. There is a relationship maintained between the outbuilding and the main dwelling due to the siting of the outbuilding building close to the main dwelling and within the

rear amenity area. The applicant is currently selling the property and the new owners do not wish to operate the building as holiday lets and intend to use the outbuilding accommodation ancillary to the main dwelling. Therefore it is considered that it would be reasonable to add a condition to any grant of planning permission, in order to ensure the detached annexe building is not occupied at any other time other than for the purposes ancillary to the residential use of the main dwelling, No. 27 Frinton Road, Thorpe-Le-Soken.

The principle of the change of use of the outbuilding to an ancillary residential use within this residential location is considered to be acceptable, subject to the detailed considerations outlined below.

Futhermore, due to the limited nature of the holiday let accommodation located with a residential rear garden, it is not considered that the loss of the holiday let accommodation would have a significant impact on the tourist offering within the Tendring Area, therefore there is no objection raised to the proposal in this regard.

Design and Impact on the Character of the Area

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

No external changes are proposed to the existing outbuilding, which is off an acceptable design and appearance. Therefore the proposed change of use would not have any impact on the character and appearance of the dwelling or the rear garden scene.

Impact on Neighbouring Amenities

The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. 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 emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the buildings current use as holiday let accommodation, it is considered that the change of use to ancillary residential accommodation to the main dwelling would not increase the noise and disturbance or comings and goings over and above that experienced. In fact the use of the building as part of the main residential dwelling is likely to result a significantly reduced impact on the residential amenities of the neighbouring dwellings in these regards. As the building is existing there are no overshadowing, sense of enclosure, loss of privacy or outlook concerns raised.

Highway Issues

The proposal does not alter or increase the parking provision required on the site.

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(s): Site Plan, Block Plan

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

- 3 The outbuilding to which this permission relates, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No. 27 Frinton Road, Thorpe-Le-Soken and shall not be sold, let or used as an independent residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, in accordance with Policy QL11 of the Adopted Tendring District Local Plan 2007 (part superseded) and Policy SP7 and emerging Policy SPL3 of Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

8. Informatives

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.

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