

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	18/07/2018
Planning Development Manager authorisation:	AN	18/7/18
Admin checks / despatch completed	AP	18/7/18

**Application:** 18/00651/FUL

**Town / Parish:** Lawford Parish Council

**Applicant:** Mrs & Mr Tine & Paul Lawrence

**Address:** 59 Nash Close Lawford Manningtree

**Development:** Detached single storey annex.

### 1. Town / Parish Council

Lawford Parish Council

Council has no objection providing the conditions are adhered to and the Annex does not become a separate dwelling to be let out or sold.

### 2. Consultation Responses

Environment Agency

See document dated 19.06.18

### 3. Planning History

18/00762/FUL

Proposed erection of boundary fence.

Approved

16/07/2018

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

LP4 Housing Layout

PPL1 Development and Flood Risk



## **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to 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 a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application relates to 59 Nash Close Lawford a south facing mid-terrace dwelling within the settlement development boundary for the area. The site is also located within Flood Zone 3.

### **Description of Proposal**

The application seeks permission for the erection of an outbuilding located within the rear garden sited close to the new rear boundary fence line approved under 18/00762/FUL.

The outbuilding measures 3.8 metres by 6 metres (with a small projection of the entrance) with an overall flat roof height of 2.8 metres.

The outbuilding is to be used as ancillary annexe accommodation for the applicant's son.



### Assessment

The main considerations in this instance are;

- Design and Impact;
- Flood Risk;
- Residential Amenities; and,
- Representations.

### Design and Impact

The outbuilding is located to the rear of property and will not be visible from the Nash Close street scene. Some views will be possible from the private parking court to the east of the site. The rear boundary of these terraced dwellings lies adjacent to the roundabout at the bottom of Coxs Hill. The rear garden and proposed outbuilding is therefore visible from this viewpoint. However, the outbuilding is located 9 metres back from the highway edge and will be sited adjacent to existing outbuildings within the application site and adjacent gardens. The modest height and flat roof design also minimises the visual impact. For these reasons, the proposed outbuilding will not appear overly prominent or harmful to visual amenities or the character of the area overall.

### Flood Risk

The site is located within Flood Zone 3. The application is accompanied by a Flood Risk Assessment and Flood Evacuation Plan setting out the floor levels and construction techniques that will be incorporated to mitigate flooding.

Paragraph 104 of the National Planning Policy Framework states that applications for minor development and changes in use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. The FRA that has been submitted satisfies the last phrase of this clause.

The National Planning Policy Guidance explains what is meant by 'minor development' in relation to flood risk. For householder development it provides examples including sheds, garages, games rooms etc within the curtilage of the existing dwelling. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g. subdivision of houses into flats.

In this instance the proposal is for an outbuilding similar to a shed or garage. The use of the building does not require planning permission as it will be used solely ancillary to the main dwelling. The outbuilding requires planning permission due to its height being 30cm above what is allowed as permitted development and not because of its intended use.

The use of the outbuilding as an annexe for the applicant's dependant son does raise concerns as the development will result in a more vulnerable person sleeping on the ground floor within a high risk flood area. However, the Environment Agency raise no objection to the development as the site is in area protected by flood defences. The edge of the flood zone is 30 metres to the south from the front of number 59 and approximately 53 metres from the proposed outbuilding. Refuge within the upper floors of the existing dwelling is readily available and escape from the flood zone is within easy walking distance from the site.

The building is related and ancillary to 59 Nash Close and there is no suitable siting outside of the flood zone as the building would no longer be within the curtilage of the dwelling to which it relates. It would therefore be impractical to apply the sequential test to this minor development and unreasonable to suggest that there are more suitable alternative locations for the development elsewhere outside the flood zone.

On this basis, there can be no objection to the development in terms of flood safety.

### Residential Amenities

The outbuilding is located at the end of the rear garden away from neighbouring properties. The outbuilding is minor in scale and nature and will not result in any harmful impact to outlook, light or privacy.



The rear amenity area serving number 59 is 'L' shaped extending around the rear garden area of 61-63 adjacent. The property currently has a rear conservatory and 2 outbuildings reducing the outside space. The proposal will reduce the amenity area further. However, the realigned rear boundary allowed for a more spacious siting. The garden area to rear of the dwelling and between the outbuildings is considered adequate and retains a pleasant useable area.

#### Representations

Lawford Parish Council raise no objection provided that the annexe does not become a separate dwelling.

A separate dwelling would require planning permission and a condition restricting its use to an annexe is not necessary. An informative will be added.

No individual letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions.

### **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 plans: NC 02a and NC 11a.

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

- 3 The hereby approved development shall only be implemented in full accordance with the agreed Flood Risk & Evacuation Plan accompanying this application. The Flood Warning Evacuation Plan shall remain in force for the duration of occupation and shall remain a live document and be updated where required.

Reason - The site lies within flood zone 3a at high risk from flooding and a detailed evacuation plan is essential to safeguard the occupiers of the development.

### **8. Informatives**

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Ancillary Use Only

The outbuilding hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 59 Nash Close, Lawford CO11 2LE. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit.