

be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 Business Park, Colchester CO49YQ

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

18/00339/FUL	New two bedroom bungalow built within the curtilage of 30 Ipswich Road and the erection of a 1.8 metre high fence	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 216 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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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 216 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site relates to the side garden of number 30 Ipswich Road, Clacton on Sea, which is situated on Brentwood Road.

The application site is currently used as a side garden to the host dwelling located to the south west. To the south east of the site is number 50 Brentwood Road, a single storey dwelling with a driveway. To the south west of the site is number 28 Ipswich Road, a two storey dwelling. The site falls within the Settlement Development Boundary for Clacton on Sea, as agreed within both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The surrounding area is characterised by built form, with examples of detached residential properties to all sides.

Proposal

The application seeks planning permission for the erection of a two bedroom bungalow within the curtilage of number 31 Ipswich Road and the erection of a 1.8 metre fence to enclose the proposed garden areas.

Assessment

The main considerations for this application are the principle of development, layout, design and appearance, residential amenities, highway safety and parking and representations.

Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Clacton, as established in the saved and emerging local plans. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

Layout, design and appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The submitted plans show that the proposed dwelling is to be detached and accessed via Brentwood Road. The proposal comprises of a high pitched roof, with other examples of one and a half storey dwellings within the surrounding area. Although the proposal has a higher roof than the adjoining properties, it is not considered to cause any significant harm upon the street scene. The dwelling is considered to be of an acceptable standard with a hipped roof. The design is to be in keeping with the character of the area and located nearer to number 30 Ipswich Road to ensure that the proposal does not create a cramped appearance along the street scene, as seen as a continuation of the built frontage along Brentwood Road.

The dwelling siting will ensure that there is good spacing between neighbouring properties and it will be set back to be in line with number 30 Ipswich Road, ensuring that the building line is maintained. Details of the materials used have not been provided and therefore a condition will be imposed to ensure that the materials are approved by the Local Planning Authority before any works commence. Furthermore, it is considered that the site is of sufficient size to accommodate two dwellings of this size without providing an imposing or cramped appearance.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75 square metres. The submitted plans state that the private amenity space measures 77 square metres, however this is incorrect. The plans measure just under the 75 square metres and as the space is considered to be useable, it is not considered to be significant enough to warrant a reason for refusal.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be 50 square metres. The submitted plans state that the private amenity space measures 50 square metres however the proposal falls just short of the requirement. Again, it is considered that as the space is still usable, it is not considered to be significant enough to warrant a reason for refusal.

The proposed 1.8 metre fence will provide adequate private amenity space for number 30 Ipswich Road and along the rear boundary of the site. There is an existing fence which runs along the rear boundary of the application site and along Brentwood Road. There are examples of fences within the street scene and it will replace the existing boundary treatment, it is therefore considered that the fencing will not cause any significant impact upon the street scene and is considered acceptable in terms of design and appearance.

Impact to Neighbouring Properties

Policy QL11 of the Tendring Local Plan 2007 states that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts.

The proposal will be visible, and will therefore impact upon, the existing amenities of the adjacent neighbours to the north west and south west. However, given that the proposed dwelling has a height of 6.5 metres, and that there is sufficient distance to all adjacent neighbours, there is not considered to be a significantly detrimental impact to existing neighbouring amenities in respect of loss of light, overlooking or the proposal appearing imposing. Furthermore, permitted development rights have been removed to control any further potential alterations to the roof.

In terms of the impact on neighbouring amenities, the plans show that there will be good spacing to neighbouring properties, with an approximate distance of 6.5 metres to the adjacent neighbour to the north west and approximately 1 metre distance to the adjacent neighbouring boundary to the south west, thereby ensuring there will be no significant loss of light.

The proposed fencing will be visible to all the adjacent neighbours. A letter of concern has been received and the comments have been taken into consideration. The existing fencing runs along the rear of the application site and adjacent to Brentwood Road. Any fencing up to 2 m in height which is not adjacent to the highway is considered to be permitted development. Due to the orientation of the application site, it is considered that the proposed fencing will not cause any loss of light to the neighbouring dwelling. Therefore, the proposed fencing is not considered to cause any significant harm upon neighbouring amenities.

Highways

Essex County Council have been consulted on this application and they raise no objection subject to conditions relating to no discharge of surface water on the highway and the use of no unbound materials.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with two or more bedrooms that a minimum of two parking spaces is required. Parking spaces should measure 5.5 metres x 2.9 metres and garages. The block plan demonstrates sufficient space to the front of the property to allow for the additional necessary parking space, and therefore the proposal is compliant.

Other Considerations

Clacton is non parished.

3 letters of representation have been received raising the following concerns;

1. Erection of 1.8 metre fence will cause loss of light to the neighbouring dwelling, no.28 Ipswich Road and it reduces the highway view
2. A dropped kerb is required for both properties
3. There will be overlooking from the north east elevation from the 1st floor window as well as the close proximity to the property at number 50 Brentwood Road.

In response to concern number 1, this is addressed within the report. In response to concern number 2, there is an existing dropped kerb which will serve the proposal and due to Brentwood Road being unclassified planning permission is not required for a new vehicular access, separate Highway Authority approval is required for dropped kerbs. In response to concern number 3, the proposed dwelling has been amended to a one bed single storey dwelling and therefore the first floor windows have been removed and will not cause any overlooking onto number 50 Brentwood Road.

Conclusion

Having taken all of the considerations into account, it is considered that there is not significant material harm as a result of the development and therefore the application is recommended for approval.

6. Recommendation

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. BATES/100 Revision F and BATES/101 Revision B.

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

- 3 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 4 There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to ensure that the site is not over-developed in the interest of the amenity of the occupants of adjacent dwellings, and in order to maintain a satisfactory appearance in the street scene in the interest of the visual amenity of the locality.

- 6 No development shall be commenced until precise details of the manufacturer and types of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - To ensure the materials used are sympathetic to the heritage asset.

- 7 The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays of 2.9 metres by 5.5 metres in dimension. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

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.

With reference to the condition 4 the applicants attention should be drawn to the recent alterations to householder permitted development in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run-off and overloading of sewers.

Highway Works

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Cost of Works

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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