

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	25.07.2022
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Application: 22/00196/FUL

Town / Parish: Little Clacton Parish Council

Applicant: Mr Tony Boyle

Address: Former Methodist Church The Street Little Clacton

Development: Proposed conversion of former Methodist church into a single dwelling house.

1. Town / Parish Council

Little Clacton Parish
Council

No Comments received

2. Consultation Responses

Essex County Council
Heritage
06.04.2022
(1st Consultation)

The proposed site is a former Victorian Methodist Church situated on the west side of The Street in Little Clacton, Constructed in 1851, with a later addition to the south in 1898. Its external appearance, with the exception of the windows, is mostly unaltered. The building can be considered a non-designated heritage asset which positively contributes to the character of the area and to the setting of Grade II Listed Kinfauns Cottages on the opposite site of The Street.

I am not opposed in principle to the proposal for the conversion of the disused Chapel into a single dwelling house as this would preserve this non-designated asset from falling into disrepair. Concerns are raised regarding the internal conversion and preservation of the internal architectural detailing and more detail is required.

Essex County Council
Heritage
06.07.2022
(2nd Consultation)

This follows my previous letter dated 6th April 2022, site visit and following submission of revised scheme by the applicant.

The revised proposal is considered to have a limited impact on the significance of the former Methodist Church as non-designated asset. The few surviving original features (e.g. the cast iron columns supporting the original balcony) will be set aside and reused within the new scheme. The proposed layout preserves most of the Church area as a full height space, retaining the legibility of this space and of its previous use as religious building. The existing windows, which are not original, will be retained and adapted with the insertion of an openable panel for the first floor rooms.

There is therefore no objection to this application.

ECC Highways Dept
02.03.2022

The site is situated on the B1441 The Street that is subject to a 30-MPH speed limit. No new or altered means of access is proposed for this application, The Street, in the vicinity of the proposed dwelling consists mainly of residential properties which also forms part of a bus route, and the proposal is located close to two existing bus stops, Therefore from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to

mitigation and conditions regarding pedestrian visibility splays, no unbound material, access width, boundary planting, provision of gates, cycle parking, storage of building materials

ECC Archaeology
01.03.2022

The Historic Environment Advisor has identified the above application from the weekly list as having historic environment implications.

The building was erected in 1851 to serve as a Methodist Church with a later addition to the south in 1898. Although the building is not listed, it is of architectural, historical and social significance as a long-serving Methodist Chapel and is considered to be a non-designated Heritage Asset under the terms of the NPPF and, as such, requires recording prior to development which will alter the character of the building.

Recommended Conditions:

1. No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

2. The applicant will submit a historic buildings report which has been submitted and approved by the local planning authority and deposition of a digital archive with the Archaeological Data Service (ADS).

A professional historic building specialist should undertake any fieldwork. A brief detailing the requirements can be produced from this office.

Building Control and
Access Officer
11.02.2022

No comments at this stage.

UU Open Spaces
22.03.2022

There is currently a deficit of 2.22 hectares of equipped play in Little Clacton.

Due to the significant lack of play facilities in the area, a contribution towards open space and play is justified and relevant to the planning application. The contribution would be used towards improving facilities at the Parish Playing Fields.

3. Planning History

None

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL9 Listed Buildings

PPL10 Renewable Energy Generation

LP1 Housing Supply

LP4 Housing Layout

HP2 Community Facilities

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Essex County Council Development Management Policies 2011

Essex County Council Parking Standards Design and Good Practice Guide 2009

Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

The application site is located on the western side of The Street, at the junction with Galloway Drive and comprises of a former Methodist Chapel which was built circa 1851 and is considered to be a non-designated heritage asset. There is both pedestrian and vehicle access onto The Street.

The surrounding area is predominately residential and the site is within the defined settlement development boundary of Little Clacton and is within Flood Zone 1, which has a low risk of flooding. The Grade II Listed Kinfauns Cottages are located opposite the application site.

Proposal

The application seeks planning permission to convert the existing Methodist Church to a 2 bed residential dwelling, with garden area and parking.

Principle of Development

The site falls within the defined Settlement Development Boundary for Little Clacton within the Local Plan. 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 (including heritage matters) and any approved Neighbourhood Plans.

Policy HP2 seeks to protect existing local services and facilities and to provide either when a loss or change of use is proposed, replacement facilities or to demonstrate that there is no longer a community need for the facility or demand for another community use on site.

It is accepted that a number of Methodist Churches have become redundant across the District and have been sold at auction within the last 12-24 months. A number of alternative uses have been proposed for the vacant Churches, including both commercial and residential uses.

The change of use from a Church to a residential dwelling is considered to be acceptable in principle, the sale of the Churches at auction demonstrates that there is no requirement for these type of Church premises. Furthermore Little Clacton has both a Church and Community centre, both within a 5 minute walk from the applications site.

Therefore the requirements of Policy HP2 are considered to have been met in justifying the change of use and the principle of development with regard to the change of use is considered to be acceptable in this location, subject to the detailed material considerations relevant to this proposal which are set out below.

Character and Appearance including Heritage Impacts.

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. 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.

From a heritage perspective, the church building is deemed to be a non-designated heritage asset by ECC Place Services, due to its architectural interest and its social and communal historic interest.

The external appearance of the building is largely unaltered except for the alteration of two of the side windows to allow the top part of the window to be openable as these windows serve the new first floor bedrooms. An existing window is also altered to form a new door opening. The outside

area is split up to provide amenity area to the side and rear of the building which is enclosed by new hazel waffle fencing and the parking area to the front is retained. This is considered visually appropriate and would not distract from the historic appearance of the building within the streetscene. The minor external alterations are not considered to result in harm to the setting of the Listed Cottages, opposite the site.

Internally the church building comprised of a number of details of architectural merit, such as tired pews on the first floor balcony and panelled, possibly cast iron support columns. It is not clear whether these are original, however they are considered to be important in understanding the building's historic use as a chapel and contribute to the architectural interest and significance of the non-designated heritage asset. The removal and alteration of these fixtures has the potential for harm to be caused to the heritage asset, through loss of historic fixtures.

Following a site visit, amended plans were produced to limit this harm, including amendments to the balcony and staircase which were deemed to be visible from the external side windows.

The revised proposal is considered by ECC Place Services to have a limited impact on the significance of the former Methodist Church as non-designated asset. The surviving original features, such as the cast iron columns supporting the original balcony, are to be set aside and reused within the proposed scheme. It is considered that the revised layout preserves the majority of the existing Church area as a full height space, which would retain the legibility of this space in term of its previous use as religious building.

It was also considered appropriate to undertake a historic building record, of the building as the communal function of this 19th century building is lost through conversion to a domestic dwelling. This can be secured by condition, although it is understood that a great deal of internal works have been undertaken. However there is existing information available regarding the interior of the church as was and this should be obtained and added to the official record. These details can be secured by condition.

Impact on 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. Policy SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The internal layout of the proposed dwelling is in excess of the requirements in the Governments' Technical housing standards – nationally described space standards (2015), in terms of their overall gross internal area (GIA) and bedroom 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, which would result in a good standard of living conditions for future occupiers.

It is not considered that the proposed conversion of the building to a residential dwelling, would result in any significant impact upon neighbouring amenities in any regard. There are no additional first floor side windows and therefore no loss of privacy or overlooking concerns are raised.

Highway Considerations and Parking Provision

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces are required. The new dwelling has two bedrooms and can provide one parking space to the front of the site which meets policy standards in terms of size. It is considered that within the site there is room to accommodate some cycle parking. In the context of the immediate and wider area the site is considered to be within a highly sustainable location with extremely good transport links by bus and train along with a range of amenities within walking and/or cycling distance of the site. A reduction in the car parking provision in a location such as this is not considered therefore to be of concern.

The new dwelling would utilise an existing and established vehicular access onto the highway (B1441 The Street), therefore subject to conditions, the Highway Authority has no objection to the development.

Financial Contribution - 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.

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, 5320 metres from the COLNE ESTUARY (MID-ESSEX COAST PHASE 2) RAMSAR and SPA and the ESSEX ESTUARIES SAC

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.

However, new housing development within the Zol would be likely to increase the number of recreational visitors to 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.

In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

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 Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution - Open Space and Play Space

Policy HP5 expects all new development to contribute to or provide open space provision, therefore a financial contribution in lieu of on-site provision may be sought which can be used towards any necessary improvement or expansion of existing, or the delivery of new, open spaces and/or sports facilities in the local area. Policy D11 seeks to secure financial contributions towards new or expanded facilities and the maintenance thereof.

There is currently a deficit of -2.22 hectares of equipped play in Little Clacton. The proposed development has limited amenity space. Due to the lack of facilities in the area a contribution towards Open Space and Play is therefore considered to be justified and relevant to the planning application. The contribution would be used to make improvements at the Parish Playing Fields.

Such a contribution meets the tests under Paragraph 57 of the Framework and the necessary Unilateral Undertaking has been completed. The proposal therefore complies with Policy HP5 along with the Open Space and Play SPD.

Landscaping and Biodiversity

Policy PPL4 seeks to protect and enhance the local biodiversity and geodiversity. The new dwelling would have some amenity space provided to the front and side of the dwelling, therefore a hard and soft landscaping scheme to soften and enhance the appearance of the development in the streetscene is considered necessary and would help to increase the biodiversity at the site by including some wildlife friendly native planting. These details can be secured by condition.

Drainage and Sewerage Provision

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits. The current drainage and sewage disposal systems would be utilised and the site is served by a main sewer. Any replacement paving to the front of the site should be made of a porous material.

Climate Change and Renewable Energy

Policy SPL3, Part B criterion d), states that an applicant must demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change, as per the Building Regulations prevailing at the time and policies and requirements in the Local Plan.

Under Policy PPL10 measures to be considered include the provision of electric vehicle charging points. Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

In accordance with the above policies the use of a planning condition to require the provision an electric vehicle charging point is reasonable and necessary.

Representations

One representation in support of the application has 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.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

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 strict accordance with the following approved plans:

Proposed Site Layout Rev A
Proposed Elevations 2202/4 Rev C
Proposed Floor Plans 2202/3 Rev C

Reason: In the interests of proper planning and for the avoidance of doubt.

3. Prior to the commencement of internal development a scheme of archaeological building recording at least commensurate with a 'Level 1 Record' as outlined in Historic England guidance understanding Historic Buildings - A Guide to Good Recording Practice must be undertaken and submitted to the Local Planning Authority. The historic buildings report which has been submitted and approved by the Local Planning Authority must be deposited, along with a digital archive with the Archaeological Data Service (ADS).
An historic buildings specialist should carry out the work.

Reason: To maintain a record of this historic building

4. Prior to the first occupation of the dwelling hereby approved, a full scheme of hard and soft landscaping works including a detailed plan, showing species to be used, planting positions, numbers of trees and shrubs and the sizes of the plants at time of planting and include wildlife friendly, native planting and locations for habitat boxes for roosting bats and nesting birds shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity, the quality of the development and the character and biodiversity of the area.

5. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

6. Prior to first occupation of the dwelling hereby approved a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be retained on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

8. Prior to first occupation of the dwelling hereby approved the width of the existing access at its junction with the highway shall not be less than 3 metres (3 metres minimum - 6 metres maximum) and shall be retained at that width for 6 metres depth within the site.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

9. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

10. No gates are to be provided at the vehicular access. The access shall remain open and free at all times

Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety

11. 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 of the dwelling and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity

12. 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 in accordance with policy DM1.

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.

Highways

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

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.

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.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.