

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	30.09.2021
Planning Development Manager authorisation:	JJ	30/09/2021
Admin checks / despatch completed	DB	30.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.09.2021

Application: 21/01391/FUL **Town / Parish:** Clacton Non Parished

Applicant: French

Address: 41 Gorse Lane Clacton On Sea Essex

Development: Proposed ramped access with a retaining wall and galvanised hand rails.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

08/00529/FUL	Internal alterations to existing dwelling layout. Conversion of garage to new main entrance and hallway requiring new entrance doors to the north elevation. Infill of existing entrance door with new brickwork and window over. All external materials to match existing.	Current	23.05.2008
21/01391/FUL	Proposed ramped access with a retaining wall and galvanised hand rails.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2021

National Planning Practice Guidance

Tendring District Local Plan 2007

QL11 Environmental Impacts and Compatibility of Uses

Adopted

SP1 Presumption in Favour of Sustainable Development

SP7 Design Principles

Emerging

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 26th 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 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st 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)

Site Description

The application site is 41 Gorse Lane, Clacton on Sea, a semi-detached dwelling located within the development boundary of Frinton-on-sea. The property is not listed or in a conservation area.

Proposal

This application seeks planning permission for the construction of a ramped access to the property with associated galvanised handrails. The proposal would measure 4.1 meters in length, with an overall height of 1.2 meters.

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 Policy QL11 (Part superseded) aims 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 proposal would include the construction of a platform section to the right, which would measure 1.6 metres wide. There would then be a ramp connected to this platform descending to the left of the front of the property, which would measure 4.1 metres long. This would therefore allow the occupiers of the dwelling more convenient access to the front door from the driveway.

This proposal would be located to the front of the property so would therefore be visible from the streetscene of Gorse Lane. However, the low profile scale of the proposed alteration would create a negligible impact on the visual amenity of the streetscene. A number of neighbouring properties within the locale have completed similar alterations to their dwellings. As such, this development would be deemed an appropriate alteration in keeping with the local area.

Impact on 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).

This proposal is not deemed to have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Highway issues

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

Other Considerations

No other letters of representation 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; Drawing No.

- FRENCH-41GOR-SC-GF (Received 5th August 2021)
- FRENCH-41GOR-SC-GF (Received 5th August 2021)
- FRENCH-41GOR-SC-GF (Received 5th August 2021)

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.