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Planning, Design & Access Statement  
to accompany a full planning application  
at 139 Marine Parade East Parade, Clacton on Sea, Essex,  
CO15 5AD

On behalf of: R Whitley

Prepared by: N O'Hagan BA (Hons)

Date: 17/10/2023

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# Introduction

This planning, design & access statement accompanies a full planning application at 139 Marine Parade East Parade, Clacton on Sea, Essex, CO15 5AD.

## **Development proposals:**

Demolition of existing dwelling and replacement with 2 no. 2-bed residential flats (C3), both Part M(2) compatible for disabled access.

Planning Direct has been instructed to produce this statement on behalf of R. Whitley, the applicant and site owner.

The statement should be read in conjunction with the following documentation:

- Pre-application advice letter (23/30124/PREAPP)
- Building survey (08/01/2023)
- Existing/proposed site and location plans 2820-01-1
- Proposed floor plans 2820-02-1
- Proposed roof plan 2820-03-1
- Proposed south and east elevations 2820-04-1
- Proposed north and west elevations 2820-05-1
- Proposed 3D views 2820-06-1
- Existing massing and streetscene view 2820-07-1
- Proposed massing and streetscene view 2820-08-1.

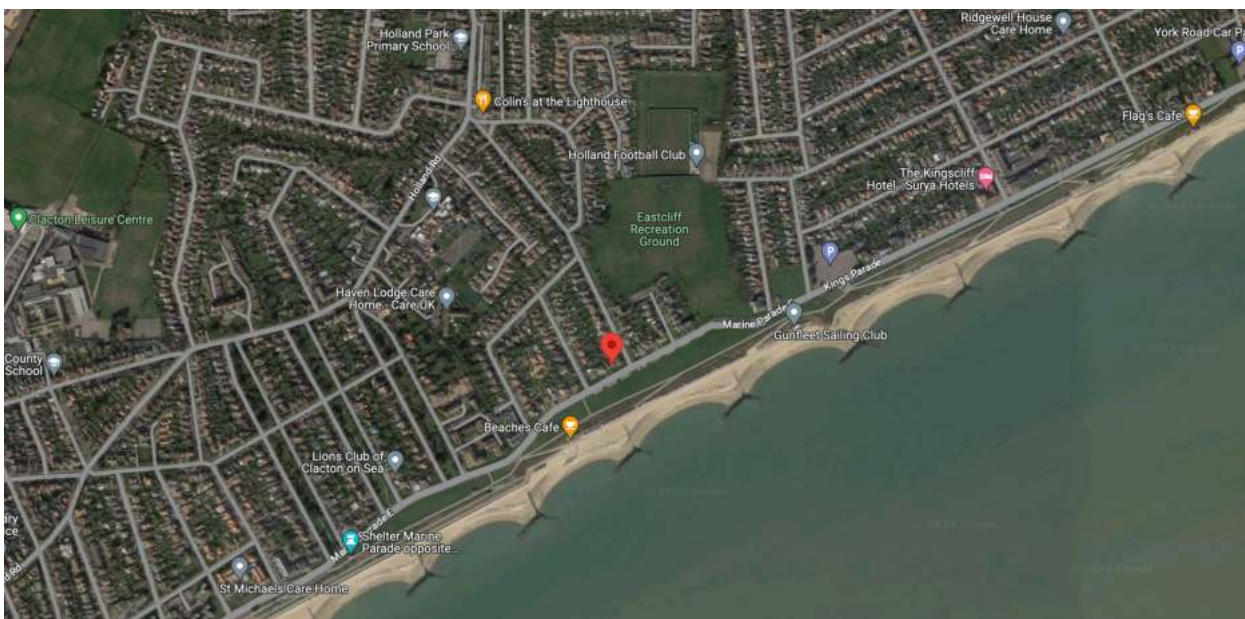
## Location & Site Description

The site is 139 Marine Parade. It consists of a regular, rectangular plot containing a single, detached dwelling. It sits between similar residential plots and forms part of a linear, residential streetscene.



*The existing dwelling (indicated by a red arrow) in context*

Surrounding the site to its north, east and west is built-up residential development of eclectic type, scale, character and quality. To its south is the host highway - Marine Parade - and, beyond that, the seafront.



*The site (indicated by a red pin) in its wider, predominantly residential context*



In terms of planning constraints and opportunities, the site is:

- Within the Settlement Development Boundaries of Clacton-on-Sea;
- Not within a Conservation Area or in proximity of any listed building;
- Not subject to any Article 4 Directions;
- Not subject to any specific environmental constraints or controls, including TPOs; and
- In flood zone 1.



*Extract of the Policies Map for Clacton-on-Sea - approximate site location indicated by a red pin*

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# Proposed Development

The development proposals consist of the replacement of the site's existing older dwelling with a new, contemporary residential building containing 2 no. 2-bed flats. Both flats have been designed to achieve compliance with Part M(2) Building Regulations (disabled access).

## **Justification for the development**

The existing dwelling is in a very poor condition and this is supported by a recent building survey (08/01/23), attached separately for the LPA's consideration. The problems facing the property are considerable and include structural, damp, mould and subsidence issues. Given that the property is not designed to modern standards in any case, its replacement is considered to be preferable to its substantial and costly repair.

The building's replacement also offers the opportunity to make more effective use of the plot to provide an additional dwelling. To this end, it is intended to subdivide the existing residential unit into two, separate and self-contained residential flats. The site owner and applicant would occupy one of the flats and sell the other on the open market.

## **Design process**

The proposed building has been the subject of a thorough and iterative design process, during which the LPA's detailed pre-application advice has been sought and received (23/30124/PREAPP). As explored throughout this statement, the final design takes due account of the advice previously issued by the LPA.



*A previous, 3-storey iteration of the design, subsequently reduced in height and scale*

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## **Key features**

The development incorporates the following, positive design features. For full details, please refer to the separate bundle of planning drawings.

- Both flats are compliant with optional requirement M4(2) of the Building Regulations (accessible and adaptable dwellings) meaning they make reasonable provision for most people to access the dwellings and incorporate features that make them potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users. Features to support disabled access include disabled accessible approach and parking (to front), an access lift (Stannah Midilift, Part M2 compliant), accessible bathrooms/en-suites and wide circulation spaces;
- Both flats exceed the Nationally Described Space Standard for 2b4p units;
- Both flats comprise 2-bed units, a smaller dwelling type for which there is established local need;
- Various renewable energy measures are incorporated, including Solar Roof Panels, Electric Vehicle Rapid Charging Points, Waste Water Heat Recovery (WWHR) and high performance glazing (UPVC with aluminium cladding);
- Bin storage and parking is included within the curtilage;
- The flats are provided with a shared rear garden of c. 92 sqm, with the first floor flat also benefitting from a private balcony overlooking the seafront; and
- Glazing is limited to the south-east (front) and north-west (rear) elevations only in order to preserve the amenities of adjacent dwellings.



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## Relevant Planning History

There is no planning history for the site relevant to the current application.

However, the current application was preceded by pre-application advice (23/30124/PREAPP).

### **23/30124/PREAPP**

The LPA's pre-application advice was sought in respect of 3 no. preliminary designs (below) for the replacement of the site's existing dwelling with a new residential building containing 2 no. flats. The LPA's pre-application advice letter was received on 09/08/2023 and is attached separately.



*Design A [not to scale]*



*Design B [not to scale]*



*Design C [not to scale]*

The main implications of the LPA's pre-application advice are discussed under the relevant headings in the commentary section of this report.

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# Policy Justification

The below planning policies were confirmed to be relevant by the LPA in their pre-application advice letter dated 09/08/2023 (23/30124/PREAPP). There has been no change to local planning policy since this advice was issued.

## National

### NPPF (2023)

### NPPG

## Local

### Tendring District Local Plan 2013-2033 and Beyond Section 1

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

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

### Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

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SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

### **Supplementary Planning Documents**

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

Essex Design Guide

### **Local Planning Guidance**

Essex County Council Car Parking Standards - Design and Good Practice

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# Commentary

## Principle of development

The site is located within the Development Boundary of Clacton-on-Sea where the principle of this type and scale of development is established by various strategic local policies, including SP1, SP3, SPL1 and SPL2. Consequently, the principle of development is established subject to the detailed considerations discussed below.

The LPA's pre-application advice (23/30124/PREAPP) recently agreed the principle of development to be established, in line with the above assessment. See relevant extract of the advice letter below.

### 6.1 Principle of Development

As addressed above (Status of the Local Plan), in line with Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning law requires that planning application decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

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. The site is not located within an area subject of any adopted Neighbourhood Plans.

The site is located within the Settlement Development Boundary (SDB) of Clacton-on-Sea as defined within the adopted Local Plan, where the principle of residential development is established by various strategic local policies.

Therefore, the principle of development involving the creation of additional dwellings on the site is acceptable, subject to the relevant detailed considerations discussed below. Furthermore, the existing dwelling is of no architectural or historical significance and there would be no objection to its demolition.

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## Design (including layout, scale & appearance)

### **Policy context**

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Section 2 Policy LP4 provides that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place.

Paragraph 130 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.

### **Discussion**

The application seeks consent for a contemporary-style “maritime” building of 2-storey height.

The design takes clear cues from the local area, albeit that the host area includes a wide variety of architectural styles, scales, provenances and features.

Overall, the quality of the surrounding built environment is limited and the development seizes the available opportunities to raise local design standards, including by way of its inherent build quality (designed in compliance with 2022 Building Regulations), generous inclusion of accessible features (Part M2 compliant) and use of renewable energy measures.



Examples of the area's highly varied styles, forms and scales of dwellings



In terms of responding to established local character, the development incorporates a sea-facing balcony on its front elevation, an architectural feature that is very well-represented in the streetscene.

Existing balconies along Marine Parade





Its distinctive style - including its curved bays, fenestration pattern and roof form - also draws primary inspiration from significant, “Art Deco” maritime buildings such as the nearby Clacton Pier. This style is deeply representative of the English seaside and assists to firmly root the building in its place. The new building would thereby provide a high-quality and locally relevant addition to an already eclectic seaside parade.



*Clacton Pier*



*Labworth Beach Bistro, Canvey Island*



*Marine Parade, Brighton*



*The Marine Hotel, Brighton*



*The Round House, Frinton-on-Sea*

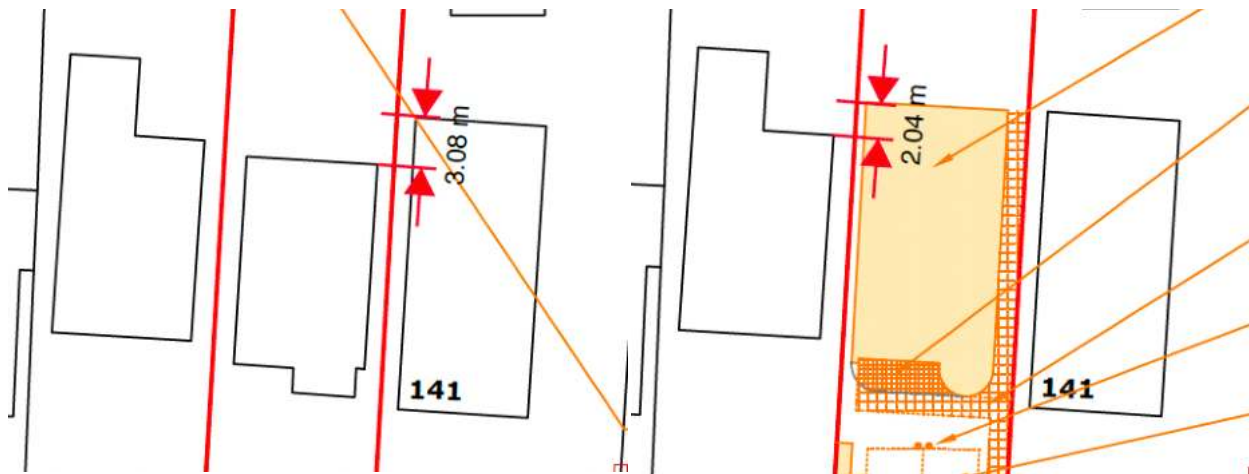
The residential plot itself would remain as existing, with no alterations proposed to its boundaries. The siting of the proposed building is also materially similar to the current dwelling, adopting a central position and with gaps maintained to all boundaries.

Its front building line is identical to the current dwelling, with a minor, curved projection in the same position as the existing building's front extension. The result is a front building line that sits modestly forward of its south-western neighbour, no. 137 (as existing) and modestly rear of its north-eastern neighbour, no. 141 (as existing).

The rear building line is extended relative to the existing dwelling, such that it now maintains a line with its neighbour to the north-east, no. 141. It still does not extend as deep into its plot as its other immediate neighbour, no. 137. This ensures the modestly varied pattern of development in the streetscene is maintained.

No. 137 features a stepped rear elevation and so careful regard has been paid to its relationship with the proposed building. Although the proposed building's rear elevation extends beyond the nearest part of no. 137's rear elevation, it does so by only c. 2m and this is less than the distance between the current building's rear elevation and the rear elevation of its own neighbour to the north-east, no. 141 (see measured plan extracts below). The established relationship between no. 139 and no. 141 is neighbourly and is not considered to materially impinge upon the amenities of no. 139. With this in mind, it is considered that the proposed relationship between the rear elevations of the new building and no. 137 is likely to be similarly neighbourly and amenable.





*Existing relationship between rear elevations of no. 139 & no. 141 - difference of c. 3m*      *Proposed relationship between rear elevations of no. 139 & no. 137 - difference of c. 2m*

As for no. 141, the proposed building is located to the north-east of no. 137 which means it would not cause any material reduction in this neighbour's rear access to daylight and sunlight. It also maintains a gap of c. 2m from the nearest part of no. 137, to avoid any sense of overbearance.

In terms of footprint, the proposed building occupies c. 132 sqm compared to the existing building's 103 sqm. This is a moderate increase in floorspace that is comparable to the impact of a typical householder extension of the existing building. The proposed footprint is also firmly in keeping with its neighbours, with no. 141 having a footprint of c. 135 sqm and no. 137 having a footprint of c. 120 sqm. The footprints of the other dwellings in the streetscene, nos. 133 and 135, are larger still.

Its width is slightly greater than the existing dwelling, at c. 8.4 m, but this remains in close accordance with its immediate neighbours<sup>1</sup> and gaps are still maintained to all site boundaries.

Its height is also responsive to its neighbours, with a ridge height that matches the modest bungalow at no. 137 and sits lower than the ridge of its immediate, two-storey neighbour at no. 141. Its ridge height is roughly the same as the eaves height of the larger dwelling at no. 135, for a clearly subordinate relationship.

<sup>1</sup> especially no. 137 which adopts a comparable width of c. 8.35 m



*Annotated extract of drawing 2820-08-1 [not to scale] - red line marks the ridge height of the proposed building and demonstrates its congruent relationship with neighbours*

Scale is, by definition, a relative measure. The scale of a building stands to be judged against other buildings, the space around them and the size of human beings. In this case, the above drawing extract [not to scale] demonstrates that the scale of the building responds inherently well to the modestly varied scale of its host residential streetscene. Whilst its scale is modestly greater than the very small dwelling at no. 137, it is very similar to its other immediate neighbour at no. 141 and perceptibly smaller than the largest building in the streetscene, no. 135. This ensures the new building appears in scale with its surroundings.

The development would replace a structure of no architectural or historical significance. The existing building is also in a poor state of repair (see separate building survey) and would require significant building works<sup>2</sup> to bring it in line with modern standards. The proposed building, by contrast, is designed and would be constructed to exacting modern standards. It is also energy-efficient and highly accessible, especially by comparison to the existing dwelling. In these respects, it would assist to raise standards of design in the local area. It would also make more effective use of land to deliver an additional, well-appointed home - of a small, accessible type for which there is considerable local (and national) need - in a sustainable location.

The proposed development is thereby considered to deliver material environmental, economic and social benefits. It would also provide a very high standard of urban and architectural design and would respond positively to local character and context, in full compliance with local policies SP7, SPL3, LP4 and paragraph 130 of the NPPF.

<sup>2</sup> with their own integral, environmental impacts



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## **Response to the LPA's pre-application advice**

The LPA's pre-application advice letter (23/30124/PREAPP) raised a number of design concerns. These concerns related to the 3 no. preliminary design concepts put forward for the LPA's prior consideration. The LPA's comments have been taken on board and their concerns are considered to have been thoughtfully resolved by the revised design now put forward. This is explained below.

Concern 1: "The footprint and position of the building would sit forward of both immediate neighbouring buildings, and beyond the rear elevation of the neighbouring property at no. 137 Marine Parade East"

This concern is considered to be resolved as follows:

As demonstrated previously in this section, the proposed building achieves exactly the same front building line as the existing building. Its rear building line is the same as its immediate neighbour to the north-east (no. 141) and the stepped rear elevation of no. 137 extends beyond it.

Concern 2: "The prevailing character of this locality is that of single, 1.5 and 2 storey dwellings. All 3 concepts would result in a 3-storey building in place of a modest single storey property with a fully hipped roof arrangement"

This concern is considered to be resolved as follows:

The height of the building has been materially reduced relative to the previous designs considered at pre-application stage. It now achieves a 2-storey height which is firmly in keeping with the prevailing character of the locality as identified by the LPA. Its height is still modestly lower than other 2-storey dwellings in the streetscene, nos. 141 and 135.

It is also relevant that the resulting relationship between the proposed building and its smaller, south-western neighbour, no. 137, will be roughly comparable to the relationship that currently exists between no. 139 and its own larger neighbour, no. 141. This established relationship is considered to be unproblematic and it is reasonable to consider the same will hold true for the proposed relationship between the new building and no. 137.

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Concern 3: “All 3 concepts are higher than the immediate buildings, including the highest example at 135 Marine Parade (shown in green in the street scene plans above). All the options will therefore dominate the neighbouring buildings in a harmful way”

This concern is considered to be resolved as follows:

The height of the building has been materially reduced relative to the previous designs considered at pre-application stage. Its ridge height is now identical to the ridge height of the modest bungalow at no. 137 and sits lower than the ridge of its immediate, two-storey neighbour at no. 141. Its ridge height is roughly the same as the eaves height of the larger dwelling at no. 135, for a clearly subordinate relationship.

No other design concerns were raised by the LPA at pre-application stage.

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## Residential amenity

### **Policy context**

Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 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. Policy SPL3 (part c) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of nearby properties.

Section 2 Policy LP4 requires that new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.

The NPPF, at paragraph 130, states that development should create 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.

Tendring's design and amenity policies are supported by the Essex Design Guide (EDG). In respect of amenity space, the EDG provides as follows:

### *Flats*

*For two or more bedroomed flats communal residents' gardens must be provided on the basis of a minimum area of 25m<sup>2</sup> per flat. They must be screened by above-eye-level walls or hedges, and must contain a sitting-out-area that receives sunshine during at least part of the day. Unusable strips of space between car parks or roads and buildings will not be counted as part of the communal garden provision. Although similar provision is welcomed for one-bedroomed flats it is recognised that residents of such flats may be happy to forego this amenity if there is access to other local open space, and in order to have the benefits of living in a town centre or other core area. Applicants should check with their local planning authority the circumstances under which a garden for one-bedroomed flats may be foregone.*

*In addition balconies may provide outdoor amenity space in closer proximity to an upper storey dwelling. A balcony or terrace over 5m<sup>2</sup> in extent will count towards the total garden provision for the flats. In an urban situation on sites of less than 0.1h such a*

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*balcony or terrace would be acceptable as the only outdoor amenity space for a flat. Care must be taken to limit overlooking of nearby private gardens and sitting out areas from balconies or terraces. It may be necessary to provide other space around the development additional to this minimum requirement in the case of flats located in a Boulevard planned area.*

## **Discussion**

The proposed building is considered to achieve a neighbourly relationship with all surrounding dwellings. As explored in the previous section, its scale, height and positioning are all inherently responsive to its plot and immediate neighbours.

It sits to the north-east of its smallest neighbour, where it would not unduly obstruct this established dwelling's access to sunlight. It would also maintain a ridge height with this smaller neighbour to ensure no material overbearing impact. It is also noted that no. 137's main outlooks are to the front and rear, with only limited, secondary glazing facing towards the application site.

The building's fenestration has been carefully considered, with glazing only incorporated on its front and rear elevations. This takes necessary account of the established presence of windows (including rooflights) on the side faces of its neighbouring dwellings, ensuring there is no increased potential for overlooking nor any loss of privacy.

The proposed building would also provide a very high standard of amenity for its future occupiers, including in terms of its internal layout, floorspace, access to natural light and accessibility.

Externally, the building includes a first floor balcony which enables occupants to take advantage of the site's sea-fronting location. The balcony features curved side wings to preserve the privacy of neighbours and users of the balcony alike. This feature also protects the balcony from the elements for a high standard of amenity and greater planting potential.

The flats also benefit from a shared rear garden measuring 92 sqm. This generously exceeds the communal garden size suggested by the Essex Design Guide which would

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would be 50 sqm in this case. The garden is accessible from the rear via the existing site access point located off Third Avenue. A paved pathway runs alongside the dwelling's north-eastern elevation to provide access to the garden from the front. The garden already benefits from suitable boundary treatments and these would either remain in situ or be replaced "like-for-like".

### **Response to the LPA's pre-application advice**

The LPA's pre-application advice letter (23/30124/PREAPP) raised a number of potential issues in respect of residential amenity. These concerns related to the 3 no. preliminary design concepts put forward for the LPA's prior consideration. The LPA's comments have been taken on board and their concerns are considered to have been thoughtfully resolved by the revised design now put forward. This is explained below.

Concern 1: "Insufficient information has been provided with your submission to fully assess the potential impact of the development on existing neighbours and the residential amenities of future occupants of the proposed dwellings"

This concern is considered to be resolved as follows:

The application is accompanied by a full set of detailed planning drawings, including floorplans and elevations that demonstrate the form and positioning of all doors and windows. Fenestration has been carefully designed and sited at the front and rear of the building only in order to remove the potential for overlooking or loss of privacy to neighbours.

Concern 2: "The footprint, scale and massing concerns highlighted above are likely to result in an overbearing relationship with neighbouring dwellings, potentially resulting in overshadowing, loss of light, loss of outlook and loss of privacy"

This concern is considered to be resolved as follows:

The footprint, scale and massing of the proposed building have all been materially reduced relative to the designs put forward at pre-application stage. As explored above, this ensures no overshadowing, loss of light, outlook or privacy.



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Concern 3: “Furthermore, it has not been demonstrated that amenity space provision in compliance with Policy LP4 is achievable”

This concern is considered to be resolved as follows:

The development includes a shared rear garden of c. 92 sqm and this generously exceeds the minimum expectations of the Essex Design Guide. The garden is clearly sufficient both its size and configuration to meet the needs and expectations of most residents. This is notwithstanding the additional provision of an external, first-floor balcony for the dedicated use of the first floor flat.

No other amenity concerns were raised by the LPA at pre-application stage.

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## Highway safety & parking

### **Policy context**

Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 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 by adopted policies SPL3 and SP7 of the Tendring District Local Plan 2013-2033.

In respect of parking, the current Parking Standards (2009) **advise** that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces should normally be provided. Parking spaces should measure 5.5 metres by 2.9 metres and garages should have internal dimensions of 7 metres by 3 metres (if being relied upon as a parking space).

### **Discussion**

In this case, the existing 2b4p dwelling is currently served by 2 no. in-curtilage parking spaces located towards the rear of the site. These are accessed via a shared driveway that branches off Third Avenue. Although the current occupant is able to park 2 no. domestic vehicles within the site's existing parking spaces, they do not technically comply with the 2009 Parking Standards due to their limited size.

It is proposed that 2 no. new parking spaces will be created at the front of the site, conveniently accessed off Marine Parade East, the host highway. As demonstrated by drawing 2820-01-1, the proposed new spaces comply in their size and geometry with the current Parking Standards. Both spaces are also supplied with fast EV charge points. It is proposed that the flats will each have dedicated use of one of the new parking spaces located at the front of the site.

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In terms of local character, there are multiple dwellings along Marine Parade East that benefit from hard-surfaced parking areas in similar frontage positions, including no. 135. It is also the case that the existing front garden could be hard-surfaced and put to parking use at any time and without any need for planning consent pursuant to Part 1, Class F of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The existing, 2 no. parking spaces located at the rear of the site will also be retained for the use of both flats. Although these spaces are technically substandard, it is generally accepted that where parking provision is already substandard, development should not be prevented for this reason as long as parking provision is not made worse.

In this case, the existing 2b4p dwelling benefits from 2 no. parking spaces but these do not comply with current standards. Assessed against current standards, the existing provision would equate to a single space only. This equates to 1 space per 2b4p unit. By comparison, the proposed development would include 2 no. 2b4p units and would incorporate 3 compliant parking spaces. This represents a modest improvement in its parking provision meaning parking provision would be made better and not worse.

On this matter, the LPA's attention is drawn to two recent appeal decisions, both of which support the above reasoning.

The first appeal is APP/C3620/W/17/3187875 (full decision letter at Appendix B) which was allowed on 20/04/2018. This s78 appeal concerned the demolition of existing buildings and construction of new flats in Mole Valley District. One of the main issues was the lack of on-site car parking provision.

On this main issue, the Inspector found as follows:

*11. The proposal does not include provision for any off-street parking. This would be contrary to policy AS-H6 of the ANDP which seeks 1 space per one or two bedroom unit along with an additional visitor parking space, recognising that excessive on-street parking can restrict the passage of vehicles and pedestrians. Policy MOV5 of the Local Plan also sets out parking standards though states that regard should be given to the accessibility of the location to means of travel other than the private car.*

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12. There is already an existing shortfall of on-site parking at the appeal site in connection with the existing retail and residential uses at the site. On the basis of the existing uses requiring 8 spaces, the additional shortfall arising from the proposed development would only be 4 spaces (or 5 spaces should No.80 be converted to residential use). In either case the increased parking demand arising from the proposed development would be limited to a small number of vehicles. Given this existing shortfall, the extent of the implications arising from the lack of parking provision for the proposal would be limited. Whilst representations have been made regarding the low parking requirement in relation to existing occupiers, this could change over time.

13. The site is very close to a range of shops and facilities within the village centre providing for a good proportion of the day to day needs of residents. It is also within comfortable walking distance of Ashted railway station which provides regular services to and from London and other destinations. Furthermore, local bus services are easily accessible providing links to places including Epsom, Leatherhead and Guildford. Though the regularity of bus services is limited in the evening and on Sundays, they still add to what I consider to be a generally good level of accessibility for the site.

14. Overall, the site has good access to services, facilities and employment and there are practicable alternatives for travel other than by the private car for future occupiers of the proposed development. Consequently, it is realistic to assume that occupiers would not necessarily need to own a car in this location in order to provide for their day to day needs. I understand that the wider area generally has a high relative level of car ownership. However, as the proposed flats are of one bedroom rather than family accommodation and given the good accessibility described above, it is likely that car ownership levels for this particular development would be lower than average within the District. This is a site which is likely to attract some occupiers who do not wish to own a car.

15. I recognise that it is still likely that at least some of the future occupiers would own a car. However, taking account of the evidence before me, it appears that there would be a sufficient amount of on-street parking available within comfortable walking distance of the site to accommodate the limited increase in parking demand arising from the development. In this respect I note the arguments made regarding the peak parking time being during the daytime in the week. I noted at my site visit during midweek daytime that a reasonable amount of spaces were available within comfortable walking

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*distance of the site. There is no detailed evidence before me which proves that there is not sufficient parking available for this development.*

*16. I also consider it likely that, whilst parking demand is at its highest during the daytime, the largest demand for parking from the occupiers of the development who choose to use a car would be during the evenings, night-time and at weekends when more spaces are available. I have also considered the possibility of further parking controls being introduced by the Council. Nevertheless, the limited increase in parking demand arising from the development would mean that it remains likely that adequate off street parking would be available to meet the demands of this development.*

*17. I also note that the Highway Authority has not raised any objections on the ground of local highway conditions. Whilst this does not bind my consideration of this matter, from all the evidence before me I do not consider it likely that any significant implications would arise. There are also sufficient spaces available to prevent the need for any unauthorised parking. In any case, unauthorised parking would be capable of being enforced against. Overall, given the limited increase in demand likely to result from the proposal, I am satisfied that the availability of unrestricted parking in the area would satisfactorily provide for the parking needs of the proposed development.*

The same reasoning can be applied to the current case as follows:

- There is already an existing shortfall of on-site parking (1 space) and there would be **no additional shortfall** as a result of the propose development. In fact, the proposed development would modestly reduce the amount of shortfall;
- The site is also very close to a range of shops and facilities, with continuous, lit pavements providing for convenient pedestrian access to such. The site is equally in close proximity of bus stops that are frequented by regular bus services. See appendix C for an assessment of the location's sustainability;
- The development will provide smaller, accessible dwelling units suitable for older and disabled residents. It is consequently likely that car ownership levels for this particular development would be lower than the local average; and
- There is ample, unrestricted on-street parking available within comfortable walking distance of the site, including along Third Avenue. The development would provide 1 space less than is required by current standards and it is clear that the adjacent streets have capacity to safely accommodate a single parked car.

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The second appeal is APP/D0650/W/22/3305916 (full decision letter at Appendix D) which was allowed on 27/02/2023. This s78 appeal concerned the change of use of a dwelling to a dental practice. The main issue was the effect of the development on highway safety with particular regard to the adequacy of parking provision.

On the main issue, the Inspector found as follows:

*5. The adopted parking standards recommend the provision of 11 parking spaces. The appeal plans, however, indicate the provision of 8 spaces. Therefore, in accordance with LP Policy C2 it is necessary to demonstrate that there would be no harmful impacts on the street scene or the availability of on-street parking.*

*6. The spaces would all be accessed off Hill View and include 2 spaces within the existing integral garage. It has been suggested that the garage spaces are unlikely to meet current guidance in terms of internal dimensions. However, in the absence of evidence to the contrary, it is reasonable to consider such spaces suitable for the parking of smaller vehicles and to count them towards parking provision.*

*7. The site is in a residential area and would be accessible on foot for a significant number of people. The site offers access to bus stops on Cronton Road and I also note that the proposal includes secured storage for 4 bicycles. This suggests that there is the opportunity for staff and patients to access the dental practice without relying upon the private car.*

*13. At my visit I noted that parking is not restricted along Hill View and Tynwald Close and whilst there was some on-street parking, there remained some capacity to accommodate additional parking on such roads. Whilst I did not see any students parking on Hill View or Tynwald Close it is reasonable to conclude that it does take place. Nonetheless, from my observations and the information provided, I consider that there would be sufficient on street parking to accommodate any limited overspill parking from the proposal and that generated by the College.*

*16. Given such factors, the limited shortfall in on-site parking below the adopted recommended standards would not be significant. Therefore, even if the development were to result in more people parking on nearby streets, I am not persuaded that the situation would be detrimental to highway or pedestrian safety. Furthermore, the*



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*proposal would not adversely affect the availability of on-street parking or harm the street scene. In reaching this conclusion I have had regard to the comments of the Highway Authority who have not objected to the proposal.*

*17. Consequently, I conclude that the proposal would not harm highway safety with particular regard to parking provision. It would therefore accord with LP Policies C1 and C2 which support development that does not have unacceptable impact on highway safety and makes appropriate provision for car and cycle parking.*

The same reasoning can be applied to the current case as follows:

- The local parking standards in this case are also guidance-based which means it is necessary to consider whether the provision of less parking than advised by current standards would cause any tangible harm;
- The 2 no. “substandard” spaces in this case have been and continue to be subject to regular use for the parking of 2 no. domestic vehicles. Although they do not technically meet current standards, their unproblematic and long-term use for the parking of 2 no. vehicles suggests they can both be counted towards the site’s parking provision;
- The site is in a residential area and would be accessible on foot for a significant number of people. The site offers access to bus stops located in close proximity on Marine Parade East and the generous communal garden will provide secure space for bicycle parking, as required;
- The local highway network is not subject to intensive use and there is plenty of unrestricted, on-street parking in the immediate vicinity of the site, including along Third Avenue; and
- The parking shortfall in this case is very minor (maximum of 1 space) and even if this were to result in a single car parking on nearby streets, such an arrangement would not be detrimental to highway or pedestrian safety.

In conclusion, the development would include 4 parking spaces in total, however one of these is technically substandard. When assessed against current parking standards, this means there would be a technical shortfall of a single parking space. This is considered to be supportable, when account is taken of the following key matters:

- There is an existing parking shortfall and the extent of the shortfall would actually be reduced by the proposed development;

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- The site is in a sustainable location where it benefits from convenient and safe pedestrian access to local facilities and services, including regular bus services along Marine Parade East;
  - The dwelling types are such that occupants are less likely to own multiple cars; and
  - There is plenty of safe and unrestricted on-street parking in close and convenient proximity of the site and the overspill parking needs of the development would be restricted to a single car only.

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## Sustainable design & construction

### **Policy context**

Policy PPL10 of the Local Plan states that ‘all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations’.

### **Discussion**

In addition to policy PPL10, the LPA’s recent pre-application advice letter included the following guidance:

*The use of electric vehicle charging points, green/brown roofs, PV panels and SuDS to aid the sustainability of the development should be an integral part of the design, for both the existing and proposed dwelling. Full details must be provided within a ‘Renewable Energy Generation Plan’ as required by Local Plan Policy PPL10.*

The application is accompanied, accordingly, by a Renewable Energy Generation Plan (Appendix A) which provides full details of the various renewable energy solutions incorporated in the new building. Those solutions include PV panels and EV charging points.

The new building will be constructed to the highest modern standards, in full accordance with current Building Regulations (including in terms of its energy efficiency, embodies carbon, insulation, materials and air tightness). It will materially improve upon the performance and sustainability credentials of the site’s existing, older and structurally dilapidated building (see separate building survey).

The site also retains a generous, grassed garden for the shared use of the two flats. There is clear potential to introduce within this green space various features for the benefit of biodiversity, land drainage, amenity and landscape character, including:

- New planting of shrubs, flowers and (potentially) trees;
- Rainwater harvesting facilities (such as a water butt); and

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- Biodiversity features (such as bat and bird boxes/bricks & hedgehog-friendly fencing).

The proposed balcony also provides clear scope for the site's soft landscaping and biodiversity value to be materially enhanced.

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## Drainage & foul sewerage disposal

### **Policy context**

Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage.

### **Discussion**

In addition to policy PPL5, the LPA's recent pre-application advice letter included the following guidance:

*Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements. An application will need to confirm how foul sewage disposal will be dealt with in compliance with the building regulations and Environment Agency drainage hierarchy.*

It is confirmed, accordingly, that the new building will be connected to mains drainage. There is an existing connection used by the current dwelling.

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## Planning obligation - open space & play space

### **Policy context**

Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Policy HP5 of Section 2 of the Adopted Local Plan states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update.

Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. For the purposes of this policy, the widest reasonable definition of infrastructure and infrastructure providers will be applied. Section 106 will remain the appropriate mechanism for securing financial contributions.

### **Discussion**

The site is located in the built-up area of Clacton-on-Sea where it benefits from easy and convenient access to the settlement's existing infrastructure, including open and play space. The site is located on the seafront, overlooking Clacton Beach. In this manner, it benefits from enviable proximity to one of the District's best and most expansive open spaces, the beach and adjacent promenade.

The development concerns two small, 2-bed flats, the design of which is intended to appeal, in particular, to the ageing/retirement community. Given the type and size of the proposed accommodation, the flats are unlikely to be inhabited by families or young children.



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In addition, the flats are supplied with integral, good-quality amenity space in the form of a private, communal garden and sea-fronting balcony.

For these reasons, it is considered unlikely that the development would give rise to any material pressures on local open and play space. The main open space of which new residents are likely to make use is Clacton Beach and this expansive facility has sufficient capacity to sustain such a modest increase in use.

It is understood, however, that the LPA will consult the Council's Public Realm Team over the course of the application. If the Public Realm Team considers a financial contribution towards new or improved open/play spaces is required, this will be sought in the form of a Unilateral Undertaking (S106 Agreement).

If such a contribution is sought, it is understood the total fees will consist of:

1. A contribution of £1690 per additional 2-bed unit, equating to £1690 in total<sup>3</sup>;
2. An administrative fee of £100;
3. A monitoring fee of £300<sup>4</sup>.

In the event that the Public Realm Team considers a contribution to be required, it is requested that the planning agent is contacted in a timely fashion to allow for the Unilateral Undertaking and associated fees to be submitted to the LPA prior to the determination date.

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<sup>3</sup> The development seeks consent for 2 no. dwellings in total, however 1 no. dwelling can be considered a replacement dwelling and there is only a net increase of 1 no. dwelling

<sup>4</sup> refundable in the event that the planning application is refused or withdrawn

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## Planning obligation - Recreational disturbance

### **Policy context**

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 residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation.

Policy PPL4 of Section 2 of the Adopted Local Plan states that an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed in compliance with the habitats Directive and Habitats Regulations. Contributions will be secured from residential development, within the Zones of Influence, towards mitigation measures identified in RAMS.

### **Discussion**

It is acknowledged that the site lies within the Zone of Influence and must therefore provide mitigation in line with local policy PPL4 and the associated Essex Coast RAMS. From 1<sup>st</sup> April 2023, the necessary mitigation consists of a financial contribution of £156.76 per net new dwelling. This is to be secured by way of a Unilateral Undertaking.

The applicant here confirms their intention to provide the necessary financial mitigation of £156.76.

This financial contribution is calculated in accordance with paragraph 3.6 of the Essex Coast RAMS, copied below:

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What types of dwellings does this apply to?

3.6 Only new residential developments where there is a net increase in dwelling numbers are included in the RAMS. This would include, for example, the conversion of existing large townhouses into smaller flats, or the change of use of other buildings to dwellings. It excludes replacement dwellings (where there is no net gain in dwelling numbers) and extensions to existing dwellings including residential annexes. Applicants are advised to contact the LPA if in any doubt as to whether their development is within the scope of the RAMS.

*Essex Coast RAMS*

The development seeks consent for 2 no. dwellings in total, however 1 no. dwelling can be considered a replacement dwelling and there is only a net increase of 1 no. dwelling.

The applicant has not submitted a Unilateral Undertaking with the application as it remains to be established whether a financial contribution towards open/play space is required<sup>5</sup>. If a financial contribution towards open/play space is required, it is proposed that both contributions will be secured by way of a single Unilateral Undertaking.

If a financial contribution towards open/play space is not required, then a Unilateral Undertaking in respect solely of RAMS will be arranged prior to determination of the application.

In summary, a Unilateral Undertaking in respect of RAMS will be promptly provided upon the LPA's confirmation that a financial contribution towards open/play space is or is not required.

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<sup>5</sup> subject to consultation with the Council's Public Realm Team

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## Environmental protection

### Discussion

In order to minimise potential nuisance to the occupiers of the adjacent dwellings caused by construction works, the LPA's pre-application advice recommended the submission of a construction method statement (CMS) with the full planning application.

However, it is understood that unless sites are subject to unusual or significant construction constraints, the LPA is generally content for the CMS to be submitted post-consent, with its provision being secured by way of a suitably worded planning condition.

For example, a recent grant of planning consent for a similarly minor residential development Clacton On Sea (22/01477/FUL) was subject to the following pre-commencement planning condition:

*14 Prior to commencement of development, a Construction Management Plan (CMP) detailing how the construction of the development hereby approved shall help to mitigate against excessive disruption to neighbouring residential amenity and passing traffic shall be submitted to and approved by the Local Planning Authority. The Construction Management Plan shall thereafter be implemented as approved and shall be kept in place for the duration of the development until completion.*

*Reason: In the interests of residential amenity protection and highway safety.*

*Pre-commencement condition justification: To avoid unnecessary disruption to local amenity and drivers during the construction phase of the approved development.*

In this case, the development site is not subject to any unusual or significant constraints and benefits from two points of vehicular access (front and rear). It is considered appropriate, accordingly, for the CMS to be provided post-consent but prior to commencement of development. The applicant here confirms their willingness to comply with a suitably worded pre-commencement condition, such as condition 14 inserted above.

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The applicant is also willing to include all of the following details in their CMP and this can also be secured by way of a suitably worded condition:

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- The use of barriers to mitigate the impact of noisy operations will be used where possible.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

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- No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
  - All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.



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## Conclusion

The high-quality residential development for which consent is here sought has been the subject of a prolonged, iterative design process which has included liaison with the LPA at pre-application stage. The LPA's pre-application advice has been carefully considered and the development has been materially amended to address in full the LPA's concerns.

The resulting development will serve to raise local design standards, making more effective use of land and incorporating generous energy-efficient and accessibility features, in excess of minimum requirements.

Its architectural style and detailed design is responsive to the eclectic local character, drawing primary inspiration from significant, "Art Deco" maritime buildings such as the nearby Clacton Pier.

The development will offer a very high standard of accommodation to its occupants whilst ensuring the due preservation of neighbouring amenities.

It is the professional opinion of Planning Direct that this application ought therefore to be approved without delay.

The applicant expects the LPA to bring any potential issues arising with the proposal to the attention of Planning Direct at the earliest opportunity, in order that clarifications can be provided and/or solutions agreed where appropriate.