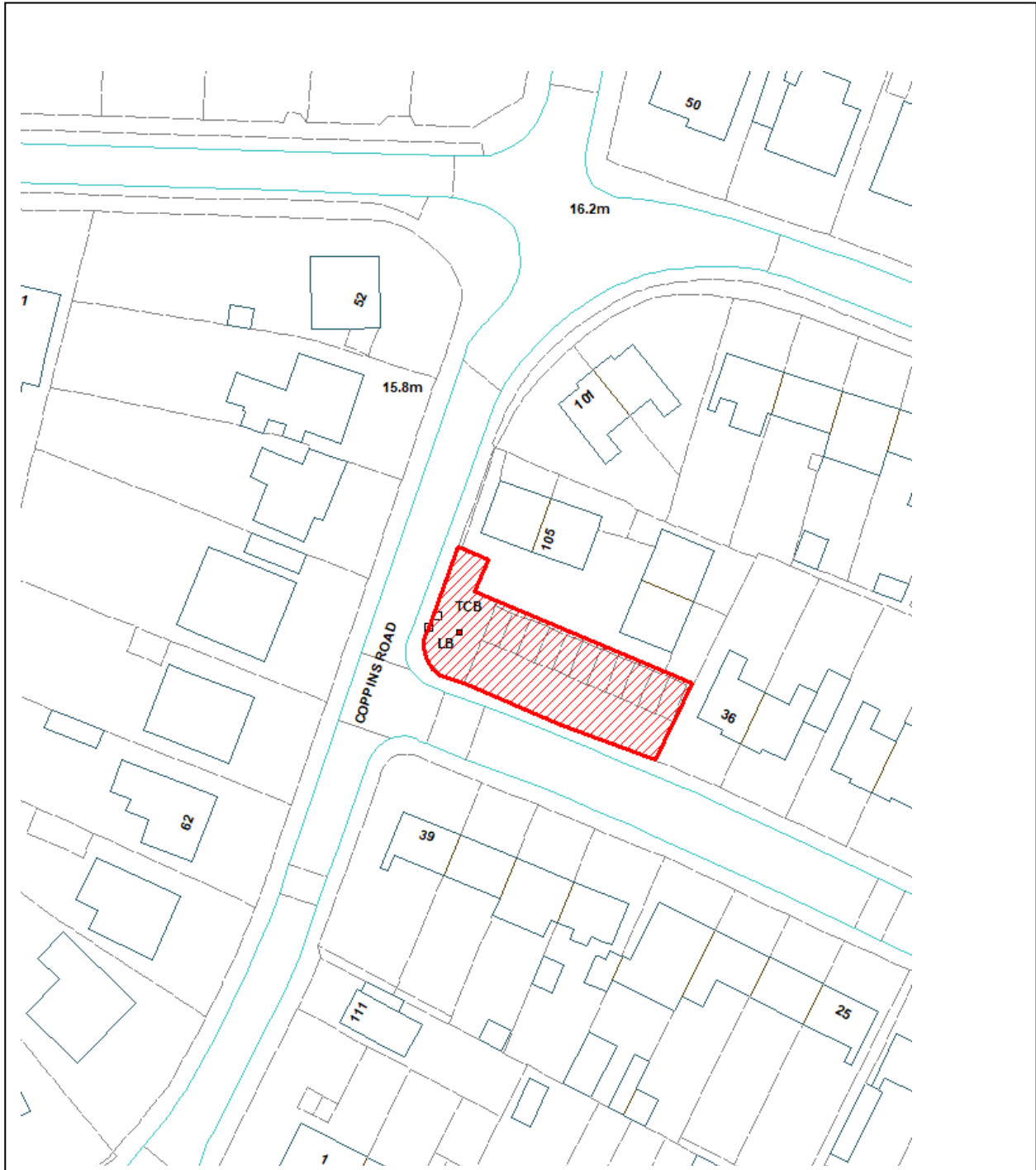


PLANNING COMMITTEE

17 NOVEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.5 PLANNING APPLICATION – 20/00611/FUL – GARAGE BLOCK 1-10 WARGRAVE ROAD CLACTON ON SEA CO15 3EQ



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Application: 20/00611/FUL	Town / Parish: Clacton Non Parished
Applicant: Mr Daniel Mills	
Address: Garage Block 1-10 Wargrave Road Clacton On Sea CO15 3EQ	
Development: Construction of 10 no. attached flat roof single garages.	

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application involves the replacement of the already-demolished row of eleven flat roofed garages with ten flat-roofed garages.
- 1.3 The garages would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area and would not result in an unacceptable impact to residential amenity or have a detrimental impact upon the private amenity of local residents in respect of noise. Furthermore, the proposal would not result in any harm to the safety of the surrounding public highway network.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

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

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

- 2.2 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.
- 2.3 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.

- 2.4 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.
- 2.5 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.

3. **Relevant Planning History**

95/00919/FUL	(Footpath corner of Coppins Road and Wargrave Road, Clacton on Sea) To site a pouch box on a pedestal for use by postal delivery staff	Approved	11.09.1995
20/00611/FUL	Construction of 10 no. attached flat roof single garages.	Current	

4. **Consultations**

ECC Highways Dept 16.06.2020	From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.
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5. **Representations**

- 5.1 No representations have been received in response to either the public consultation or the site notice.

6. **Assessment**

Site Context

- 6.1 The application site is located at the corner of Wargrave Road and Coppins Road; sharing its northern boundary with numbers 103, 105 and 109 Coppins Road and its eastern boundary with 36 Wargrave Road.
- 6.2 The site is entirely flat, of an irregular rectangular shape and having an area in the region of 438sqm. The majority of the rectangular parts of the area serves the garage block itself and a hardstanding area forward of this. The irregular parts of the plot

comprises a small parcel of grassed land which contains a telephone box and two post-boxes.

- 6.3 The plot measures 12.5m deep and 34.5m wide; of the 12.5m deep approximately 6.4m is laid to hardcore.

Proposal

- 6.4 The application proposes replacing the garages; there would be a reduction on the number of units from 11 down to 10; this is as a consequence of modern cars being larger than when the garages were originally constructed.
- 6.5 In terms of the original overall width of the block, the proposed garages would occupy a similar footprint to the original ones but would be marginally deeper – again to more-closely reflect adopted parking standards.
- 6.6 The hardstanding depth is reduced to 6.2m, the depth of the garage block would be 5.5m and its width would be 28.6m and they would be inset from the rear boundary by approximately 0.5m. Externally the garages would have a shallow mono-pitched roof with a 2.7m height falling to 2.6m towards the rear. Externally the block would be constructed in red stock brick, have a fibreglass roof and have steel up-and-over garage doors. The gravel/hardcore hardstanding would be replaced with a permeable surface.

Principle of Development

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

Appearance

- 6.8 Saved Policy QL9 sets out a range of general design principles, including requirements for developments to have regard in their design approach to local character and distinctiveness, architectural quality, scale and massing, and landscaping. This policy requires all new development to make a positive contribution to the quality of the local environment, and to protect or enhance local character. Draft Policy SPL3 sets out the requirement for development to achieve sustainable design.
- 6.9 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.10 Housing stock in the locale has a typical post-war appearance, comprising part red-brick, part render.
- 6.11 The original garages were of typical pre-fabricated concrete appearance and had a typically functional, though architecturally unattractive form. The replacement garages, having a red brick external finish would introduce a form of development which is considered to respect the wider streetscene in general. In terms of height and

footprint, the scale of the proposed is similar in most aspects to the original garages and no objection exists in this regard.

Highway Safety/Parking

- 6.12 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.
- 6.13 Manual for Streets, published by the Department of Transport in 2007 states that garages are not always used for car parking, and this can create additional demand for on-street parking. The publication suggests that many authorities now recommend a minimum internal size of 6m by 3 m. The Council's preferred bay size for cars is 5.5 metres by 2.9 metres and the minimum bay size is 5 metres by 2.5 metres.
- 6.14 The plans indicate that the internal dimensions fall marginally short of the preferred bay size, being 2.75m wide (or 2.5m at the pinch-point where internal supporting piers exist) and approximately 5m deep. The Highway Authority observes that the internal dimensions of the proposed garages are not in accord with the current Parking Standards and therefore unlikely to be used for their intended purposes but, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the mitigation and conditions.

Impact on Residential Amenity

- 6.15 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) 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.
- 6.16 There are no dimensions available for the existing garages, notwithstanding this it is evident that the proposed garages would not be materially larger in terms of their height than the previous form of development. For this reason the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

7. Conclusion

- 7.1 The construction of a replacement block of garages is considered to be acceptable in principle. There will be a nominal improvement to the wider streetscene in general as a consequence of the external construction materials. The proposal does not result in any material harm to visual amenity, impact upon neighbouring amenities or have any adverse impact on highway safety.

7.2 For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

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: DM/2020/01/B; received 15th May 2020.

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

3 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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

8.3 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 Informatives

The Highway Authority observes that the internal dimensions of the proposed garages are not in accord with the current Parking Standards and therefore unlikely to be used for their intended purposes.

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

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.3 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.4 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.5 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.6 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- 9.7 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.8 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.9 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.10 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.