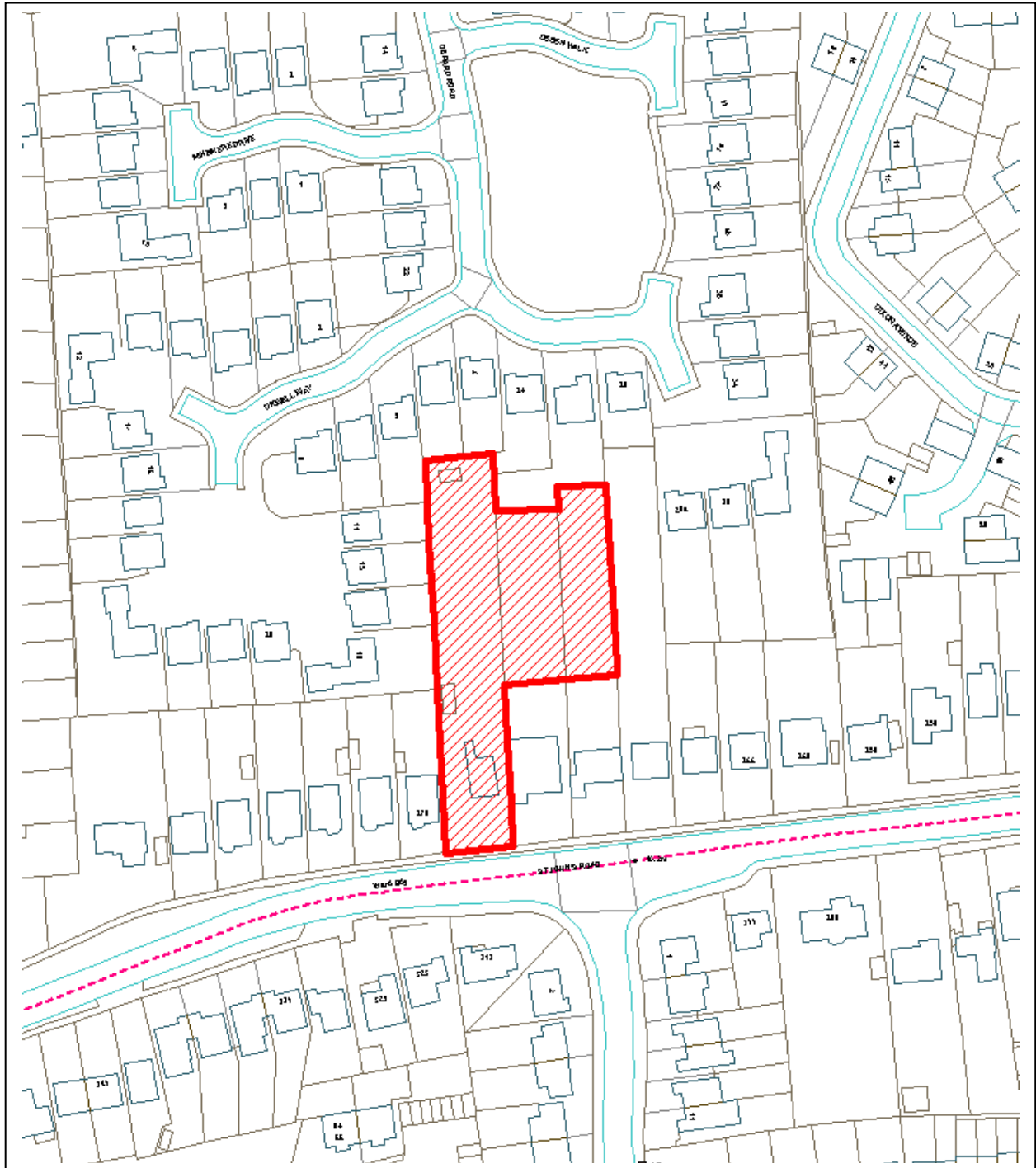


PLANNING COMMITTEE

27 MARCH 2013

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 12/01320/FUL - 276 ST JOHNS ROAD, CLACTON ON SEA, CO16 8DE



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Application: 12/01320/FUL

Town / Parish: Clacton

Applicant: R Burfoot Construction Ltd.

Address: 276 St Johns Road, Clacton on Sea, CO16 8DE

Development: Erection of six bungalows

1. **Executive Summary**

- 1.1 The application was deferred from the meeting of the Planning Committee held on 26 February 2013 (Minute 127 refers). The applicant has submitted amended plans to show proposed garage dimensions to Plots 1 and 2 to meet ECC parking standards. This is achieved by increasing the depth of the dwellings by 1.5m. In addition, landscaping along the western boundary has been revised to show a Cherry Laurel hedge (instead of a line of Silver Birch trees).
- 1.2 In 2010 outline planning permission was granted for residential development of 8 dwellings, which in effect renewed the original planning permission for the same application site. The outline planning permission remains extant. The application scheme is now for 6 bungalows. The site is in a sustainable location and the proposal will make more efficient use of the land than at present. The use of the land for new housing is acceptable in principle and there are no matters of concern which would warrant the refusal of planning permission.

Recommendation: Approve subject to the necessary changes to the Unilateral Undertaking being made in respect of Policy COM6.

Conditions:

1. Time limit for commencement – three years
2. Development in accordance with submitted plans (as amended)
3. Permeable surfacing/surface water drainage
4. Materials
5. Landscaping
6. Tree protection during construction
7. Boundary treatments
8. Restriction on hours of building work
9. Highway Authority technical requirements
10. Parking and turning facility to No.276 St John's Road.
11. Withdrawal of permitted development rights (extensions, outbuildings and windows in roofs)
12. Construction traffic arrangements
13. Wheel washing during construction

Reason for approval:

The proposal will provide additional housing in a sustainable location, thereby helping to meet housing needs and making a more efficient use of the land than at present.

2. **Planning Policy**

National Policy:

National Planning Policy Framework

Local Plan Policy:

Adopted Tendring District Local Plan (2007)

- QL1 – Spatial Strategy
- QL2 – Promoting Transport Choice
- QL9 – Design of New Development
- QL10 – Designing New Development to Meet Functional Needs
- QL11- Environmental Impacts and Compatibility of Uses
- QL12 – Planning Obligations
- HG3 – Residential Development within Defined Settlements
- HG7 – Residential Densities
- HG9 – Private Amenity Space
- HG13 – Backland Residential Development
- HG14 – Side Isolation
- COM2 – Community Safety
- COM6 – Provision of Recreational Open Space for New Residential Development
- TR1a – Development Affecting Highways
- TR7 – Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012)

- SD1 – Presumption in Favour of Sustainable Development
- SD2 – Urban Settlements
- SD5 – Managing Growth
- SD7 – Securing Facilities and Infrastructure
- SD8 – Transport and Accessibility
- SD9 – Design of New Development
- SD10 – Sustainable Construction
- PEO1 – Housing Supply
- PEO2 – Housing Trajectory
- PEO3 – Housing Density
- PEO4 – Standards for New Housing

PEO5 – Housing Layout in Tendring

PEO6 – Backland Residential Development

PEO14 – Single Storey Residential Development (Bungalows)

PEO19 – Green Infrastructure

PEO20 – Playing Pitches and Outdoor Sports Facilities

PEO22 – Green Infrastructure in New residential Development

PEO23 – Children’s Play Areas

Other guidance:

Essex Design Guide (2005)

Essex County Council Parking Standards (2009)

3. Relevant Planning History

06/00436/OUT – Proposed residential development of 6 dwellings – Refused 04/05/06

07/00591/OUT - Proposed residential development of 6 dwellings – Refused 28/06/07

07/01535/OUT - Residential development of 8 dwellings – Approved 21/11/07

10/00964/OUT – Renewal of outline planning permission for residential development of 8 dwellings – Approved 28/09/10

4. Consultations

Essex County Council Highways - no objection subject to standard conditions.

TDC Public Experience – working hours to be restricted to protect local residential amenities.

5. Representations

5.1 Five private objections have been received from neighbouring occupiers. Issues raised are:

- Highway safety on St Johns Road
- Highway capacity at rush hour
- Garden wildlife affected
- Noise during building and from cars after completion
- Crime concerns
- Privacy/overlooking concerns
- Overdevelopment
- Plots 4 & 5 too close to boundary with 24 Gerard Road
- Impact on oak tree

- Conservatories and sheds would have further impact on neighbours
- In response to these objections, your Officers comment that:
- The Highways Authority does not object to the proposal on any grounds.
- The rear garden to the donor dwelling is overgrown and, other than in respect of protected trees, there are currently no planning controls to prevent the land being entirely cleared of vegetation.
- Working hours will be controlled by condition to prevent undue noise disturbance to neighbours. Noise from cars will be limited due to the small scale of the development.
- The design of the development would not raise issues in terms of crime.
- As the proposed dwellings are single-storey there will be no overlooking of other properties.
- The proposal does not represent an overdevelopment having regard to the number of dwellings permitted. Previously, six dwellings had been considered underdevelopment (see Planning History).
- Plots 4 & 5 will each have 1.0m side isolation to the nearest existing boundary.
- There is no impact upon an oak tree.
- Permitted development rights for the existing dwelling currently allow for the erection of outbuildings which could impact upon neighbours. However, as the areas of private amenity space proposed only just exceed the minimum requirements, the removal of permitted development rights so that the size and siting of any outbuildings is recommended. Conservatories are now generally considered to enhance enjoyment of private amenity spaces. However, other extensions could significantly reduce the amounts of private amenity space and the potential for extended two bedroom dwellings to become three bedroom properties would create a requirement for more amenity space than is currently shown to those plots.

6. **Assessment**

6.1 The main planning considerations are:

The acceptability of the proposal in terms of:

- Means of access;
- Appearance;
- Landscaping;
- Layout;
- Scale;
- Backland policy;
- Neighbouring amenities; and,
- Local character.

6.2 The application site has the benefit of an extant outline planning permission for eight dwellings (see Planning History). The Council cannot therefore object to the principle of new housing development. The application is for full planning permission, not for approval of any reserved matters and must, therefore, be considered on its own merits.

Means of access

- 6.3 Means of vehicular and pedestrian access to the backland area will adapt the existing entrance drive to the western side of the frontage to St John's Road. The entrance will be 5.5m wide and narrow to 3.7m, as far as the first turning area, which is about 35m into the site. The access drive then widens to 6m to include a passing bay, with a second turning area adjacent, from which Plots 3 & 4 will be accessed. The private drive will be a shared surface for pedestrians and vehicles.
- 6.4 The donor property will have a new means of access onto St John's Road, adjacent to the eastern boundary. This will include a parking and turning area and must accommodate two cars. The dwelling will retain an area of private amenity space of 126 sq.m.

Appearance

- 6.5 The proposed bungalows are semi-detached, to be constructed of facing brick under tiled roofs. Roofs are of hipped designs except for the small bays to the fronts of Plots 5 & 6, which each have gables. Plots 1 & 2 are identical 'handed' designs with the central span containing a single "garage" to each plot. Each pair of new bungalows will include a symmetrical front elevation, except for Plots 5 & 6 where there will be a single integral garage. The garage is not quite central due to the differences in internal layout and the proposed front doors are positioned differently in relation to the garage door.

Landscaping

- 6.6 Hard landscaping as proposed will include block paving to the car parking spaces and access drive.
- 6.7 Soft landscaping will include new tree and shrub planting.

Layout

- 6.8 The new bungalows will be grouped in three pairs with a minimum of 1m to the side boundaries of the existing adjacent dwellings. The designs of the roofs of the bungalows will ensure that the roof slopes are angled away from the nearest boundaries to adjacent residential properties. Private amenity space for the two bedroom dwellings ranges from 75sqm – 77sqm. Private amenity space for the three bedroom dwellings now ranges from 105sqm – 109sqm. Plots 1 & 2 each now have an integral garage which complies with current standards and a parking space and an additional space for visitor parking, positioned centrally to the frontage. Plots 3 & 4 each have an integral garage and a parking space positioned centrally to the frontage, each also has an additional space on the driveway which could serve visitor parking. Plot 5 has an integral garage and a parking space positioned almost centrally to the frontage. Plot 6 has two parking spaces to the front, directly off the access drive, within a front garden.

Scale

- 6.9 The dwellings are single-storey. Plots 1, 2 and 4 each contain 3 bedrooms and Plots 3, 5 and 6 each contain 2 bedrooms. The maximum width of any proposed pair of bungalows is 18.6m (Plots 1 & 2) and the maximum depth of any new bungalow will be 17.2m (Plots 1, 2 & 4). The maximum ridge heights of the new bungalows are as follows: Plots 1 & 2 - 4.8m; Plots 3 & 4 – 5.05m; and Plots 5 & 6 – 5.5m. All main roofs are to be hipped.

Backland Policy

- 6.10 The central local planning policy is Policy HG13 – Backland Residential Development. This states that proposals for residential development of backland sites will be permitted where the requirements of seven listed criteria are met.
- 6.11 Having regard to the 'backland policy' considerations which apply and consultee comments received:
- The site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use.
 - The proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements or an unacceptable reduction in existing private amenity space.
 - A safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. The driveway is not unduly long or narrow.
 - The proposal does not involve tandem development using a shared access.
 - The site does not comprise an awkwardly shaped or fragmented parcel of land difficult to develop in isolation or involve development which could prejudice a more comprehensive development solution.
 - The site is not on the edge of a defined settlement and would not be a form of development out of character in its setting.
 - The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main 'backland policy' issues which therefore need to be considered are:

- Whether there would be any unreasonable loss of amenity to existing dwellings.
 - Whether the access drive would be likely to cause undue disturbance to existing dwellings.
- 6.12 The wording of the policy accepts that new development may result in some loss of amenity to existing dwellings and the issue is, therefore (if a loss of amenity occurs at all) whether any such loss of amenity would be "unreasonable".

Neighbouring amenities

- 6.13 Having regard to the scale, nature and layout of the proposal, your Officers consider that the main issues to be considered in terms of impact upon amenity neighbouring dwellings are:
- The outlook for surrounding dwellings.
 - Disturbance to Nos.274, 276 and 278 St John's Road and Nos.15, 17 and 19 Orwell Way from vehicles using the access drive and the car parking spaces to Plot 6.

Outlook

- 6.14 Your Officers advise that the outline planning permission included a condition that no new dwelling should exceed 5.0m in height to its ridge. The reason given for the condition was

that some surrounding dwellings are sited 11m from the site boundary and, consequently, there was the potential for a material loss of amenities to existing occupiers should the new dwellings be higher. At that time, no details of the siting or design of the 8 new dwellings were proposed. Having regard to the smaller number of units now proposed, your Officers consider that having regard to the proposed layout and the hipped roof designs of the main roofs, the fact that Plots 3 & 4 will be 5.05m high and Plots 5 & 6 5.5m high will not result in any material loss of neighbouring amenities.

Disturbance

- 6.15 Your Officers advise that the outline planning permission included a condition that required a planting belt 1.5m in width along both sides of the access drive (excluding the turning head, adjacent to the passing place and within the pedestrian visibility splays by the access). The reason for the condition was in the interests of visual amenity and to minimise noise and disturbance to the occupiers of Nos.278 and 274 St John's Road. The submitted landscaping scheme shows a planting strip of about 0.5m to the side boundary with No.278, to be planted with twenty-two silver birch trees. Your Officers observe that this would be less than the width of the planting belt required by the outline planning permission and they also consider that there would not be sufficient room for silver birch trees to grow. Notwithstanding the reason given for the outline planning permission condition that the planting is needed to minimise noise and disturbance, having regard to the lower number of units now proposed and existing noise from St John's Road, the proposal would not result in any noise disturbance from traffic which would be considered materially harmful to the amenity of adjacent dwellings. More appropriate shrub planting should be required in the interests of visual amenity in the context of the application scheme.

Local character

- 6.16 Although semi-detached bungalows are not themselves characteristic of the surrounding area, there are significant advantages to this form of development in terms of new residential development as single-storey housing will avoid overlooking and minimise any loss of outlook to existing dwellings.

Other matters

- 6.17 The proposal would accord with necessary aspects of all other relevant development plan policies.
- 6.18 A financial contribution had already been paid in respect of the outline scheme. As the number of units proposed has been reduced by two, it is necessary to amend the Unilateral Undertaking to reflect this. The recommendation therefore makes provision for this.
- 6.19 There would be no harm to any protected trees.

Amended plans

- 6.20 The amended plans submitted go some way to addressing Members' concerns. In regard to visitor parking (and notwithstanding the ECC Highways Authority's lack of objection to the previous layout) the published ECC Parking Standards require 2No. unallocated spaces for the development. Plots 1 & 2 now have an allocated space each and Plots 3 & 4 have additional space on their driveways which could accommodate visitors, albeit that space is technically substandard in terms of its dimensions and layout. It remains the case that there is no proposal for shared visitor parking spaces.
- 6.21 The agent for the applicant has also commented in response to the committee's consideration:
- The access is already shown with sufficient width to allow two vehicles to pass. This width is as per condition 4 imposed by the Council under planning permission 07/1535/OUT.

The remainder of the driveway is actually wider than specified within the aforementioned condition, at 3.7m rather than 2.75

- The current scheme not only follows the outline approval for 8 dwellings, it has been the subject of discussion and negotiation with Essex County Council Highways prior to the submission of the application.
- There was no requirement under the terms of the outline permission to demolish and rebuild the existing dwelling. This suggestion will not only make the scheme unviable, it cannot be justified when compared to the extant permission. However, I am looking at the issue of enabling 276 to share the new access.

N.B. At the time of writing the report, no such amended access details had been received. A verbal update will be given.

- Comments within the Committee report regarding landscaping to the side of the driveway have been noted, and amended accordingly.

6.22 Members will wish to consider whether the changes made have addressed their concerns sufficiently to now decide to grant planning permission. Your Officers advise that the changes made do not raise any issues of concern (the increase in depth of Plots 1 & 2 has not resulted in a deficit in private amenity space and would not result in any loss of neighbouring amenity).

Conclusion

6.23 The principle of developing the land for eight dwellings has been accepted. The proposal complies with adopted local planning policies and the National Planning Policy Framework and will make more efficient use of the land than at present. The development will not be materially harmful to any planning interests and there would be no sustainable reasons to refuse planning permission in the circumstances.

Background Papers

None.