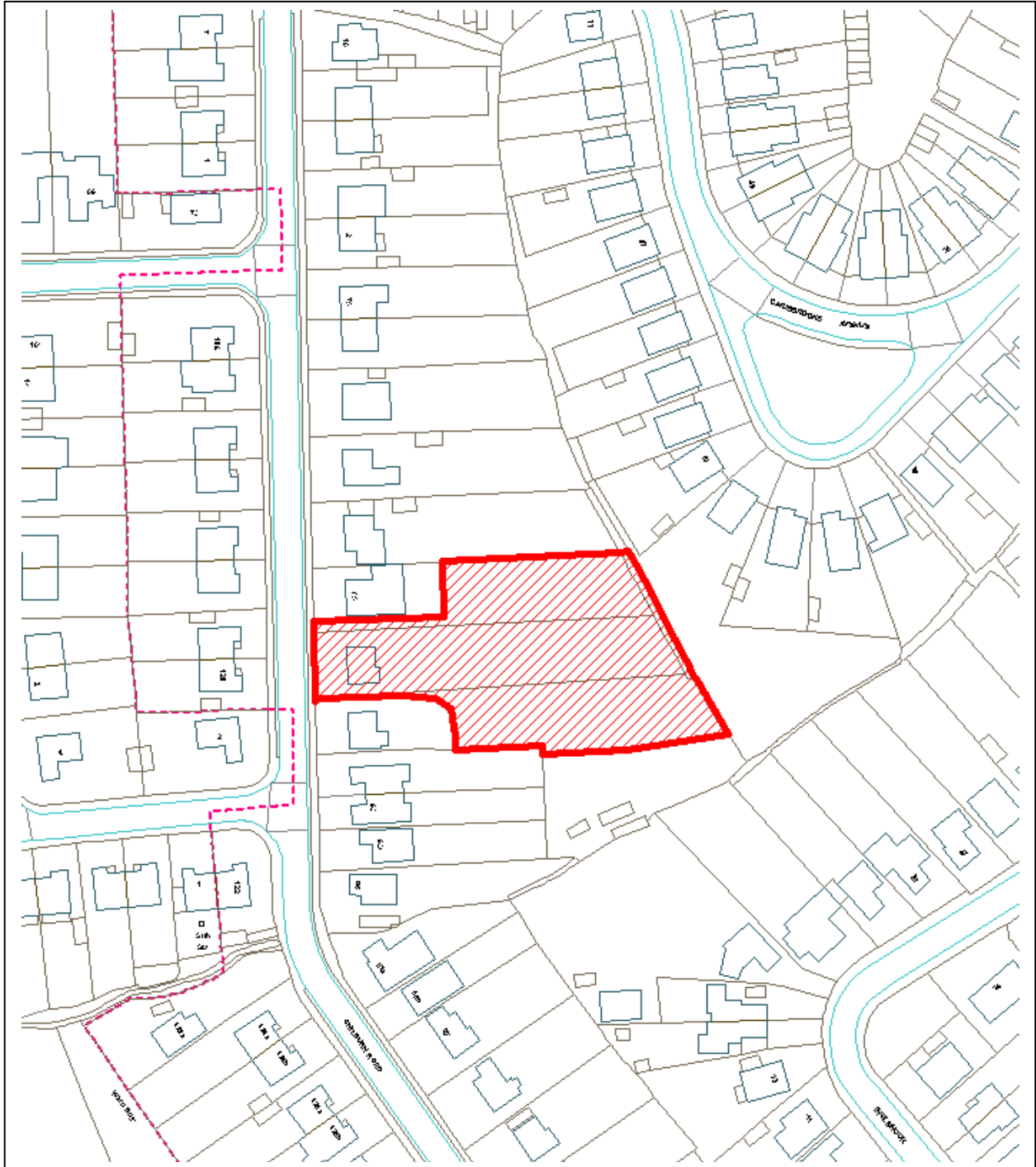


PLANNING COMMITTEE

7 AUGUST 2012

REPORT OF THE ACTING HEAD OF PLANNING

A.3 PLANNING APPLICATION - 12/00483/FUL - 87 CHILBURN ROAD, CLACTON ON SEA, CO15 4PE



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Application:	12/00483/FUL	Town / Parish: Clacton Non Parished
Applicant:	STF Construction	
Address:	87 Chilburn Road, Clacton On Sea, Essex, CO15 4PE	
Development:	Demolition of existing bungalow and construction of new access, 2 no. 3 bedroom bungalows and 4 no. two bedroom bungalows.	

1. Executive Summary

- 1.1 This application is before Members as it was called in by the Ward Member due to the likelihood of flooding, backland development, the main bus route location and other highway issues.
- 1.2 This scheme proposes a backland residential development within the settlement limits of Great Clacton. Although the density of the immediate area is less dense and comprises frontage dwellings with long gardens, the scheme is not materially harmful to the neighbours and complies with the other relevant policy requirements. The indicative landscaping scheme shows that an attractive landscaped area could be created around the protected Oak tree that could become the focal point for this development. This would achieve a sense of place on a site that is restricted by an easement and is therefore constrained. Furthermore this proposal would provide a small but useful addition to the District's housing stock. Therefore on balance the scheme complies with the Development Plan and an approval is warranted.

Recommendation: Approve

Conditions:

1. Time Limit.
2. Development in accordance with the plans.
3. Condition requiring key recommendations of Extended Phase 1 Habitat survey to be carried out.
4. Landscaping in accordance with the landscaping plan.
5. Prior approval of Landscape Management Plan.
6. No unbound materials to be used within 6m of access.
7. Pedestrian visibility splays.
8. Provision of the car parking spaces.
9. Prior approval of details of wheel washing facilities.
10. Prior approval of details of onsite parking for construction vehicles and loading and unloading.
11. Prior approval and provision and implementation of a Transport Information and Marketing Scheme for sustainable transport (Travel Information Packs)
12. Removal of Permitted Development rights for windows or openings in roof plane.
13. Root protection condition for protected Oak.
14. Prior approval of facing roofing and hard landscaping materials.
15. Removal of Permitted Development Rights for extension for plot 6.

Reason for Granting Planning Permission:

This scheme proposes a backland residential development within the settlement limits of Great Clacton. Although the density of the immediate area is less dense and comprises frontage dwellings with long gardens, the scheme is not materially harmful to the neighbours and complies with the other relevant policy requirements. The indicative landscaping scheme shows that an attractive landscaped area could be created round the protected Oak tree that could become the focal point for this development. This would achieve a sense of place on a site that is restricted by an easement and therefore constrained. This proposal would provide a small but useful additional to the District's housing stock.

Informatives:

1. Highway Informative regarding contacting the Highway Authority prior to works to the highway.
2. Highway Informative regarding adoption of private drive.
3. Environmental Services Guidance Note for Construction.

2. Planning Policy

National Policy:

National Planning Policy Framework

Local Plan Policy:

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
QL12	Planning Obligations
COM6	Provision of Recreational Open Space for New Residential Development
HG9	Private Amenity Space
HG13	Backland Development

Other guidance:

Essex Car Parking Standards

Essex Design Guide

3. Relevant Planning History

- 3.1 The previous application 11/01203/FUL for the demolition of existing bungalow and construction of new access road and 7 bungalows was withdrawn on the 19/01/12 due to the harm to the protected Oak that is located to the south of the site.

4. Consultations

Environment Agency	No comment to date.
Anglian Water Services Ltd	No comment to date.
Environmental Health	The guidance note for construction should be imposed.
Principal Tree & Landscape Officer	<p>The information provided demonstrates that the development could be implemented without harm being caused to the protected tree.</p> <p>If consent is likely to be granted then a condition should be attached to ensure that the roots of the tree are protected in accordance with the recommendations contained in BS5837 2012 Trees in relation to design, demolition and construction.</p>
ECC Highways Dept	No objections subject to conditions.
Essex Wildlife Trust	No comment to date.
Natural England	No objections subject to the recommendations of the Extended Phase 1 Habitat Survey being carried out.

5. Representations

5.1 8 representations have been received. These objected to the scheme on the basis of:

1. This scheme will cause harmful flooding/drainage issues.
2. It is undesirable backland development.
3. It is on a main bus route.
4. This scheme will be harmful to highway safety.
5. I hope these bungalows do not become chalet bungalows.
6. It is out of keeping with the local area.
7. It will set a dangerous precedent.
8. The development is denser than the character of the area.
9. The garden sizes do not comply with policy HG9.
10. There is no need for the housing.
11. The site is richer in biodiversity than the Extended Phase 1 Habitat survey states.
12. There is a watercourse within 20 metres of the site.
13. After wet weather the ditches on site are full of water.
14. The scheme fails to comply with adopted and national policy.
15. This will urbanise a rural part of Great Clacton.
16. Building close to the protected Oak will be detrimental to its health.
17. No shading analysis has been provided with this application.
18. The sewers are inadequate in this area.
19. What is happening to the area where plot 7 was on the previous set of plans?
20. There is no visitor parking.
21. It will ruin the quiet enjoyment and quality of life of neighbours.

5.2 In response:

1, 12, 13 and 18) This application is not located in a high risk flood zone. The Environment Agency and Anglia Water were both consulted on the application but did not comment. Therefore there are no overriding issues with surface water drainage that can not be overcome at construction stage and therefore this does not warrant a refusal.

2) The scheme does comprise backland development but this does not warrant a refusal in its own right.

3 and 4) The Highway Authority has no objection to the scheme and therefore a refusal on highway safety grounds is not warranted. The fact that Chilburn Road is a main bus route is not reason for refusal in its own right, particularly when the scheme only proposes 5 additional dwellings. This scheme will not be materially harmful to highway safety.

5) The roof pitches are slack and therefore not conducive to conversion to chalets. Permitted development rights for roof openings will be removed to enable the Council to control this and prevent harmful overlooking in the future.

6, 7, 8 and 9) Whilst it is accepted that backland development is not the character of the immediate area and that the scheme is denser than the character of the immediate vicinity, this does not warrant a refusal as the scheme is not materially harmful as is addressed in the report.

9) The scheme has been amended very slightly to ensure that the scheme does meet the requirements of saved policy HG9.

10) The need for housing nationally and locally is a real one backed up by the NPPF. Therefore this is not a reason for refusal.

11) Natural England has no objection to the scheme and therefore the findings of the habitat survey are accepted. Therefore a refusal on this basis is not warranted.

14) Officers consider that this scheme complies with saved and National Policy.

15) The planning system does not seek to prevent development of this nature when it is located within the settlement limits.

16 and 17) The Tree Officer is satisfied with this layout and the juxtaposition of dwellings and protected trees and therefore this does not warrant a refusal.

19) The area that formed Plot 7 will be planted to create a landscaped area that will help ensure the vitality of the protected Oak. This will be secured by condition.

20) The lack of visitor parking is not demonstrably harmful due to the relatively minor nature of the scheme. The possible level of on street visitor parking in Chilburn Road and surrounding roads from an additional 5 dwellings would not be of a level that is materially harmful to highway safety.

21) Whilst it is accepted that the neighbours would rather this land stayed as it is and was not developed, the application must be assessed on its own merits and its impacts on neighbours are within tolerable levels. Therefore a refusal on this basis would not be reasonable.

6. Assessment

6.1 The main planning considerations are:

- Site Description;
- The Proposal;
- Principle of Development/Backland Development Policy;
- Protected Tree;

- The Layout and Design;
- Private Amenity Space;
- Highways/Parking;
- Impact on Amenity; and,
- COM6.

Site Description

- 6.2 The site in question is the whole of 87 Chilburn Road and also land that previously formed part of the rear gardens to 85 and 89 Chilburn Road. The dwelling at 87 is a bungalow of no particular architectural merit. To the north is the garden to 83 Chilburn Road. To the east are the gardens of the dwellings on Carisbrooke Avenue. To the south is the garden of 91 Chilburn Road and also a section of land that does not appear to form part of the gardens of any of the neighbouring dwellings. In this area of land there is a large and attractive protected oak tree. The site slopes gently to the south east and is covered in weeds and long grass.
- 6.3 The surrounding area is made up of detached and semi detached bungalows and chalet bungalows.
- 6.4 An easement that houses the public foul and surface water sewers runs east/west through the middle of the site.

The Proposal

- 6.5 The scheme involves the demolition of the existing bungalow, the creation of a new access and the erection of a new 3 bedroomed bungalow that fronts Chilburn Road. 5 bungalows are proposed in a backland position (2 semidetached 2 bedroomed dwellings, a 3 bedroomed detached dwelling and 2 detached dwellings with 2 bedrooms). A detached garage is proposed to serve plot 6.

Principle of Development/Backland Development Policy

- 6.6 Policy HG13 states that Backland development is acceptable as long as it meets a set of criteria. This scheme fulfils these criteria as: The site is within the settlement boundary. The site is garden land but does not result in unsatisfactory off street parking arrangements or a harmful reduction in existing private amenity space. The proposal will not cause material harm to neighbouring amenity as is detailed below. The scheme is acceptable in highway terms. The proposal is not tandem development as this involves a new dwelling being sited behind the donor dwelling with a shared drive serving both the donor dwelling and the new dwelling. The site is not an awkwardly shaped parcel of land that is difficult to develop in isolation nor will it prejudice further development as it is comprehensive (the section of no-mans land housing a protected oak is not a development site). The site is not on the edge of defined settlement limits. Whilst backland development is not the character of the immediate area, this scheme will create a well landscaped new cul-de-sac that does not set a harmful precedent and therefore a refusal on character grounds is not warranted. There are examples of other backland sites in the wider area, for example on the north side of Gorse Lane.

Protected Tree

- 6.7 This resubmission has reduced the number of dwellings from 7 to 6 by removing the dwelling that was closest to the root protection zone of the protected tree. The tree officer has confirmed that this scheme is acceptable and will not cause harm to the protected tree.

The Layout and Design

- 6.8 The layout creates a sense of place and in practice the majority of the dwellings will front onto the protected Oak. Due to the easement that runs through the site the layout has taken a somewhat linear form. Plot 6 has been used as an end stop to the vista which is a positive aspect of the scheme in urban design terms however plot 6's positioning in relation to plot 5 is a little cramped but is acceptable. The no-build zone that houses the swage easement means that there is no realistic opportunity for a more informal layout.
- 6.9 A high quality landscaping scheme has been provided. This will soften the layout and will bolster the area around the oak with new planting including standard size Betula Jaquemontii (3 of) and a Carpinus betulas in the vicinity of the protected tree.
- 6.10 The bungalow elevations are simple but this is acceptable in this position. On balance and due to the fact this will be a relatively secluded cul-de-sac, the layout and design is considered to be acceptable.

Private Amenity Space

- 6.11 Saved policy HG9 requires 100 square meters of private amenity space for a 3 bedroomed dwelling and 75 square meters for a 2 bedroomed dwelling. The scheme has been amended very slightly to ensure that all the plots comply with the requirements of this policy.

Highways/Parking

- 6.12 The Highway Authority has not objected to the scheme, subject to conditions that will be imposed. The majority of these are standard highways conditions, however the Highways Authority have also requested a residential travel pack condition to encourage sustainable travel. This has been discussed with the applicant and will also be imposed.
- 6.13 In terms of parking, all dwellings have one space of 5.5 metres by 2.9 metres and one garage of 7 metres by 3 metres. There is no allocated visitor's parking space but this is not demonstrably harmful due to the relatively minor nature of the scheme. The new private drive is wide enough to take some additional on street parking and the possible level of on street visitor parking in Chilburn Road and surrounding roads from an additional 5 dwellings would not be of a level that is materially harmful. The agent has confirmed that if Members feel strongly about the need for a visitor's parking space there is room to provide one (which could be achieved by condition) but as this will eat into the landscaped area in front of the protected Oak the scheme is better without it.
- 6.14 Therefore this scheme will not cause materially harmful on street parking nor will the scheme cause harm to highway safety.

Impact on Amenity

- 6.15 As this scheme is for backland development the impact of the scheme on neighbouring amenity is an important consideration. It is not considered that this scheme will have an unacceptable impact on 85 and 89 Chilburn Road as this scheme uses parts of what was their rear gardens. The scheme will not have a materially harmful impact on these 2 neighbours and they have been left with workable private amenity spaces which have all ready been fenced in and are operational.
- 6.16 This scheme will have a minimal impact on 83 Chilburn Road as the dwellings at Plots 2 to 5 have their gardens backing onto the long garden of number 83. The scheme will also

have a minor impact on 91 Chilburn Road as a new turning head abuts their boundary. No objection has been received from 83 or 91 Chilburn Avenue.

- 6.17 Due to the single storey nature of the proposed bungalows and the slack pitched roofs which will be hipped away from the neighbours, this development will not be materially oppressive to the neighbour at 83. Enough space has been left around the turning head to enable a landscaping buffer which will limit the harm to 91 from turning cars to within tolerable levels. For the same design reasons, this scheme will not be materially oppressive to the neighbours in Carisbrooke Avenue and Inglenook. Permitted development rights for new windows in the roofs of the proposed bungalows will be removed to allow the Council to control possible loft conversions in the future.

COM6

- 6.18 A correctly completed unilateral undertaking for a financial contribution towards public open space has been provide and therefore this proposal complies with saved policy COM6.

Background Papers

None.