

## **DELEGATED DECISION OFFICER REPORT**

| <b>AUTHORISATION</b>  | <b>INITIALS</b> | <b>DATE</b> |
|---|-----------------|-------------|
| File completed and officer recommendation:                  | NH              | 30/09/2021  |
| Planning Development Manager authorisation:                 | TF              | 30/09/2021  |
| Admin checks / despatch completed                           | DB              | 30.09.2021  |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC              | 30.09.2021  |

**Application:** 21/01198/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Paul Coham

**Address:** 22A Harwich Road Ardleigh Colchester

**Development:** Proposed erection of double garage.

### **1. Town / Parish Council**

Ardleigh Parish Council  
14.09.2021

Ardleigh Parish Council does want to see any further development or new residential buildings along Harwich Road and has objected to many applications to build dwellings former Land Settlement Association sites. We are concerned that the proposal would cause harm to the character and appearance of the area and would be visible from the road.

As we understand it the proposed garage would be situated in front of the recently approved application for a dwelling (not yet under construction) and would not be in keeping with existing properties along this stretch of Harwich Road - A137.

Please note the garage (shown on the plan) belonging to the neighbouring 21 Harwich Road is away from the house and not visible from the highway.

### **2. Consultation Responses**

ECC Highways Dept  
20.09.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2021. It is noted that this application is similar to an earlier application for a neighbouring property (00/00801/FUL) that was approved in July 2000 and the proposed garage will be well set back from the highway, taking this into account:

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

1. A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be retained/ constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a

forward gear in the interest of highway safety in accordance with policy DM1.

2. All double garages should have a minimum internal measurement of 7m x 5.5m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

3. Prior to commencement of the works, the 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.

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

### **3. Planning History**

|               |   |          |            |
|---------------|---|----------|------------|
| 03/02415/FUL  | Alterations and extension at ground and first floor | Approved | 31.01.2004 |
| 04/01860/FUL  | Alterations and extension at ground and first floor | Refused  | 11.11.2004 |
| 15/00909/LUEX | Use of a chalet building as domestic residence.     |          | 01.10.2015 |
| 17/02160/FUL  | Proposed development of 1no.                        | Refused  | 09.02.2018 |

|                 |  |           |            |
|-----------------|--|-----------|------------|
|                 | three bedroom detached dwelling with parking space.  |           |            |
| 19/00297/FUL    | Proposed dwelling following demolition of existing dwelling.   | Approved  | 17.04.2019 |
| 21/00365/NMA    | Non-Material Amendment to Planning Permission (granted under Appeal ref: APP/P1560/W/18/3205269) for 3 bedroom detached dwelling with external parking space at 22 Harwich Road, Ardleigh. Amendments to consist of removal of glazed roof, replaced with traditional tile and additional dormer in centre of roof, same size as proposed dormers at either ends of roof | Refused   | 09.04.2021 |
| 21/00552/NMA    | Non Material Amendment of approved application 19/00297/FUL, to move the building northwards on the site in order to maximise the south facing garden.   | Withdrawn | 13.05.2021 |
| 21/00851/DISCON | Discharge of conditions 6 (materials) and 7 (landscaping) of application 17/02160/FUL (approved under appeal APP/P150/W/18/3205269).   | Approved  | 23.07.2021 |
| 21/01198/FUL    | Proposed erection of double garage.  | Current   |            |
| 21/01400/NMA    | Non-material amendment of application 17/02160/FUL (allowed on appeal APP/P1560/W/18/3205269) to amend size of glass roof panel, remove chimney, and move the front door a small distance.   | Approved  | 07.09.2021 |

#### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework July 2021*

*National Planning Practice Guidance*

*Adopted Tendring District Local Plan 2007 (part superseded)*

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)*

### *Relevant Adopted Policies*

SP4 Meeting Housing Needs

### *Relevant Emerging Policies*

SPL3 Sustainable Design

### **Status of the Local Plan**

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application Site

This application relates to 22A Harwich Road, Ardleigh.

### Proposal

This application seeks planning permission for the erection of a double garage.

### Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and highway safety and parking provision.

### Design and Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place - avoiding the use of ubiquitous standard house types. Paragraph 130 of the Framework requires that developments are visually attractive

as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The proposed garage will be located in front of number 22A and will provide car parking facilities for the dwelling. Although there may be some glimpses of the building along Harwich Road due to its single storey nature as well as the existing vegetation along Harwich Road to help screen the proposal, it is considered that the garage will not cause any significant impact upon the street scene.

The materials proposed are red brick, terracotta roof tiles with a grey metallic roller door with grey composite external door to match the host dwelling.

#### Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The proposed garage will be visible to both neighbouring dwellings, however it is considered that due to the distance to number 22, the proposed garage will not cause any impact.

The proposed garage will be visible to number 23 however due to the dual pitched roof and distance to the neighbouring dwelling itself, the proposal is not considered to cause any significant impact upon neighbouring amenities.

#### Highway Safety and Parking Provision

Essex Highways Authority have been consulted on this application and have stated that the information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2021. It is noted that this application is similar to an earlier application for a neighbouring property (00/00801/FUL) that was approved in July 2000 and the proposed garage will be well set back from the highway. The highway authority have no objection subject to conditions relating to the vehicular turning facility, garage measurements and storage of building materials.

Essex Parking Standards state that a garage should measure 7 m x 3 m. The proposed garage measures 7 m x 6 which goes beyond the parking standards requirement. There is also sufficient space to the front of the dwelling to accommodate additional parking spaces if required.

#### Other Considerations

Ardleigh Parish Council does want to see any further development or new residential buildings along Harwich Road and has objected to many applications to build dwellings former Land Settlement Association sites. We are concerned that the proposal would cause harm to the character and appearance of the area and would be visible from the road. As we understand it the proposed garage would be situated in front of the recently approved application for a dwelling (not yet under construction) and would not be in keeping with existing properties along this stretch of Harwich Road - A137. Please note the garage (shown on the plan) belonging to the neighbouring 21 Harwich is away from the house and not visible from the highway.

*The concerns raised above have been addressed within the report.*

No representations have been received.

## 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. PC01/21

Drawing No. PC02/21

Drawing No. PC03/21

Drawing No. PC04/21

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

## 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.

### Highways

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|   |     |    |
|---|-----|----|
| <b>Are there any letters to be sent to applicant / agent with the decision?</b><br><b>If so please specify:</b> | YES | NO |
| <b>Are there any third parties to be informed of the decision?</b><br><b>If so, please specify:</b>             | YES | NO |