

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/10/2018
Planning Development Manager authorisation:	SCE	04.10.18
Admin checks / despatch completed	<del>XN</del> SB	05/10/18 05/10/18

**Application:** 18/01203/FUL

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr S Gregory

**Address:** Land adjacent 50 Carrs Road Clacton On Sea Essex

**Development:** Erection of one detached dwelling.

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

Clacton is 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 The development shall not be occupied until such time as the car parking space, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.  
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, 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.

2 Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed at right angles to the highway boundary and realigned to the proposed parking space and shall be provided with an appropriately constructed connection to Carrs Road to the specifications of the Highway Authority.  
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 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 access is 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.

### **3. Planning History**

17/01783/FUL	Proposed 3 bedroom detached house.	Refused	20.12.2017
18/01203/FUL	Erection of one detached dwelling.	Current	

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design



## **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 site is located to the south west of Carrs Road and is adjacent to number 50 Carrs Road and is situated to the rear of Flats 2, 4, 6 and 8 Agincourt Road. The site is currently used as part of the garden as well as parking facilities to 50 Carrs Road.

The application site lies within the Settlement Boundary, as established within the saved Tendring Local Plan 2007 and within the Settlement Development Boundary, as per the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### **Proposal**



The application proposes the erection of a 2 bedroom detached house. The dwelling would be accessed via Carrs Road. The proposal will measure 8.3 metres in width, 5.6 metres in depth with an overall height of 7.2 metres.

The application was refused planning permission under reference 17/01783/FUL for the erection of a 3 bedroom house as the proposal didn't provide adequate private amenity space, the impact upon the neighbours and the inadequate parking.

Assessment

### 1. Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Clacton on Sea, as established within the emerging local plan. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

### 2. Layout, 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 plans submitted show that the 2 bedroom dwelling will be detached, two storey and accessed via Carrs Road. The proposal incorporates a gable projection to the southern side of the front elevation rather than the northern side. The dwelling has also been moved further towards the southern boundary and the layout of the dwelling has been altered to reduce the dwellings prominence along the northern boundary.

The design of the host dwelling is considered to be of a size and scale in keeping with the character of the adjacent dwellings. The character of the surrounding area is typically two storey detached dwellings, so the proposal is considered to be in keeping whilst it will also be situated in line with the immediate existing building line to this section of Carr's Road. The design and scale of the proposed dwelling has been reduced to be more in keeping with the character of the area and therefore overcomes the original concerns.

The proposed dwelling has been amended from a 3 bed to a 2 bed dwelling, policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedroom dwelling should be a minimum of 75 square metres. The plans indicate that this is achievable and sufficient private amenity space is retained for 50 Carr's Road. Therefore the proposal complies with Policy HG9 and has overcome the original concerns.

### 3. Impact upon neighbours

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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).



In terms of the impact on neighbouring amenities, the proposal retains a 1 metre gap between the proposal and the neighbouring boundary between the proposal and number 50 Carrs Road. The proposal will not impact upon the neighbouring property 2,4,6 and 8 Agincourt Road. In relation to Policy HG14 in Tendring Local Plan, the proposal maintains approximately 0.2 metres towards the rear. However, it is considered that there is sufficient distance to ensure that there is no detrimental impact to the neighbour that will occur as the front of the proposal will maintain 1 metres to the neighbouring boundary. Whilst the proposal is fairly large, there are no windows proposed on the side elevation to reduce any risk of overlooking. Therefore it is considered that there is no significant impact to existing neighbouring amenities to warrant a reason for refusal.

Permitted development rights will be removed for dormers/roof lights to ensure that the privacy of neighbouring residents will be preserved. Permitted development rights have also been removed for extensions and outbuildings to ensure that the dwelling retains sufficient private amenity space.

### Highways and Parking

Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

Essex County Highways has been consulted on this application and do not raise an objection subject to the following conditions:

- Prior to occupation car parking spaces will be hard surfaced and sealed
- Prior to occupation the vehicular access shall be reconstructed to right angles to the highway
- The existing access/any part of the access which is rendered redundant or unnecessary shall be suitably and permanently closed to the satisfaction of LPA

The proposed dwelling will provide a parking space to the front of the application site which does not meet Essex Parking Standards requirements of 2 parking spaces for a dwelling comprising of 2 or more bedrooms. The application also proposes the existing dropped kerb to be removed and the kerb line to be reinstated which will provide an additional off road parking space. As stated within the planning statement submitted with this application, a survey was undertaken to monitor off street parking and concluded that there are at least 3 off street parking spaces at any one time. Therefore, it is considered due to the proposed dwelling and 50 Carrs Road being situated within a highly sustainable location and within good walking distance to key facilities, on balance the proposal is not considered significant enough to warrant a reason for refusal. It is therefore considered that the proposal overcomes the previous concerns and it is acceptable in terms of highways and parking.

### Other Considerations

Clacton is non parished.

No letters of representation have been received for this application.

### Conclusion

The proposal does not result in any material harm and therefore it is recommended for approval.

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Refusal



- 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 and documents: Drawing no. 01 Revision B and Planning Statement dated 20th 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, B 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), there shall be no additions to the property, nor shall any buildings, swimming or other pool enclosures be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the property retains sufficient private amenity space and the impact upon surrounding residents is not harmed.

- 4 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

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

Reason - In the interest of visual amenity and the character of the area.

- 6 No development shall take place until details or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out solely in accordance with the approved details.

Reason - Insufficient details have been submitted in this regard.

- 7 The development shall not be occupied until such time as the car parking space, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason- To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety



- 8 Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed at right angles to the highway boundary and realigned to the proposed parking space and shall be provided with an appropriately constructed connection to Carrs Road to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety

- 9 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-installment to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> <b>If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	NO