

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	12.04.2021
Planning Development Manager authorisation:	TF	12.04.2021
Admin checks / despatch completed	CC	12.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	12.04.2021

Application: 21/00177/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Mick Rugg

Address: 141 Kings Parade Holland On Sea Clacton On Sea

Development: Erection of garage/workshop to rear (following demolition of existing garage).

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

N/A

3. Planning History

20/01275/FUL	Proposed outbuilding creating garage and workshop (following demolition of existing garage).	Refused	10.11.2020
21/00075/FUL	Proposed new roof with first floor accommodation, and balcony to front.	Approved	22.02.2021
21/00177/FUL	Erection of garage/workshop to rear (following demolition of existing garage).	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

HG9 Private Amenity Space

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

This application seeks permission for the erection of a garage/workshop to rear of the property, following the demolition of the existing garage.

Site Description

The site is located to the north of Kings Parade within the development boundary of Clacton on Sea, serving a single storey detached bungalow. The immediate neighbouring properties to the site

consist of a two-storey dwelling to the west and a three-storey block of flats to the east. The surrounding area consists of dwellings of various heights and designs, predominantly two storey.

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 proposed garage and workshop would measure 12.5 metres wide by 6.2 metres deep on the left and 4 metres deep at the right, with an overall height of 3.4 metres. The walls would be finished in painted render, with a pitched tiled roof featuring three roof lights on the front elevation. The front would also feature a roller garage door, with an additional access door and three pane window both constructed of white UPVC. The garage section would provide parking provision for two vehicles, with the right side of the proposal housing a workshop area and associated W/C. Owing to the shape of the rear boundary, the proposal is deemed to be sited in a manner which remains considerate of the neighbouring dwellings. Whilst the overall height would be 3.4 metres at the pitch, the ground level of this dwelling is approximately 0.35 metres lower than the sites to the rear, thus reducing the impact of the proposal on the visual amenity. This proposal is a single storey construction located to the rear of the host dwelling, which will be entirely obscured from view of the streetscene by the existing property. The design of the proposal is deemed sympathetic to the host dwelling and relates well to its surrounding site.

As a result, it is deemed that this proposal is of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

Previous Submission (20/01275/FUL)

An application for a similar proposal at the site (20/01275/FUL) was refused on the 10th November 2020, due to concerns over its scale and siting and impact on neighbouring dwellings. However, it is deemed that this submission has addressed the previous concerns by both reducing the depth of the outbuilding and relocating the structure further from the neighbouring boundary.

Impact upon 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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties to this proposal are 28 and 30 Cliff Road to the rear, then 143-145 and 139 Kings Parade either side.

Impact on 28 and 30 Cliff Road

The dwellings are located to the rear of the site and as such, the proposal will be partially visible from their rear garden boundaries. However, as the proposal is single storey, has no rear facing windows and the ground level is 0.35 metres lower than these properties, It is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of these dwellings.

Impact on 143-145 and 139 Kings Parade

These properties are located adjacent to the site. 143-145 is a three-storey block of flats, which was recently completed, and is located approximately 17 metres from the proposal. As the garage and workshop is a single storey construction and not used as a habitable space, it is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of this property.

139 Kings Parade is located to the west of the site and as the proposal would be located to the far rear of the garden, it is deemed that proposal would not compromise the privacy, daylight or other amenities of this property.

Highway Issues

The proposal would increase the existing parking provision at the site by an additional two spaces, whilst retaining the existing two off street spaces to the front of the dwelling. As a result, the property will have ample parking for a dwelling of this scale.

Other Considerations

Two letters of representation were received from neighbours supporting the application.

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

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: Drawing no.

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

3. The garage and workshop shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 141 Kings Parade.

Reason – The building should remain as a garage and workshop, any alteration will require written approval from the Local Planning Authority.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.