

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	S NW	07/05/19
Planning Development Manager authorisation:	SCE	07.05.19
Admin checks / despatch completed	AP	8/5/19

KLQ

Application: 19/00023/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Martin Leeks

Address: Land Between 23 and 25 St Albans Road Clacton On Sea

Development: Proposed single storey garage at rear.

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

Not Applicable

3. Planning History

19/00023/FUL Proposed single storey garage at rear. 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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site refers to a parcel of land between number 23 and 25 St Albans Road, Clacton on Sea, located within the development boundary of Clacton on Sea.

Proposal

The application seeks planning permission for the erection of a single storey garage to the rear of the parcel of land. The proposal will measure 3 metres in width, 11 metres in depth with an overall height of 2.75 metres.

The garage was amended to reduce the width of the proposal to 3 metres to reduce any impact upon neighbouring amenities.

Assessment

The main considerations for this application are the design and appearance and the impact upon neighbouring amenities.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed garage is single storey with a dual pitched roof. The proposal will be visible from the street scene of St Albans Road, however due to the garage being set back by approximately 24 metres from the highway and due to it being single storey, it is considered that the garage will not cause any significant impact upon the street scene.

The garage will be constructed from green corrugated steel sheets with polyurethane panels, which are considered to be typical materials used in garages/outbuildings. It is therefore considered that the proposal is acceptable in terms of design and appearance.

Impact upon neighbouring amenities

The garage will be visible from both neighbouring dwellings number 23 and number 25 St Albans Road. The garage will be located approximately 0.5 metres away from both boundaries and due to the dual pitched roof which will slope away from both neighbouring amenities as well as the garage being single storey, it is considered that the proposal will not cause any impact upon neighbouring amenities. Due to the proposal being situated to the rear of the site, the proposal will not obscure any side windows of the neighbouring dwellings. The proposal does not incorporate windows along either side elevation this is to ensure that there is no overlooking onto neighbouring amenities.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that 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. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the roof would not catch either 23 or 25 St Albans Road in the rear window in elevation or the 45 degree would not intercept the windows at 23 and 25 St Albans Road in plan.

Highway Safety

The garage is an additional 4 metres in length however the garage is set back from the highway reducing its prominence within the street scene. In terms of the size of the proposal, the garage is in line with Essex Parking Standards requirements for a garage to measure 7 metres by 3 metres as the garage measures 11 metres by 3 metres and therefore is acceptable in terms of highway safety.

Other considerations

Clacton is non parished.

1 letter of objection has been received raising the following concerns:

1. The proposal is too close to the boundary

The concern has been addressed within the report.

2. Concerns over privacy and noise

The application form states that the garage will be used for storage purposes. Furthermore, a condition is imposed to ensure that the building is not used for business purposes. In terms of privacy, the proposal does not incorporate windows along either side elevation this is to ensure that there is no overlooking onto neighbouring amenities.

Conclusion

In the absence of any material harm resulting from the development, the application 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: Cross Section Scale 1:50, Floor Plan Scale 1:50, Elevations Scale 1:100, Elevation Frame Scale 1:100

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

- 3 The building shall be used ancillary to C3 Residential Use only (for no business purposes) of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To avoid disturbance in the interest of residential amenity and 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.

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