

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	06/03/2019
Planning Development Manager authorisation:	GW	06/03/19
Admin checks / despatch completed	ER	7/3/19

Application: 18/02016/FUL **Town / Parish:** Clacton Non Parish

Applicant: Mr D Walsh

Address: 508 St Johns Road Clacton On Sea Essex

Development: Proposed Replacement Dwelling

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

UU Open Spaces

Response from Public Realm
Open Space & Play

Application Details

Application No: 18/02016/FUL

Site Address: 508 St Johns Road Clacton on Sea Essex CO16 8DY

Description of Development: Proposed residential dwelling

Current Position

There is currently a deficit of '17.68 hectares of equipped play/open space in Clacton-on-Sea.

Recommendation

Although there is currently a deficit of play and open space in Clacton/Holland, it is not felt that this development of just one property will impact on the current deficit too greatly. There no contribution is being sought on this occasion.

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is utilising the existing vehicle access and drop kerb and retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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 in accordance with policy DM1.

2. 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 in accordance with policy DM1.

3. 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 in accordance with Policy DM8.

4. All single garages should have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

5. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

7. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking

area for those employed in developing the site.

Informative 2:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3:

Any 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.
CO4 9YQ.

Building Control and
Access Officer
Tree & Landscape Officer

No comments at this stage.

There are no trees on the application site that merit protection by means of a tree preservation order.

The landscaping plan provided with the application states that the hedgerow on the eastern boundary is to be retained although the site visit reveals that it has been removed. This does not greatly affect the amenities of the locality but reduces screening from the east. This could be replaced by new planting.

In order to enhance the appearance of the development it would be desirable for a new hedge to be planted close to the front garden wall and for 2 -3 trees to be planted in the adjacent grassed area to the front of the proposed dwelling.

This could be secured by a condition attached to any planning permission that may be likely granted.

3. Planning History

18/02016/FUL

Proposed Replacement Dwelling

Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

HP5 Open Space, Sports & Recreation Facilities

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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)

Site Description

The application site is 508 St Johns Road, Clacton, a single storey dwelling located within the development of Clacton-on-Sea. St Johns Road is a residential area, comprising of a mixture of dwellings varying in sizes and types.

Proposal

The application proposes the replacement of the existing dwelling with a new one storey dwelling. The dwelling will comprise of 3 bedrooms and will be located in a similar position to the existing dwelling with the proposal being extended out to the rear of the plot.

The external materials are proposed to be render with painted finish, brickwork plinth - London Brick Company (LBC) Facing brick in Tudor, Marley concrete plain roof tiles - Old English in Dark Red, black aluminium bifold doors, white UPVC glazed windows.

Assessment

The main considerations for this application are; principle of development, design and appearance, impact upon neighbouring amenities, Highway Safety, Tree and Landscaping Officer and legal obligations.

Principle of development

The application site lies within both the Settlement Development Boundary of the Tendring District Local Plan (2007) and the Settlement Development Boundary of the Emerging Tendring District Local Plan 2013-2033 for Clacton. The principle of development is therefore considered acceptable subject to the considerations listed below.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The application is to replace the existing dwelling which is of a similar design to the existing dwelling however the proposal has one gable projection to the front of the proposal with a change in fenestration. These changes are considered to be a visual improvement and therefore its replacement with a slight change of design will enhance the character of the area. The proposal is larger in scale and it will extend out to the rear however due to the single storey nature of the proposal, it is considered to be acceptable in terms of design and appearance.

The materials proposed; render with painted finish, brickwork plinth -London Brick Company (LBC) Facing brick in Tudor, Marley concrete plain roof tiles - Old English in Dark Red, black aluminium bifold doors, white UPVC glazed windows all considered to be acceptable in terms of design and are sympathetic to the character of the area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of a three bedroom dwelling should be a minimum of 100 square metres. The plans indicate that this is achievable and the proposal therefore the proposal complies with Policy HG9.

Impact upon the neighbouring amenities

The proposal will be visible to the neighbouring dwelling 510 St Johns Road, however the proposal maintains 1 metre to the neighbouring boundary which complies with Policy HG14 of the Tendring District Local Plan 2007. There are windows proposed on the side elevation facing the neighbouring dwelling however, the existing fence will help to screen any views into the neighbouring amenities.

The proposal will be visible to the neighbouring property, number 1 -9 Tamar House. The proposal will maintain 1.9 metres to the neighbouring boundary which complies with Policy HG 14 of the Tendring District Local Plan. Again, there is an existing fence which will help to screen any overlooking onto the neighbouring amenities.

Highway Safety

Essex County Highways have been consulted on this application and do not raise any objections to the proposed subject to the following conditions:

- Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
- All single garages should have a minimum internal measurement of 7m x 3m. This condition has not been imposed as the garage falls short of the Essex Highways requirements however there is sufficient space to the front of the application site to accommodate two parking spaces measuring 2.9 metres by 5.5 metres.
- The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
- Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable

transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This condition has not been imposed as this application is for one dwelling only and is only imposed for larger developments.

- Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway. This condition has been imposed as an informative only.

Trees and Landscaping

The Tree and Landscaping officer has been consulted on this application and has stated that there are no trees on the application site that merit protection by means of a tree preservation order. The landscaping plan provided with the application states that the hedgerow on the eastern boundary is to be retained although the site visit reveals that it has been removed. This does not greatly affect the amenities of the locality but reduces screening from the east. This could be replaced by new planting. A condition will be imposed for a new hedge to be planted close to the front garden wall and for 2 - 3 trees to be planted in the adjacent grassed area to the front of the proposed dwelling to enhance the appearance of the development.

Legal Obligations

Following consultation with the Council's Public Open Space team, they have stated that a contribution towards play and open space is not required on this occasion as it is unlikely there will be any impact on the play/open space deficit.

Other Considerations

Clacton is non parished.

1 letter of support has been received for this application.

Conclusion

In the absence of significant material harm as a result of the proposed development, this application is recommended for approval.

6. **Recommendation**

Approval - Full

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 01, Drawing No 02, Drawing no. 01 - Landscaping
Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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

- 4 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
- 5 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
- 6 The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety
- 7 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include details of the replacement street tree and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction."

Reason - To ensure that the development provides a satisfactory setting.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping drawing no. 01 - Landscaping 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 approved landscaping scheme is suitably implemented within an appropriate timescale.

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.

Highways Informative

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

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Any 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.

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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.
CO4 9YQ.

Landscaping

In relation to conditions 7 and 8, the councils tree and landscaping officer seeks to secure a new hedge planted close to the front boundary wall and for 2 - 3 trees to be planted in the adjacent grassed area to the front of the proposed dwelling.

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