

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	24/7/19
Planning Development Manager authorisation:	TF	25/7/19
Admin checks / despatch completed	SB	25/7/19

Application: 19/00636/DETAIL **Town / Parish:** Clacton Non Parished

Applicant: Mr Max Chapman & Miss Hannah Moore

Address: Plot 12 820 St Johns Road Clacton On Sea

Development: Reserved Matters Application following Outline Approval on Planning Application 18/00379/OUT. Appearance, landscaping, layout and scale for Plot 12 (Condition 3).

1. Town / Parish Council

n/a

2. Consultation Responses

Tree & Landscape Officer The information submitted shows areas of new planting but does not contain details of plant species or specification other than the retention of an existing boundary hedge and the planting of an area with Forestry whips.

Although the information provided lacks detail there appears to be little need for new soft landscaping in this location and the proposed planting would, if carried out, soften the appearance of the area. The absence of a detailed planting scheme is not considered significant unless a particular planning need for new soft landscaping has been identified.

3. Planning History

18/00379/OUT	Outline application for proposed residential development of 14 dwellings including replacement of existing dwelling (following demolition of 824 St Johns Road).	Approved	18.12.2018
18/02113/DETAIL	Partial reserved matters application of 18/00379/OUT- Erection of 11 dwellings.	Approved	09.04.2019
19/00062/DISCON	Discharge of conditions 10 (construction method statement), 14 (contamination), 16 (Surface Water Drainage), and 17 (Maintenance plan) of approved application 18/00379/OUT.	Approved	26.04.2019
19/00339/DETAIL	Reserved Matters Application following Outline Approval on Planning Application	Approved	18.06.2019

	18/00379/OUT. Design appearance, finishes and hard/soft landscaping for Plot 11 (Condition 3).	
19/00636/DETAIL	Reserved Matters Application following Outline Approval on Planning Application 18/00379/OUT. Appearance, landscaping, layout and scale for Plot 12 (Condition 3).	Current
19/00868/DETAIL	Reserved Matters Application following Outline Approval on Planning Application 18/00379/OUT. Appearance, landscaping, layout and scale for Plot 10 (Condition 3).	Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3A Mixed Communities

HG6 Dwelling Size and Type

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

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

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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

Proposal, Site Description and Planning History

This application seeks approval of reserved matters (appearance, landscaping and layout) for plot 12, following outline approval under 18/00379/OUT.

The application site lies outside the development boundary of the adopted local plan, but within the Development Boundary of Clacton on Sea in the emerging local plan. Full planning permission was allowed at appeal for 14 two storey dwellings on part of the site, and outline planning permission for 14 dwellings (including one replacement dwelling) with access was granted under reference 18/00379/OUT (subject to a S106 agreement for open space and housing.) Reserved matters for plots 1-9 and 13-14 were approved under application 18/02113/DETAIL, and plot 11 approved under 19/00339/DETAIL.

Plot 12 is sited to the north east of the site, to the rear of the development. The proposal is for a chalet style dwelling with first floor accommodation in the roof space, sited fairly centrally within the plot. Off street parking for two vehicles will be provided to the front of the integral garage, and private amenity space of 130 square metres provided to the rear of the dwelling (enclosed by a 1.8m close boarded fence).

The dwelling will be finished in facing brickwork, with natural slate roof and Hardie Plank to the upper part of the front and rear gables. A single sky light will be positioned on the front-facing roof slope, and two sky lights on each side-facing roof slope. The overall height of the proposal will be 6.7m, the width 11m, and depth 15m.

Principle

The principle of constructing a dwelling on this plot was established through the granting outline planning permission 18/00379/OUT.

Appearance

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of the National Planning Policy Framework (NPPF) 2019 is to always seek to secure high quality design.

Saved policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment; relates well to its site and surroundings, particularly in relation to its form and design; and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging policy SP1 reflects these considerations.

Although properties to the front of the site are bungalows, nearby dwellings along St Johns Road are two storeys, as are other proposed dwellings approved within this development. Therefore, the two storey proposal for plot 12 is not considered to be a departure from the area's character or appearance.

The height, width, design and external materials of the proposed dwelling are considered to be appropriate and in keeping with the character of the area.

Scale

Outline planning permission was granted for 14 dwellings. Plots 7, 8 and 9 are two storey dwellings, and plot 11 has approval of reserved matters for a 2.5 storey dwelling. The scale of plot 12 is therefore considered acceptable.

Landscaping

This is a single plot sited to the rear of the application site where it will not be publically visible. The council's tree and landscaping office has been consulted, and it is considered that the proposed hard and soft landscaping is acceptable.

Layout

This application relates to a single plot remaining from the larger reserved matters approval for 11 plots, and a subsequent approval for plot no. 11. The proposal makes good use of the space, with an adequate plot size and side isolation to prevent the development appearing cramped. Parking will be largely sited to the side of the dwelling, so will not appear overly dominant, and satisfies Essex County Council's adopted standards. Private amenity space to the rear satisfies saved policy HG9.

Impact on Neighbours

Paragraph 127 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, policy QL11 states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.'

There is adequate separation from existing and proposed neighbouring dwellings to prevent significant impact on neighbouring daylight, outlook and privacy. Side facing windows at first floor are roof lights set at 1.7m above first floor level - so these will not allow significant overlooking of neighbouring properties.

Other Considerations

Access was approved at outline stage and a number of highways conditions were imposed on the outline permission. This application relates to a single plot and the larger reserved matters approval for 11 plots (18/02113/DETAIL) is currently under construction - providing the internal access road, turning area, footpaths, landscaping etc. A condition to require the provision and retention of the parking as shown is therefore imposed to ensure adequate parking for this plot and to prevent on street parking in the area.

One letter of objection has been received, relating to the larger development site - raising concerns over extra traffic in St Johns Road and the A133, and the impact on other local infrastructure including schools, healthcare, employment and public transport. As outline planning permission has already been granted for 14 dwellings at this site, the principle of development in this location has already been established and considered. For the reasons set out above, the proposal for plot 12 (which this application relates to) is considered to be an appropriate size, scale and design.

Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation), Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings on sites within the 'Zones of Influences'.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Conclusion

For the reasons set out above, the reserved matters application is recommended for approval.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no's 1866-01 and 1866-02.

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

- 2 Prior to the first occupation of the dwelling the off street parking shown on drawing no. 1866-01 shall be provided and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that on street parking of vehicles in adjoining streets does not occur 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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

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