

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	21.01.2022
Planning Development Manager authorisation:	JJ	21.01.2022
Admin checks / despatch completed	DB	21.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	21/01/2022

Application: 21/01201/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Sanghera

Address: 31 Frinton Road Holland On Sea Clacton On Sea

Development: Conversion into two self-contained flats (one x 1 bedroom unit on ground floor and 1 x 3 bedroom unit on first floor)

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

UU Open Spaces
11.08.2021

There is currently a deficit of 17.68 hectares of equipped play/open space in Clacton-on-Sea. As this is a conversion, no contribution is being requested on this occasion.

ECC Highways Dept
09.09.2021

It is noted that the current premises have two off-street parking spaces which are to be retained and located off Windermere Road, classified as a local road in the County's Route Hierarchy. The proposal is in a town centre location with access to public transport facilities and good local amenities, considering these factors, from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions regarding construction activities to be clear of the highway, cycle parking provision and the provision of Travel packs.

3. Planning History

<u>Rear of site</u> 17/01860/OUT	Erection of a detached 2 bed bungalow with associated parking.	Approved	22.12.2017
18/01269/DETAIL	Reserved matters application following planning approval 17/01860/OUT - erection of detached 2 bed bungalow with associated parking.	Approved	05.10.2018

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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)
HG9 Private Amenity Space
EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP7	Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
CP1	Sustainable Transport and Accessibility

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. On 24th November 2021, the Council received the Inspectors’ final report and schedule of main modifications. Subject to a number of modifications, the plan is legally compliant and meets the Government’s soundness requirements. Adoption is anticipated early next 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.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years’ worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any

fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework in engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'titled balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

5. Officer Appraisal

Site Description

The application site is located on the northern side of Frinton Road, close to the main crossroads junction with Windermere Road, Kings Avenue and Holland Road, Holland-on-Sea. The site comprises of a two storey building with an office/retail unit at ground floor (currently Home Heating (Essex) and a one bed flat and a three bedroom flat at ground and first floor respectively. The flats are connected internally and are not considered to be two separate self-contained units of accommodation. There are two parking spaces accessed from Windermere Road and a rear garden area. The site is within the main town centre with a mix of retail, restaurant and pub uses in the immediate vicinity. Many of the retail units have flats at first floor.

The site is located within the Settlement Development Boundary of Clacton-on-Sea and Flood Zone 1 which has a low risk of flooding.

Proposal

The proposal is to form two separate self-contained units of accommodation, a one bed flat to the rear at ground floor and a three bed flat at first floor. It is also proposed to block up the access from the ground floor flat to the side courtyard area. This courtyard area will then be solely for use by the office/retail unit. Internal alterations are proposed to provide a separate entrance door to the first floor flat and bin stores for each of the flats. No other external changes are proposed.

At first floor there is a three bedroom flat - with a gross internal area of 101sqm

At ground floor there would be a one bedroom flat - with a gross internal area of 67sqm

A communal rear amenity space of some 87sqm is also provided.

Principle of Development

The application site is located within the settlement development boundary of Clacton-on-Sea in both the Adopted Local Plan 2007 and the Emerging Local Plan 2013 – 2033. Saved Policy HG3 has regard for residential development within defined settlement boundaries stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

Given its current residential use and location within the defined settlement development boundary of Clacton-on-Sea the principle of the formation of two self-contained flats is not objected to subject to the detailed considerations outlined below.

Layout, Scale and Appearance

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 internal layout of each of the two flats adhere to the Governments' Technical housing standards – nationally described space standards (2015), in terms of their overall gross internal area (GIA), bedrooms sizes in terms of width and floor space. From the details submitted all habitable rooms have external windows maximising the natural light to the main habitable living areas.

Parking and Highway Safety

The Council's adopted Parking Standards states that a three bedroom property should be provided with two parking spaces and a one bedroom property should be provided with one space. Each space should measure 5.5m x 2.9m. There are two parking spaces laid out to the rear of the property, with access to the rear amenity area and the flats. Whilst this provision does not meet policy requirements, the site is currently within a residential use and is considered to be within a sustainable location with good transport links by bus and train. Therefore a reduction in car parking provision in a location such as this is not considered to be of a concern. However it is considered appropriate to secure via condition secure cycle parking for the development.

Residential Amenity

Paragraph 130 of The Framework 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.

There are no residential amenity impacts identified as the residential uses currently occupy the ground and first floor and no additional external windows are proposed. A Building regulations application would be required for the conversion works and this would take into account soundproofing between the two proposed flats and the office to the front.

There is some 87sqm of communal landscaped amenity space provided to the rear of the building, which is in line with Saved Policy HG9, which requires a minimum of 25 square metres per flat provided communally; or a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above and given the central location of the building and the close proximity to the coast and open green space, along with the existing residential use of the building this is considered to be acceptable.

Financial Contribution - Open Space and Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states that 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.

The Council has identified a deficit of -17.68 hectares of equipped play in Holland/Clacton-on-Sea. However as this development involves a conversion only, a financial contribution is not required in this instance.

Financial Contribution - Recreational Disturbance (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.

This new residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is approximately 7146 metres from Hamford Water SPA and RAMSAR. The Council's Habitats Regulation Assessment has concluded that, with the proposed mitigation, the project would not have an Adverse Effect on the Integrity of the sites included within the Essex Coast RAMS and therefore the proposal is in accordance with the Essex Coast RAMS SPD.

The contribution is secured by the unilateral undertaking completed in relation to this application. Therefore there is certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with Saved Policies EN6 and EN11a and Emerging Policy PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

No representations have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

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: P01

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

3. 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.

4. Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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.

5. 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

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.

Highway Informatives

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

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 or by post to:

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

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