

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/09/2018
Planning Development Manager authorisation:	SCE	25.09.18
Admin checks / despatch completed	ER	27/09/18. <i>pw</i>

Application: 18/01189/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Clare Tooze

Address: St Olaves Grove Road Little Clacton

Development: Variation of Condition 2 (approved plans) of 15/00523/FUL to replace plans 14-6338/010A, 011A, 012, 013, 014, 015, 016B, 017A, and 018A with AT-1033-200A, 201A, 203A, AT-1096-001, 002, 003, 004, 005, 006 and 007.

1. Town / Parish Council

Little Clacton Parish
Council

Approval has already been given. This is looking to change the internal specification to comply with building regulations. Planning Officer to check and make conditions if necessary. Little Clacton Parish Council recommend approval of this planning application.

2. Consultation Responses

Tree & Landscape Officer

The application site is affected by two Tree Preservation Orders. TPO14/11 affords protection to 2 no. Oak situated on the application site and TPO14/12 protects affects a single Oak on adjacent land ' 110 Harwich Road, Little Clacton.

The development proposal has the potential to cause harm to, and threaten the long term viability of the protected trees.

Under the 2015 application the applicant submitted information to show how the trees covered by the TPO would be physically protected for the duration of the construction phase of the development by way of a tree survey and report. If the requirement set out in this application can be carried forward then the protection of the trees is secured:

Otherwise in order to show the impact of the development of the trees on the land the applicant should submit a Tree Survey and Report that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

And the applicant will need to provide a Tree Constraints Plan showing the extent of the Root Protection Areas (RPA's) of the retained trees. The plan or another version should be overlaid with the proposed positions of the dwellings and hard surface to demonstrate that the retained trees will not be harmed by the development proposal.

If it is not possible to secure the protection of the trees by way of the previously provided information then the necessary information should be provided in support of the current application.

In terms of the proposed amendments to the layout it appears that the re-design and removal of the double garage block and its replacement with two single garages attached to plots 2 and 3 is desirable as it removes a structure from an area close to the trees.

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

3. Planning History

93/00711/FUL	Retention of land as private residential curtilage and storage of caravans	Refused	05.10.1993
93/01069/LUEX	Application for Lawful Use Certificate - Use for motor vehicle repairs		17.08.1994
18/01189/FUL	Variation of Condition 2 (approved plans) of 15/00523/FUL to replace plans 14-6338/010A, 011A, 012, 013, 014, 015, 016B, 017A, and 018A with AT-1033-200A, 201A, 203A, AT-1096-001, 002, 003, 004, 005, 006 and 007.	Current	
93/01069/LUEX	Application for Lawful Use Certificate - Use for motor vehicle repairs		17.08.1994
14/00785/FUL	Demolition of existing garage workshop and erection of 6 new dwellings.	Refused	19.08.2014
15/00523/FUL	Demolition of existing garage workshop and erection of three 4 bedroom chalet style bungalows.	Refused	24.07.2015
16/00962/FUL	variation of condition 2 of planning permission 15/00523/FUL (allowed at appeal) in relation to plot 1 only, to include the erection of a single storey rear extension, amendments to garage, change in material from render to brick and enlargement of dormer windows.	Approved	30.08.2016
18/01043/NMA	Amendment to 15/00523/FUL to change roof tile finish on plots 2 and 3.	Withdrawn	
18/01044/NMA	Amendment to 15/00523/FUL to change roof tile finish on plot 1.	Withdrawn	

18/01189/FUL Variation of Condition 2 (approved plans) of 15/00523/FUL to replace plans 14-6338/010A, 011A, 012, 013, 014, 015, 016B, 017A, and 018A with AT-1033-200A, 201A, 203A, AT-1096-001, 002, 003, 004, 005, 006 and 007. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

ER3 Protection of Employment Land

EN6 Biodiversity

EN6A Protected Species

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

SP2 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP8 Backland Residential Development
- PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

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 delivered 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 with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Existing Site and Surrounding Area

The application site is situated to the east of Grove Road and the south of Harwich Road in Little Clacton. The site measures approx. 0.36 hectares and is accessed off Grove Road which is a private unmade track. The site is relatively level, with hardstanding and a commercial garage towards its frontage. The garage is a single storey flat roof structure and benefits from a lawful development certificate (93/01069/LEUX) for use of the building for motor vehicle repairs. The site was overgrown with brambles and nettles at the time of the officer's site visit, with previously cleared vegetation piles located towards the rear of the site. Also towards the rear of the site are located some mature oak trees (some within the boundary of the site and some outside). These trees have been protected under TPO/14/11 and TPO/14/12.

The surrounding development comprises of bungalows along the site's northern boundary, poultry sheds to the east, and what appeared to be residential curtilage to the south. In addition to the south is a pair of two-storey semi-detached properties, being St Olaves, and The Orchard. Part of the rear garden of St Olaves also forms part of the application site.

History

Planning permission 15/00523/FUL was refused but granted at appeal (APP/P1560/W/15/3134226) for the demolition of the existing garage workshop and erection of 3 x 4 bedroom chalet style bungalows.

An application for a variation of condition 2 was submitted under reference 16/00962/FUL to amend plot 1 to include the erection of a single storey rear extension, amendments to the garage, change in material from render to brick and enlargement of dormer windows.

Proposal

This application seeks to amend the approved plans to include the following changes to Plot 1, Plot 2 and Plot 3. Plot 1 seeks to make the following amendments:

- Change in roof pitch to dwelling and garage – design from gable to half hipped.
- Amendments to ground floor front window cills
- Fenestration Amendments
- Additional dormer to rear elevation

Plots 2 and 3 seek to add a garage to the side elevation of the dwelling.

Appraisal

The proposed alterations result in changes to the appearance of the proposed dwellings which were approved at appeal. Each change will be considered individually below.

Plot 1

Change in roof pitch to dwelling and garage

The proposed change from a pitched to a half hipped roof will not increase the height of the roof and therefore it is not considered to cause any significant impact upon the character of the area. The surrounding area has no uniform design or appearance and therefore it is considered that the change is not significant enough to warrant a reason for refusal.

Amendments to ground floor front window cills

The proposed changes to the front window cills are considered to be a minor change and will create a visual improvement to the front elevation of Plot 1. Therefore it is considered that the proposal will not cause any significant impact in terms of design or impact upon neighbouring amenities.

Fenestration Amendments

The proposal seeks to incorporate the following:

- A rooflight to the front elevation
- A non-opening window with obscure glazing to the side elevation
- A larger garage door to the front elevation of the existing garage
- To the rear of the garage a door is proposed to replace the window
- Introduction of white aluminium sliding doors to the side elevation
- Changes to doors on the rear elevation

The proposed amendments mentioned above will result in a visual improvement to the appearance of the dwelling. The changes are not considered to cause any impact upon the neighbouring amenities and therefore it is considered that they will not cause any overlooking onto the neighbouring dwellings.

Additional dormer window to the rear elevation

The proposed dormer window to the rear elevation will be in keeping with the rear dormer window of the host dwelling, serving bedroom 3. The proposal is therefore considered acceptable in terms of design. The dormer window is located in the middle of the roof plane which will serve the ensuite bathroom and therefore it is considered that it will not cause any overlooking onto neighbouring amenities.

Plot 2 and 3

The application seeks planning permission for a garage to the south elevation of plot 2 and the north elevation of plot 3. The proposals are single storey with a pitched roof and matching materials to be in keeping with the host dwellings and the character of the area. It is considered that the proposals will not cause any impact upon the street scene or upon neighbouring amenities. The proposed garage falls short of the Essex County Highways requirements of 7 metres by 3 metres however there are two parking spaces provided in line with the parking requirements measuring 5.5 metres by 2.9 metres. The garages are therefore in line with Highway Safety.

Conclusion

Overall, it is considered that the proposed changes would not have a significant greater harm on the character and appearance of the surrounding area, residential amenity than the scheme previously approved.

Other considerations

Little Clacton Parish Council recommend approval for this application

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the amendments, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before 14 January 2019.

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. 007, Drawing No. 200 Rev A, Drawing No. 201 Revision A, Drawing No. 203 Revision A, Drawing No. 001, Drawing No. 002, Drawing No. 003, Drawing No.004, Drawing No.005 and Drawing No. 006.

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

- 3 No development shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used and insufficient information has been submitted in this regard.

- 4 No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping works. The scheme shall include hard surfacing materials and any proposed changes in ground levels. It shall also incorporate the recommended tree work and protection measures set out in the Arboricultural Report dated 17 November 2014 submitted with application 15/00523/FUL and the accompanying tree protection plan reference RS/SO/01 Rev A.

Reason - In the interest of visual amenity and the character of the area.

- 5 All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October - March inclusive) following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - In the interest of visual amenity and the character of the area.

- 6 Prior to the occupation of the dwelling hereby permitted, the proposed vehicular access shall be reconstructed and provided with an appropriate kerbed connection to Grove Road in accordance with details which have been previously submitted to and approved in writing by the local planning authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner in the interests on highway safety.

- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of Grove Road.

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

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in

constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In order to have regard to the amenities of local residents, businesses, visitors and construction sites in the area during construction works.

- 9 Notwithstanding the details shown on approved plan 007 development shall commence until details of the construction of the bin enclosure adjoining the site entrance have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the proposed bin enclosure is suitable for purpose and does not attract vermin.

- 10 No development shall take place until a site investigation has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

Reason - In the interest of public health.

- 11 If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason - In the interest of public health.

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.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>