

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/09/2018
Planning Development Manager authorisation:	AN	17/9/18
Admin checks / despatch completed	SB CD	17/09/18

Application: 18/01345/FUL

Town / Parish: Little Clacton Parish Council

Applicant: Mr & Mrs Hawkins

Address: Land adjacent 113 Holland Road Little Clacton

Development: Variation of condition 2 (Approved Plans) to Approved Planning Application 18/00401/FUL - to amend facing brickwork type.

1. Town / Parish Council

Little Clacton Parish Council

Conditions are there for a reason. Little Clacton Parish Council recommend refusal of this application.

2. Consultation Responses

None required.

3. Planning History

17/30057/PREAPP	Erection of one new dwelling.	Refused	11.04.2017
17/00766/FUL	Erection of one self build detached dwelling and associated garage, and new vehicular access.	Refused	14.07.2017
17/01868/FUL	Erection of one self build detached dwelling and associated garage with new vehicular access.	Approved	02.02.2018
18/00029/OUT	Erection of a detached dwelling.	Approved	
18/00401/FUL	Erection of one self build detached dwelling and associated garage - variation to that approved under 17/01868/FUL.	Approved	10.05.2018
18/00942/DISCON	Discharge of condition 3 (landscaping) of planning permission 18/00401/FUL.	Approved	25.06.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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**
- HG14 Side Isolation**
- EN1 Landscape Character**
- TR1A Development Affecting Highways**
- TR7 Vehicle Parking at New Development**

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

- SP1 Presumption in Favour of Sustainable Development**
- SPL1 Managing Growth**
- SPL2 Settlement Development Boundaries**
- SPL3 Sustainable Design**
- LP1 Housing Supply**
- LP2 Housing Choice**
- LP3 Housing Density and Standards**
- LP4 Housing Layout**
- LP7 Self-Build and Custom-Built Homes**
- CP1 Sustainable Transport and Accessibility**
- CP2 Improving the Transport Network**
- PPL3 The Rural Landscape**

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing deliver over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a parcel of land on the northern side of Holland Road, Little Clacton at the end of the row of existing dwellings, abutting a recently approved development almost complete under construction under planning application number 16/01132/FUL.

The site comprises of part of an existing agricultural field and lies immediately adjacent to the entrance to the village at the start of the 30mph speed limit sign. A low hedge demarcates the roadside boundary of the site, meaning that the majority of the site is visible from the road. There is no existing enclosures to the north, east or west boundaries of the site.

The site lies outside of the Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Description of Proposal

This application follows a previously approved application for the erection of a detached bungalow with associated access and parking under planning application 18/00401/FUL. This application seeks amendments to that approval as follows;

- Variation of condition 2 (Approved Plans) to amend facing brickwork type from Ibstock Ivanhoe Cottage Blend to Vandersanden Autumn Red.

Assessment

The principle of the development, design and appearance have all been assessed and approved under planning application 18/00401/FUL and the associated discharge of condition application.

The main consideration in this instance is therefore the impact of the change in facing brickwork on visual amenity and the character of the area.

Impact on Visual Amenity

The proposed brick is very similar to the previously approved brick in that they are both 65mm, textured red bricks with some dark and light variation to the colour tone. The new brick will not alter the overall appearance of the development and will remain in keeping with the other brick built dwellings in the locality.

Representations

Little Clacton Parish Council recommend refusal of this application as the proposal deviates from the approved conditions.

The acceptability of this variation is addressed above.

No other letters of representation have been received.

Conclusion

For the reasons set out above, the revised proposal is recommended for approval.

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 approved plans, materials details, boundary treatments and landscaping shown on Drawing No HHR-101 Revision G.

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 4 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), other than the boundary treatments shown on the approved Drawing No HHR-101 Revision G, no provision of fences, walls or other enclosures, shall be erected on the northern or eastern boundary of the site or any part of the side boundaries forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - To retain the open aspect and semi-rural character of the locality in the interests of visual amenity.

- 5 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 6 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by the site maximum, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 7 Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan shall be 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.

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

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 9 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 10 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance.

- 11 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.

Reason - To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and not causing an obstruction or hindrance to use in the interest of highway safety.

- 12 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest 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.

Highway Informatives

1. Highway Works - All work within or affecting the highway is to 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

2. 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. Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.