

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	25.03.2021
Planning Development Manager authorisation:	TF	25/03/2021
Admin checks / despatch completed	DB	25.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.03.2021

Application: 20/01555/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mrs Omowunmi Soetan

Address: 52 Cotman Road Clacton On Sea Essex CO16 8YP

Development Proposed electric garage door.

1. Town / Parish Council

Clacton – Non Parished

2. Consultation Responses

ECC Highways Dept No Comments received

3. Planning History

99/01860/OUT	Residential development with associated access roads, car parking/garaging, open space areas, landscaping works and erection of new wall on north side of Cann Hall	Approved	30.05.2006
04/00221/FUL	Erection of 69 sheltered housing dwellings and warden's accommodation with ancillary accommodation plus 71 associated car parking spaces, including land set aside for Pickers Ditch Public Footpath.	Refused	01.11.2004
09/00336/DETAIL	Residential development for 26 units comprising three x 2 bed flats, seven x 2 bed houses, seven x 3 bed houses, eight x 4 bed houses, one x 5 bed house, with access roads, car parking and garaging, and undercroft parking, open space areas, paved footways, landscaping works, screen walls and fences. Demolition of two garages to north of Cann Hall.	Approved	13.07.2009

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

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

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

The application seeks planning permission for the installation of an electronic garage door to the existing open under croft parking area.

Application Site

The application site is located on the northern side of Cotman Road at the junction of Turner Close and comprises of a first floor flat with an open undercroft area for parking. The site is part of the Cann Hall estate extension comprising of some 26 properties following a uniform design and character. The Grade II* Listed Cann Hall is located to the south of the estate.

Assessment

Design and Appearance

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.

The original planning permission for the estate (09/00336/DETAIL), conditions 2 and 3 state:

2. *All garage doors shown on approved plans shall be of timber and side hinged and shall be implemented prior to the first occupation of the dwelling to which they relate and shall be retained thereafter in this form.*

Reason - To ensure an attractive and traditional form of door appropriate to the traditional building style, in the interests of visual amenity.

3. *Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), all undercrofts shall be retained for the purposes of car parking free of any door or other means of enclosure to the front and back.*

Reason - To minimise on-street parking, in the interests of visual amenity and to ensure that the undercrofts are not enclosed in a way that is to the detriment of the traditional appearance of the development and to discourage parking across footways that may result if the undercrofts were enclosed at the front, in the interests of highway safety.

A mix of original wooden garage doors and open undercrofts along with new black metal shutter garage doors are present within the estate, which has notably altered the original traditional character of the streetscene. The proposed black electric garage door is of a similar design to those seen in the surrounding streetscene and is considered to be in keeping with the character and appearance of the neighbouring dwellings in Cotman Road and Turner Close.

On this basis there is no objection to the proposed electric garage door, however it is considered appropriate in this instance to add a condition requiring the black finish of the garage door to be retained in the interests of visual amenity and to avoid further harm to the character of this estate.

Impact to Neighbouring Amenities

The NPPF, Paragraph 17, 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 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).

Given the small scale nature of the development, no harmful impacts to the residential amenities of the neighbouring occupiers are identified.

Highways Issues

The proposed undercroft parking area and frontage fail to meet the adopted Essex Highway policy standards for a garage (7m x 3m) and a parking space (5.5m x 2.9m). The proposed development was approved before the current parking standards were adopted and the proposal does not reduce the car parking available on site, with the enclosed undercroft parking area still being considered usable for the parking of a motor vehicle and can be conditioned to be retained as such. The enclosure of the existing undercroft with an electric garage door will allow easy access to the parking area from the main highway and therefore the proposal is not considered to materially impact on highway safety over and above that which already exists on site.

Impact on the setting of the Listed Building

The application site is located some distance away from the Grade II* Listed Cann Hall. Due to the minor nature of the works, it is not considered that the proposal would have a detrimental impact on the setting of the listed building.

Other considerations

The site is within the non parished area of Clacton-on-Sea

No representations have been received

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal 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: Site plan, 1560, Existing and Proposed front elevation

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

3. The enclosed undercroft area shall be kept available for the parking of motor vehicles only and permanently retained as such.

Reason - To minimise on-street parking in the interests of visual amenity and highway safety.

4. The garage door to enclose the undercroft area hereby approved shall be finished in black and retained in this approved form thereafter.

Reason - In the interests of visual amenities within the street scene and the overall character of the development.

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