

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/08/2018
Planning Development Manager authorisation:	AN	7/8/18
Admin checks / despatch completed	AS	7/8/18

Application: 18/00740/FUL **Town / Parish:** Clacton Non Parished *ER*

Applicant: Mr D Giddings

Address: Land Adj 92 Warwick Road Clacton On Sea Essex

Development: Erection of 1 two storey dwelling.

1. Town / Parish Council

Clacton Non Parished.

2. Consultation Responses

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Highway Authority observes that this proposal is not in accord with current Parking Standards.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

None relevant.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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. They raise 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 48 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a parcel of land located to the north east of number 92 Warwick Road, Clacton on Sea. The site currently appears as a side garden area serving number 92 but has been subdivided to the rear and has its own front gate and boundary fence.

Description of Development

The application has been amended and now proposes the erection of 1 no. 2 bedroom, 2 storey end terrace dwelling (with no rooms now proposed within the roof space).

Assessment

The main considerations in this instance are;

- Principle of Development;
- Design and Impact;
- Residential Amenities;
- Parking Provision;
- Representations.

Principle of Development

The site is located within the Settlement Development Boundary of Clacton-on-Sea as defined within both the adopted and emerging Tendring District Local Plans.

Clacton-on-Sea is defined as one of the districts strategic centres being highly sustainable with many public transport links, a vast array of amenities and employment opportunities.

The principle of residential development in this sustainable location is therefore accepted subject to the detailed considerations set out below.

Design and Impact

The proposed dwelling is a continuation of the terrace of dwellings in an area characterised by semi-detached and terraced dwellings in a linear arrangement. The dwelling will sit in line with the front and rear elevations of the adjoining neighbours and be of the same proportion and design. The proposed dwelling incorporates fenestration, window detailing and brick detailing that mimics the adjoining dwelling.

Whilst it is recognised that the development is sited on the side boundary, the gap to the adjacent flats will remain ensuring that a visual break is retained in the street scene with no scope for its enclosure without the benefit of planning permission. The dense character of the area means that the proposal will simply appear as infill development, in keeping with the built up character and not appearing prominent or harmful within the street scene.

Residential Amenities

The proposal introduces a new dwelling in an end of terrace location adjacent to a blank flank wall of the neighbouring apartment block. The first floor rear facing windows of the new dwelling will serve a bedroom and bathroom only. The bathroom is sited closest to the boundary with the adjoining neighbour and any overlooking will be minimal and not significantly harmful. The rear boundary of the site lies adjacent to the parking court area serving the apartment block to the rear and the distance of almost 15 metres between elevations means that views between windows will be obscured and again not materially harmful to privacy.

The private amenity space serving the new dwelling falls short of the minimum standards required by saved Policy HG9 of the adopted Tendring District Local Plan being only 41 square metres. The dwelling has been reduced in size to a modest 2 storey property. There is a good set back from the highway providing some space to the front (although not private).

The shortfall in private amenity space is outweighed by the benefits of the creation of an affordable property within a highly sustainable location contributing positively to the delivery of a choice of housing for the district.

Parking Provision

The site is located in a highly sustainable location within close proximity to the Clacton Town Centre within easy walking distance to all amenities, recreational facilities and main transport links.

The proposed dwelling does not provide any off street parking provision but on street parking is available in the adjoining streets. Secure cycle storage is proposed within the rear garden. The dwelling has been reduced in size to a 2 bedroom property.

Again, the lack of parking is outweighed by the benefits of the creation of an affordable property within a highly sustainable location contributing positively to the delivery of a choice of housing for the district.

Representations

The site is located within the non parished area of Clacton on Sea.

No letters of representations have been received.

Conclusion

The proposal provides a new affordable dwelling in a highly sustainable location and does not result in any material harm. The application is therefore 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 accordance with the following approved plans: amended Drawing Number: 03C and Drawing Number: 02C received on 3th July 2018.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations, outbuildings, pools or other enclosures shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - The garden is already undersized and any extension or alterations may result in a severe reduction in the overall usability of the space. In addition the small size of the plot means that even a modest extension could harm the amenities of neighbours.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no openings or additions shall be inserted in the roofslope of the development except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of the new and existing dwellings due to the small private amenity spaces and close proximity of the dwellings.

- 5 The materials used in the construction and finish of the dwelling hereby approved shall match in colour, texture, appearance and detailing those on the adjoining dwelling.

Reason - To ensure that the development blends well within its setting in the interests of visual amenity and the character of the area.

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.

Highway Informatives

1. 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.

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