

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	22/07/2019
Planning Development Manager authorisation:	TF	25/07/2019
Admin checks / despatch completed	ER SB	25/07/19

Application: 19/00348/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Oliver Burfoot

Address: 691-717 St Johns Road Clacton On Sea Essex

Development: Variation of condition 2 of planning permission 17/01265/FUL - to alter the size and design of the main access road.

1. Town / Parish Council

Clacton – No Town Council

2. Consultation Responses

ECC Highways Dept It is noted that this application only concerns condition No. 2, the Highway Authority does not object to the proposals as submitted and in accordance with revised block plan dated 17 July 2019.

3. Planning History

99/00190/OUT	Residential dwelling	Refused	07.06.1999
15/00899/FUL	Erection of 14 dwellings with associated garages.	Approved	15.01.2016
17/01265/FUL	Variation of Condition 2 of 15/00899/FUL - alterations to plots 1-6, 11 and 12	Approved	22.09.2017
19/00348/FUL	Variation of condition 2 of planning permission 17/01265/FUL - to alter the size and design of the main access road.	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

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

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

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

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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 site is located within the defined settlement boundary of Clacton-on-Sea as identified in the Emerging Draft Plan. The site measures approx. 0.82 hectares.

On site construction work has commenced in connection with the planning permission on the site for 14 properties. The road frontage as well as the western and southern boundaries are screened with a mix of mature hedgerow and mature trees, some of which are subject to Tree Preservation

Orders. The eastern boundary is defined by close boarded fencing to the gardens of the residential properties to the east of the site.

To the east is a small development of detached houses with access provided via a private drive. Beyond, lies the rear gardens of properties fronting Jaywick Lane. The properties in these areas mainly consist of single, two storey and chalet style dwellings.

To the west is a detached bungalow, No. 717 St John's Road. The land to the south is the subject of a pending planning application for 22 bungalows.

Planning History/Proposal

Planning permission 15/00899/FUL granted permission for 14 dwellings and garages. This permission was then varied through the granting of planning permission 17/01265/FUL which approved a whole host of variations to the design and siting of various plots.

This application seeks a variation to condition 2 of planning permission 17/01265/FUL to substitute amended plans showing an alteration to the size and design of the access road. The changes incorporate a wider shared surface access and speed reducing measures including a speed ramp at the entrance and a road width reduction island to the south of the proposed junction.

All other aspects of the development remain as previously approved.

Appraisal

Highway Changes

As stated above the changes sought relate solely to the access road. The increase in the width of the access and the introduction of speed reducing measures are required from a highway safety viewpoint and to pre-empt the development of the land to the south, which will be served via the same access road.

ECC-Highways and the applicant have had discussions during the course of the application and have now agreed the required speed reducing measures. As a consequence ECC-Highways have no objections to the revised access arrangements.

Conditions

The majority of the conditions included on the 2017 permission have been discharged. As such the conditions will be re-applied but updated with reference to the approved details. The only condition awaiting approval relates to the provision of a surface water drainage strategy. The corresponding condition will therefore be worded to reflect approval of such a scheme within a certain time period.

Legal Obligations

The proposal is for a total of 14 dwellings, which would potentially attract a financial contribution towards Open Space as set out in Policies COM6 of the Saved Plan and HP5 of the Draft Plan. However, at the time that the original consent was granted, due to the changes in Regulation 123 of the Community Infrastructure Levy Regulations 2010 as amended, it was considered that no contribution was necessary. It would therefore be unreasonable to seek any contribution as part of this application as the changes proposed only relate to the access layout of the proposal and there is no increase in the number of units or bedrooms.

Having considered the proposed avoidance and mitigation measures outlined within the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS), the Council conclude that in this instance it would be unreasonable to seek mitigation measures. The development has commenced and this application relates solely to the access arrangements.

Natural England has confirmed that ultimately in this situation where the RAMS has emerged after the original application was registered, it is down to Tendring District Council to decide whether this

proposal lies within scope of the RAMS or not. Consideration should also be given to whether a previous HRA has been undertaken and if so, what the findings of this were, including any mitigation sought.

As stated above the original planning permission has been implemented through the commencement of works on site. This application relates to minor changes to the access and does not propose to increase the number of dwellings built. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

Other Considerations

No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Layout dated 17.07.19
Elevations for Plot 1 dated 24.07.17
Floor plan for Plot 1 dated 24.07.17
Elevations for Plots 2 & 6 dated 20.07.17
Ground Floor Plan for Plots 2 & 6 dated 20.07.17
First floor plan for Plots 2 & 6 dated 20.07.17
Elevations for Plot 3 dated 24.07.17
Floor plan for Plot 3 dated 24.07.17
Elevations for Plot 4 dated 24.07.17
Floor plan for Plot 4 dated 24.07.17
Elevations for Plot 5 dated 20.07.17
Ground floor plan for Plot 5 dated 20.07.17
First floor plan for Plot 5 dated 20.07.17
Elevations for Plots 7 & 8 dated 08.04.15
Floor Plans for Plots 7 & 8 dated 08.04.15
Elevations for Plots 9 & 13 dated 08.04.15
Floor Plan for Plots 9 & 13 dated 08.04.15
Elevations for Plots 10 & 14 dated 08.04.15
Floor Plan for Plots 10 & 14 dated 08.04.15
Elevations for Plot 11 dated 08.04.15
Floor Plan for Plot 11 dated 08.04.15
Elevations for Plot 12 dated 08.04.15
Floor Plan for Plot 12 dated 08.04.15
Garage Floor Plan and Elevations for Plots 11 & 12 dated 09.04.15

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

- 2 The approved properties shall be constructed in accordance with the Materials Schedule (received 28th August 2018) and approved under planning reference 18/00980/DISCON.

Reason - To ensure the appearance of the properties is sympathetic with the character of the area.

- 3 The approved scheme of landscaping shown on drawing titled Landscaping Layout (received 11th July 2018) and approved under planning reference 18/00980/DISCON, shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five

years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 4 The screen walls and fences details shown on the drawing titled Design, Materials, Provision and Siting of Fences (received 28th August 2018) and approved under planning reference 18/00980/DISCON, shall be erected prior to the dwellings hereby permitted being first occupied.

Reason - In the interests of visual and residential amenity.

- 5 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason - To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.

- 6 The construction phase of the development shall be carried out in accordance with the document titled 'Method Statement' and associated drawing titled 'Construction Method Plan' (received 18th June 2018) and approved under planning reference 18/00980/DISCON.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

- 7 Waste materials associated with the development of the site, including the clearance of the site, shall be disposed of in an appropriate manner and no material shall be burnt on site.

Reason - To ensure a satisfactory standard of residential environment.

- 8 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with St Johns Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 6.0m and flanking footways 2m. in width returned around the radius kerbs which shall extend across the sites frontage to St Johns Road connecting to any existing footways.

The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 9 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

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

- 10 The existing access or any part of an access rendered redundant or unnecessary by this development shall be suitably and permanently closed in accordance with the details shown on the drawing titled 'Site Layout - Closing Redundant Access' (received 18th June 2018)

and approved under planning reference 18/00980/DISCON, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 11 The parking spaces/vehicular hardstandings shall be constructed to minimum dimensions of 5.5m x 2.9m.

Reason - To encourage the use of off-street parking, in the interests of highway safety.

- 12 Prior to the first occupation of the development, the vehicular turning areas shown on the approved drawing titled site layout (dated - 17th July 2019), shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 13 Prior to the first use of the approved access, the bridging and piping of the drainage ditch shall be carried out in accordance with those details shown on the drawing titled Ditch Crossover Construction Details (received 18th June 2018) and approved under planning reference 18/00980/DISCON. The development shall be carried out and maintained in accordance with the approved details.

Reason - To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

- 14 Within 3 months of the date of this permission details for the implementation, maintenance and management of the sustainable drainage strategy shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a programme for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- iii) arrangements to enable SuDS within private properties to be accessed and maintained including information and advice on responsibilities to be supplied to future owners.

Reason - To ensure satisfactory provision of foul and surface water drainage in order to prevent the development from causing increased flood risk off site over the lifetime of the development.

- 15 Within 3 months from the date of this permission a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works shall have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason - The National Planning Policy Framework paragraph 103 states that Local Planning Authorities should ensure flood risk is not increased elsewhere by development.

- 16 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the

existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

<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>