

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	09/08/19
Planning Development Manager authorisation:	AN	12/8/19
Admin checks / despatch completed	SB	13/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	13/08/19

**Application:** 19/00947/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr & Mrs Austin

**Address:** 155 Harwich Road Little Clacton Essex

**Development:** Variation of condition 2 of approved application 17/01863/FUL to change size and location of garage for plot 2.

### 1. Town / Parish Council

Little Clacton Parish  
Council

Little Clacton Parish recommends Approval.

### 2. Consultation Responses

ECC Highways Dept

It is noted that this application only concerns condition 2 of approved application 17/01863/FUL., the Highway Authority does not object to the proposals and subject to the following mitigation and condition.

1. All double garages should have a minimum internal measurement of 7m x 5.5m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informative 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.

### 3. Planning History

03/01809/FUL	Extensions	Approved	03.11.2003
14/01181/OUT	One detached dwelling with associated garaging and parking.	Approved	08.10.2014
14/01883/OUT	For the residential development of 0.14 ha of land to create two detached dwellings with associated garaging and parking.	Refused	11.02.2015
16/00746/FUL	To construct 2 No. residential dwellings on area of land	Approved	21.09.2016

temporarily used as commercial premises.

16/01609/DISCON	Discharge of conditions 3(Materials) and 8(Construction Method Statement) of approved planning application 16/00746/FUL.	Approved	20.10.2016
17/01863/FUL	Proposal to construct two new build residential dwellings.	Approved	20.12.2017

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

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

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

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 (2019) 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal**

### Site Description

The site is located to the rear of 155 Harwich Road, but vehicular access is gained via an unmade road to the west. The surrounding area is fairly rural in nature, although to the south of the site are numerous detached and semi-detached residential dwellings. The site falls outside of a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Description of Proposal

This application seeks a variation to condition 2 of planning permission 17/01863/FUL, which granted permission for two dwellings. The variation to these previous plans specifically relates to

the garage for Plot 2 in that it is to be sited approximately 10 metres back closer to the dwelling, and will be a double garage instead of the previously approved single garage.

### History

The principle of development for two detached dwellings on this site was previously refused within planning application 14/01883/OUT, but was overturned by an inspector at appeal under reference APP/P1560/W/15/3132153.

Under planning reference 16/00746/FUL, planning permission was granted for a detailed application for the two dwellings, which were 1.5 storey traditional style dwellings.

Under planning reference 17/01863/FUL, planning permission was also granted for two dwellings of a differing design to 16/00746/FUL. The development was under construction at the time of the site visit.

### Assessment

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 amendments to the previously approved plans are relatively minor in nature and all specifically relate to the garage associated with Plot 2. The amendments will see this garage increasing in size but located closer to the dwelling.

Given that the garage is to be located closer to the dwelling, it will be less prominent than originally allowed. It will also appear less detached and more ancillary to the main dwelling, which is supported. There will therefore be very limited views of the garage, so while it is acknowledged it is of a greater size, there is no visual harm as a result.

The garage will be sited approximately 15 metres apart from Plot 1 and a minimum of 20 metres to the properties to the south along Harwich Road. Therefore there will be no significant harm to any existing neighbouring amenities.

Since the determination of 17/01863/FUL there has been a change in circumstances in that, as per Natural England advice, all new dwellings that fall within a 'zone of influence' are required to provide a financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in the form of a Unilateral Undertaking. However, given this is a variation to a previously approved and implemented scheme, it would not be reasonable to request this contribution on this occasion.

### Other Considerations

Little Clacton Parish Council has recommended approval.

There have been no other letters of representation received.

## **6. Recommendation**

Approval.

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

17/01863/FUL - drawing numbers PA.001 Revision A, PA.002 Revision A, PA.003 Revision A, PA.004 Revision B, PA.005 Revision B, PA.006 Revision A and PA.008 Revision A.

19/00947/FUL - drawing numbers PA.007 Revision C and PA.009 Revision B.

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

- 2 Prior to the first occupation of the proposed dwelling, the primary vehicular access shall be 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.

- 3 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

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

- 4 Prior to the occupation of the development a scheme of hard and soft landscaping works for the site shall be submitted to and approved in writing by the Local Planning Authority, and shall accurately identify the 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 "BS5837:2012 - Trees in Relation to Construction".

Reason - In the interests of visual amenity and the character and appearance of the area.

## **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.

### Highways Informative:

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.