

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	17/04/2019
Planning Development Manager authorisation:	SCE	18.04.19
Admin checks / despatch completed	RW	23   4   19

*ER*

**Application:** 19/00306/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr David Batcher-Clark

**Address:** 98 Jaywick Lane Clacton On Sea Essex

**Development:** New garage.

**1. Town / Parish Council**

Clacton is non parished

**2. Consultation Responses**

n/a

**3. Planning History**

10/00041/FUL	Conversion of existing bungalow to provide two storey property by way of first floor extension and new roof. Also provision of a new garage to rear garden and new conservatory.	17.03.2010
10/00746/FUL	Conversion of existing bungalow to provide two storey property by way of first floor extension and new roof. Provision of a new conservatory to rear.	Approved 09.08.2010
17/01840/OUT	Proposed 2 no. detached chalet bungalows with detached garages.	Refused 08.01.2018
19/00306/FUL	New garage.	Current

**4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019  
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

HG9 Private Amenity Space

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



### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

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

#### Proposal

This application seeks planning permission for the erection of a garage to the rear garden of a detached dwelling located within the development boundary.

Upon the officers site visit works on the proposal had already commenced on site.

#### Assessment

#### Design and Appearance

The proposal will be sited to the rear with parts of it being visible from Jaywick Lane.

The proposal will be set back ample distance from the front of the site with it being partially screened by the existing house and would therefore not appear as a prominent or adverse feature within the streetscene.

The proposal will be large in size and will be finished in timber. Whilst these elements will not match the overall character of the existing dwelling as a result of its siting back from the highway and predominant screening by way of the host dwelling the use of this material or size of the proposal would not have a harmful impact to the overall appearance and character of the existing house within the streetscene.

The site is of a large enough size to support the proposal and still retain appropriate private amenity space.

#### Impact on Neighbours

The proposal would be sited to the rear of the garden and stepped in from the boundary by 1m. As a result of its siting away from the neighbouring dwellings the proposal would not result in a significant impact to the residential amenities of the neighbouring dwellings.



Sited to the north of the site is the rear of 96 Jaywick Lane which has planning permission approved under reference 17/02148/FUL for the construction of 8 bungalows. The nearest one to the proposal will be plot 2 who will be able to achieve views of the side of the proposal. As the proposal will be sited sufficiently away from this planned plot it is considered that the proposed garage would not have a harmful effect on the future occupants of this neighbour.

#### Other Considerations

Clacton is non parished and therefore not comments are required.  
No further letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan 1:500 and Proposed Plan with annotated measurements.

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

### **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.