

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	14/08/18
Planning Development Manager authorisation:	AN	21/8/18
Admin checks / despatch completed	pw	28/8/18

EL

**Application:** 18/00873/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Matthew Howes

**Address:** 49 Astley Road Clacton On Sea Essex

**Development:** Proposed new two storey detached dwelling.

### **1. Town / Parish Council**

Clacton – Non Parished.

### **2. Consultation Responses**

ECC Highways Dept  
(Dated 13 July 2018)

The Highway Authority raises an objection to the above application for the following reasons:

1. The proposal will deprive the donor dwelling of its vehicular access and off street parking facilities leading to additional vehicles being parked in the adjoining highway causing conditions of danger and obstruction to road users contrary to the interests of highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

2. As far as can be determined from the submitted plans the proposal fails to provide sufficient off road parking facilities for both dwellings in accord with current Parking Standards. The proposal would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area and causing conditions of congestion, danger and obstruction, contrary to the interests of highway safety and contrary to Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. There is insufficient space in front of the proposed new dwelling for a vehicle to stand entirely clear of the footway which will constitute a danger to pedestrians contrary to highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. As far as can be determined from the submitted plans the proposed vehicular access is excessively wide for a single dwelling and is likely to lead to obliquely angled access manoeuvres into and out of the highway and remove the off street parking facilities contrary to highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative: The required minimum distance from the highway to the front elevation is 6.0m.

ECC Highways Dept  
(Dated 8 August 2018  
following the submission  
of amended plans)

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 first occupation of the proposed dwelling, the proposed vehicular access shall be relocated centrally to the off street parking spaces, constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. The parking spaces / vehicular hardstandings shall be constructed to minimum dimensions of 6.0m x 3.0m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling 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: 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.

### **3. Planning History**

N/A

### **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

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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**

### Site Description

The application site is land to the south of 49 Astley Road, within the parish of Clacton-on-Sea. The site currently forms within the residential curtilage of 49 Astley Road and has a detached garage. The character of the surrounding area is heavily urbanised, with numerous forms of residential development to all sides. The site falls within the Settlement Development Boundary for Clacton-on-Sea within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

### Description of Proposal

The application seeks planning permission for the erection of one detached dwelling serving three bedrooms and measuring 7.3m in height, 6.8m in width and 10m in depth.

### Assessment

#### 1. Principle of Development

The site is situated within the defined settlement limits of Clacton-on-Sea as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017) and therefore

the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

## 2. Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is to be detached, two storeys and sited to the south of 49 Astley Road, accessed via Astley Road to the east. In this instance the proposed dwelling is considered to satisfactorily relate to its surroundings, with it being sited in line with the existing pattern of development along this western side of Astley Road. Whilst there could be the suggestion of a cramped appearance, given how closely related the neighbouring plots are to one another, this will again be in-keeping with the street scene and will not result in significant visual harm.

With respect to the design of the dwelling, whilst there are minor concerns that it will appear slightly bland, its two storey height and use of a front bay window mirrors the character of nearby dwellings. This, and that the materials proposed (concrete tile, UPVC and render) are all in-keeping with neighbouring properties will help to ensure the dwelling will assimilate well within its surroundings.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that this will be achieved for both the proposed dwelling and for 49 Astley Road.

Therefore, it is considered that the siting and design of the proposed dwelling is acceptable within this location.

## 3. Impact on Neighbours Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal will be visible to both the adjacent neighbour to the north, Number 49 Astley Road, and to the south, Number 45 Astley Road. Whilst the dwelling will be closely related to both neighbouring properties, given the proposal maintains a minimum separation distance of 1 metre, thereby according with Policy HG14 of the Adopted Local Plan, it will not result in it appearing significantly imposing. The impact in terms of sunlight and daylight lost to either dwelling is also not considered to be harmful, as per the Essex Design Guide, which states that the obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone.

Whilst there are no first floor side elevation windows that can directly overlooking into neighbouring private amenity areas, it is acknowledged there is one first floor rear elevation serving a bedroom that will result in a degree of overlooking. However, given that the dwellings throughout Astley Road are closely linked, the principle of overlooking has previously been established and this proposal will not result in a significant increase to this.

Whilst there is inevitably a degree of harm to existing neighbouring amenities, as highlighted above, it is considered that, on balance, the harm is not significantly excessive to warrant a reason for refusal.

#### 4. Highways

Essex County Council as the Highways Authority initially objected to the proposed plans on the grounds that the proposal would deprive the donor dwelling (Number 49 Astley Road) off street parking facilities and would result in insufficient space in front of the proposed dwelling to accommodate parking of vehicles entirely clear of the footway.

Objections were also raised regarding the vehicular access being excessively wide, likely leading to obliquely angled access manoeuvres into and out of the highway. However, it was considered that due to Astley Road being narrow, with numerous examples of on-street parking, and that the short area between the access point and proposed dwelling would not mean fast vehicle movements, this reason for objection was not considered reasonable.

Amended plans were then submitted by the agent for the application which has ensured the dwelling has been sited further back within the site, whilst one of the two allotted parking spaces has been allocated to 49 Astley Road. Essex Highways Authority has now removed previous objections subject to a number of conditions.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. Whilst the amended plans show only one parking space for the proposed and existing dwellings at the above measurements, given the sites highly sustainable location within good walking distance to key facilities, on balance the harm is not significant.

#### Other Considerations

Clacton is non-parished so no comments are required.

There have been no other letters of representation received.

#### 6. Recommendation

Approval.

#### 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, the untitled Site Location Plan dated 6 August 2018, the untitled Block Plan dated 6 August 2018 and documents titled 'Car Parking Plan' and 'Proposed New Dwellinghouse'.

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

- 3 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be relocated centrally to the off street parking spaces, constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 4 The two parking spaces / vehicular hardstandings shall be constructed to minimum dimensions of 6.0m x 3.0m and retained for parking for the existing and proposed dwelling thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety.

- 5 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 6 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

## **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 Applicant, 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.