

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	22 nd Sept 2020
Planning Development Manager authorisation:	SCE	23.09.2020
Admin checks / despatch completed	CC	23.09.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	23/09/2020

Application: 20/01014/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr Russell Measor - Axis

Address: Dunkirk 124 Long Road Lawford

Development: Proposed removal of condition 2 (garage retention) for application 02/00616/FUL to allow conversion of garage into utility/cloakroom.

1. Town / Parish Council

Mrs Peachey Lawford
Parish Council
09.09.2020

Council is concerned at the lack of parking created by converting the garage.

2. Consultation Responses

ECC Highways Dept

The minimum 2 parking spaces for a two plus bedroom dwelling will be retained therefore the Highway Authority does not object to the proposals as submitted.

3. Planning History

02/00616/FUL	First floor extensions over existing side garage and rear bathroom	Approved	22.05.2002
94/00131/FUL	(Dunkirk, 124 Long Road, Lawford) Two storey side extension with forward single storey projection	Approved	15.03.1994
96/01603/FUL	(Dunkirk, 124 Long Road, Lawford) Single storey side and rear extensions to provide garage and enlarged kitchen and new bathroom for private use	Approved	24.01.1997
18/01908/HHPNOT	Rear extension height 3.5mm x depth 4metres.	Approved	
18/01996/FUL	Single storey rear extension.	Approved	05.02.2019
20/01014/FUL	Proposed removal of condition 2 (garage retention) for application 02/00616/FUL to allow conversion of garage into utility/cloakroom.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Essex Design Guide

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, 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 (including Site Description and Proposal)

Site Description

The application site is the left hand of a mid-twentieth century semi-detached dwelling. It benefits from a reasonably-sized hardstanding.

Relevant Planning History

In regards to planning approval 02/00616/FUL for a first floor extensions over existing side garage and rear bathroom, a condition was imposed which required the garage to be maintained for parking at all times. The condition was imposed despite the site benefitting from sufficient off-street parking to accommodate two parking spaces as standard.

Description of Proposal

The application proposes removing Condition 2 of planning approval 02/00616/FUL, requiring that the garage is permanently retained for parking purposes.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

It is likely that the resultant development would require the existing garage door being replaced with fenestration. Such changes to the external appearance are not considered to amount to operational development as they are unlikely to materially affect the external appearance of the building.

Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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).

The proposal would result in internal alterations only and for this reason the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The minimum 2 parking spaces for a two plus bedroom dwelling will be retained therefore the Highway Authority does not object to the proposals as submitted.

6. Recommendation

Approval – Full

7. Conditions

- 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.

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?		NO
Are there any third parties to be informed of the decision?		NO