

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	12.07.19
Planning Development Manager authorisation:	AN	11/07/19
Admin checks / despatch completed	SB	12/07/19

Application: 19/00737/FUL **Town / Parish:** Little Clacton Parish Council
Applicant: Mr Stephen Clarke
Address: Land adjacent 15 Weeley Road Little Clacton
Development: Variation of Condition 3 (Access/Visibility Splays) to Application 17/01864/FUL - to have 2no. individual dropped kerbs instead of one shared dropped kerb

1. Town / Parish Council

Mrs Ginette Loach (Clerk) Little Clacton Parish Council recommend approval of this planning application.

2. Consultation Responses

ECC Highways Dept It is noted that this application only concerns condition No. 3, the Highway Authority does not object to the proposals as submitted and in accordance with proposed block plan subject to mitigation and conditions.

The 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.

3. Planning History

17/00394/FUL	Two detached houses.	Refused	20.06.2017
17/01350/FUL	Two detached houses.	Approved	18.09.2017
17/01864/FUL	Variation of condition 2 of planning permission 17/01350/FUL -to substitute drawing no 124 PL01 Rev A in place of 1401 PL01 Rev B.	Approved	10.01.2018
18/00016/DISCON	Discharge of conditions 6 (Materials), 7 (Landscaping) and 8 (Boundary Treatment) of planning permission 17/01864/FUL.	Approved	24.01.2018
19/00737/FUL	Variation of Condition 3 (Access/Visibility Splays) to	Current	

Application 17/01864/FUL - to
have 2no. individual dropped
kerbs instead of one shared
dropped kerb

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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 (2019) 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a rectangular parcel of land directly adjacent to number 15 Weeley Road, on the south west side of the road within the Parish of Little Clacton. At the time of the site visit Plot 1 of the approved scheme was almost complete.

The site has a direct road frontage measuring 31 metres and approximately 54 metres in depth, with an overall site area of 0.17 hectares.

The site is located at the end of a row of existing dwellings with dwellings opposite. This section of Weeley Road contains a variety of dwellings, both in size and design with number 15 being a detached bungalow sited approximately 6 metres from the northern boundary of the application site.

Description of Proposal

The application seeks a Variation under Section 78a to the approved scheme 17/01864/FUL only in regards to Condition 3, attached to that permission. Application 17/01864/FUL proposed one singular-width access measuring 3.7m wide to be sited centrally within the plot. The variation to that design would result in a widened approach, divided in half to provide access for each individual property. The width of the proposed access is around 11m, providing each occupy with a share of the access in the region of 5m each.

In granting application 17/01864/FUL condition 3 required that, prior to occupation of the development, the access at its centre line should be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays should be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. The reason why this Condition was attached was to provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

The application follows approval 17/01350/FUL for two detached houses, the design of the dwellings was subsequently varied under approval 17/01864/FUL.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale, Design and Appearance
- Residential Amenity;
- Highway Safety and Parking;
- Biodiversity, and;
- Representations.

Principle of Development

The principle of the residential development for 2 detached dwellings has been established by the granting of planning permission 17/01350/FUL and 17/01864/FUL.

This variation is minor in nature and there have been no material change in policy circumstances that would result in the application being unacceptable in principle.

Layout, Scale and Landscape Impact

The layout, scale and landscape impact assessment made under 17/01864/FUL remains the same.

Residential Amenities

The assessment made of the impact of the proposal on residential amenities made under 17/01864/FUL remains the same.

Highway Safety & Parking

Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

Essex County Council Highways raise no objection to the development subject to conditions. For these reasons, there can be no objection on highway safety and parking grounds.

Biodiversity

The amendments do not alter the previous biodiversity assessment.

Conclusion

For the reasons set out above, the proposed development would represent a sustainable form of development in accordance with the aims of national and local plan policy and is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

1 The development hereby permitted shall have commenced before 18th September 2020.

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 1401 PL01 Rev B and Drawing 1401 PL02 Rev C; received 10th August 2017 and 'Proposed Block Plan Showing Individual Dropped Kerbs'; received 13th May 2019.

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

3 Prior to occupation of each dwelling, the proposed vehicular access for each property shall be constructed at right angles to the highway boundary and to a width of 3.6 metres (4 low kerbs) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

4 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the accesses.

Reason: To provide adequate inter-visibility between the users of the accesses and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

5 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 All new hard standing 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 site.

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

- 7 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 protected the local amenity and reduce the likelihood of complaints of statutory nuisance.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected on the eastern side boundary or southern rear boundary of the application site except in accordance with details that shall previously be approved by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the character of the surrounding area.

8. Informatives

Positive and Proactive Informative

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.

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.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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

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.

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO