

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	11/08/2020
Planning Development Manager authorisation:	AN	11/08/2020
Admin checks / despatch completed	CC	11/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	11/08/2020

Application: 20/00771/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr and Mrs Baker

Address: Marigold 82 Dulwich Road Holland On Sea

Development: Proposed garage conversion to office and utility area.

1. Town / Parish Council

Clacton non-parished.

2. Consultation Responses

ECC Highways Dept
04.08.2020

The highway authority has not been making site visits due to the COVID-19 restrictions and the observations below are based on a desktop study; submitted material and google earth image dated Sept. 2016. It is noted that the existing vehicle access is not changing and there is room for off-street parking within the boundary of the property, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

2. Prior to the completion of the conversion a minimum of two vehicles parking spaces must be retained in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

3. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, 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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

20/00771/FUL	Proposed garage conversion to office and utility area.	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG 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

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

CP2 Improving the Transport Network

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Site Description

The application property is a detached bungalow on the southern side of Dulwich Road in a residential area of Holland-on-Sea. The bungalow has a side gable roof and a flat roofed open fronted canopy linking the front of a garage with the front of the bungalow. The property has a dropped kerb and a drive in front of the garage. Viewed from the road the bungalow has an indentation to its footprint at the position of the left hand corner. The detached flat roofed garage at this position, hard on a side boundary.

Proposal

Proposed garage conversion to office and utility area.

A front extension would be added to the garage to bring the front of the garage level with the front of the bungalow. Two windows set on a rendered external wall would form the front elevation of the former garage. A small roof light would be set at a central position on the roof. The canopy at the front of the property would be unaltered; the front extension of the garage would be set below the existing canopy.

Assessment

The property is set amongst predominately detached bungalows forming a streetscene with a discernible pattern or style yet with considerable variation to each individual property. It is considered that the proposal would have an acceptable appearance and as such would be acceptable with regard to Policy QL9.

The study would work well as such being sufficiently removed from the main body of the bungalow to provide quiet space. The proposal is acceptable with regard to Policy QL10.

With regard to Policy QL11, the bungalow to the left hand side, no. 84, has two side windows facing the position of the garage and its front extension but set off the common boundary by the width of a driveway. The forward most window appears (based on plans referenced 10/01430/FUL) to be to a bedroom which also has a large front window. The other window already looks onto the flank of the existing garage. Due to isolation space and orientation it is considered that the proposal would have no material adverse impact to the occupiers of no. 84. No other neighbour would be adversely affected. The proposal is acceptable with regard to Policy QL11.

With regard to parking provision, the local highway authority has been consulted and has responded in writing to raise no objection subject to the imposition of conditions.

Letters of notification were sent to occupiers of 4 neighbouring properties. No response has been received.

6. Recommendation

Approval.

7. Conditions / Reasons for Approval

- 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: PJB/1981/01 and PJB/1981/02.

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

- 3 Prior to first use of the outbuilding as hereby approved two off street vehicular parking spaces of minimum dimensions of 2.9 metres x 5.5 metres shall be provided at the property and retained thereafter for vehicle parking.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 4 Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway prior to construction.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest 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.

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.

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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