



S106 to be completed by Fiona 2/8/19 she'll

**DELEGATED DECISION OFFICER REPORT**

agree with Leanne

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	1/8/2019
Planning Development Manager authorisation:	TF	2/8/2019
Admin checks / despatch completed	the SB	02/08/19. 02/08/19.

**Application:** 19/00143/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Kelly

**Address:** Bramcote Thorpe Road Clacton On Sea

**Development:** Variation of Condition 2 of planning permission 18/00735/FUL to substitute the approved layout drawing with a new layout drawing to allow access to additional land by removing one plot; and variation to condition 15 to reflect amended landscaping scheme.

**1. Town / Parish Council**

Clacton – Non Parished.

**2. Consultation Responses**

ECC SuDS Consultee

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application. As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- o Non-statutory technical standards for sustainable drainage systems
- o Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- o The CIRIA SuDS Manual (C753)
- o BS8582 Code of practice for surface water management for development sites.

**Lead Local Flood Authority position**

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this will not have a significant impact on the surface water drainage scheme proposed and therefore we shall have no further comments accordingly in relation to this application.

**Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- o Sequential Test in relation to fluvial flood risk;

- o Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- o Safety of the building;
- o Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- o Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Should further correspondence be required, please contact the SuDS team directly using the below details.

ECC Highways Dept

It is noted that this application only concerns condition No2, the Highway Authority does not object to the proposals as submitted and in accordance with revised drawing no. 6550-1112-P8.

Informative 1: 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.

### 3. Planning History

16/02107/FUL	Demolition of existing dwelling and erection of 47 no. bungalows and 2 no. houses with garages, access and public open space.	Approved	20.10.2017
18/00735/FUL	Variation of Condition 2 of planning permission 16/02107/FUL to substitute approved drawings with new drawings to include additional garages, changes to the detailed design and boundary treatments, pumping station and amended drainage strategy, and details to discharge conditions 3, 8, 9, 15, 17, 18, 19, 22, 23, and 24 of 16/02107/FUL.	Approved	05.12.2018
19/00734/DISCON	Discharge of condition 21 (Provision of bird and bat nest boxes and hedgehog fencing and homes) of approved planning application 18/00735/FUL.	Approved	11.07.2019

### 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

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

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

TR1A Development Affecting Highways

TR5 Provision for Cycling

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
- LP5 Affordable and Council Housing
- PP12 Improving Education and Skills
- 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 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**

### Site Description

The application site lies outside, but abutting to the northern and southern boundaries, the settlement development boundary for Clacton-on-Sea within the Adopted Tendring Local Plan 2007. The site lies wholly within the settlement development boundary for Clacton-on-Sea within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

To the immediate north of the site, outline planning permission has been granted at Oakwood Park under 12/01262/OUT (18/01800/DETAIL) for up to 250 dwellings and B1c employment units. On the opposite side of the road lies a proposed employment allocation within the emerging plan, and beyond Oakwood Park to the north-east lies a large proposed mixed use allocation within the emerging local plan. To the south-east lie two existing dwellings (Roseacre and Hillfield), with employment units beyond. Construction of the site is at an advanced stage.

### Description of Proposal

This application seeks planning permission for the variation of Condition 2 of previous planning permission 18/00735/FUL, by providing a new layout to allow access to additional land following the removal of one plot. The application also seeks permission to vary condition 15 to reflect an amended landscaping scheme.

The amended site layout plan shows Plot 41 is to be removed along with a double garage, with Plot 40 to be relocated approximately 5m to the south. This is to allow an access to an application currently under consideration (reference 19/00148/FUL), which will see the construction of six dwellings to the north-eastern corner of the site.

### Site History

Under planning reference 18/00735/FUL, planning permission was granted for the variation of Condition 2 of planning permission 16/02107/FUL, to substitute approved drawings with new drawings to include additional garages, changes to the detailed design and boundary treatments, pumping station and amended drainage strategy, and details to discharge conditions 3, 8, 9, 15, 17, 18, 19, 22, 23, and 24 of 16/02107/FUL.

Under planning reference 16/02107/FUL planning permission was approved at Planning Committee for the demolition of the existing dwelling and erection of 47 no. bungalows and 2 no. houses. The reason this was deferred to planning committee was that the site fell outside of any settlement development boundary in the 2007 adopted local plan, and is a major development proposing housing within the settlement development boundary of the emerging local plan.

As the principle of development has now been accepted by the grant of planning permission, and this variation of condition application does not conflict with Members decision in granting the original planning permission, this is a delegated decision.

18/00735/FUL and 16/02107/FUL were also subject to S106 legal agreements dated 13/10/2017 and 03/12/2018, addressing education, affordable housing and open space. A deed of variation has now been agreed between the Local Planning Authority and the applicant to ensure the new planning reference number is tied to the original legal agreements.

### Assessment

The requested changes will see relatively minor changes to the development previously considered acceptable within 18/00735/FUL. Previous plot 41 is to be removed from the scheme, while plot 40 is to be relocated to the south by approximately 5 metres. The changes involved are all to the south-eastern corner of the plot, located approximately 200 metres from Thorpe Road. Given this significant distance, and the development across the remainder of the site, the changes will result in a neutral impact to the character and appearance of the surrounding area. The removal of the dwelling and double garage will create a more open feel to this section of the development, while all plots will still retain the minimum private amenity spaces as required by Saved Policy HG9.

The plans also show revisions to the previously approved landscaping scheme which will result in more established trees being planted to give the new development more maturity. This represents an enhancement to the previously approved landscaping scheme.

The S106 requires three 3 bedroom bungalows to be provided for affordable housing and approved on an affordable housing plan. This previously related to plots 3, 39 and 44 as shown on drawing number 6550-1115 P6 'Affordable Housing Plots', but will now refer to plots 3, 39 and 43 as shown on the amended affordable housing plan. A letter will be issued separately to confirm that this element of the S106 is discharged in reference to this new plan. A Deed of Variation has been agreed between the Local Planning Authority and the applicant to ensure the new planning reference number is tied to the original legal agreements so all previous requirements are secured.

Planning permission 18/00735/FUL varied 16/02107/FUL which approved 49 dwellings on the site. The current proposal seeks to remove one of the approved dwellings to gain access to a separate site being considered under 19/00148/FUL (to which RAMS contributions will be sought). Development is well underway on site implementing the current permission for 49 dwellings, and therefore a contribution towards RAMS is not required for this proposal given the strong fall back position for one additional dwelling as confirmed within the HRA.

### Other Considerations

Clacton is non-parished so there are no comments.

There have been no other letters of representation received.

### Conclusion

The amendments proposed to the original planning permission are considered acceptable. Conditions have been re-imposed on this new permission with rewording where appropriate to reflect the details submitted and approved as part of this application. A Deed of Variation has been completed to link the new application to the existing S106 agreements dated 13/10/2017 and 03/12/2018 submitted under 16/02107/FUL and 18/00735/FUL.

## **6. Recommendation**

Approval.

## **7. Conditions**

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

Submitted under 16/02107/FUL: Aboricultural Impact Assessment Ref TPSarb6020316, Ecological Scoping Survey dated June 2017, Contamination Assessment Report No: 15-2491r, Transport Statement dated December 2016, Flood Risk Assessment and Surface Water Management Plan Report No 10156/R01/03, and Noise Assessment dated 17th May 2017.

Submitted under 18/00735/FUL: Drawing numbers 6550 - 1101 C, 1103 F, 1111 P8, 1113 P8, 1114 P8, 1115 P6, 1260 P1, 1261 P1, 1262, 1263 P1, 1264 P1, 1265 P1, 1266 P1, 1267 P1, 1268 P1, 1269 P1, 1270 P1, 1271 P1, 1272 P2, 1360 P1, 1361 P1, 1362 P1, 1363 P1, 1364 P1, 1365 P1, 1366 P1, 1367 P1, 1368 P1, 1369 P1, 1370 P1, 1371 P1, 1372 P2, 1504, 1506, and 2001 P1; 17-028/ 365 P2, 580 T1, 1010 T2, and 571 T1; and 6352/1601.

Construction Method Statement - Revision B.

Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018.

Submitted under 19/00143/FUL: Drawing numbers 1026/002 Affordable Housing Plan, NC 17.416-P-200 D, and documents titled 'Revised Ground Floor Site Plan' and 'Location Plan'.

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

- 2 The external facing and roofing materials to be used in construction shall be as shown on drawing number 6550 - 1103 F of planning permission 18/00735/FUL unless otherwise agreed in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 3 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and thereafter retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 4 Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan 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.

- 5 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.

- 6 The means to prevent the discharge of surface water from the development onto the highway shall be as shown on drawing number 17-028-1010 T2 of planning permission 18/00735/FUL unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained as approved at all times.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 The wheel cleaning facility within the site and adjacent to the egress onto the highway shall be as detailed within Methodology To Reduce And Manage Off-Site Flooding, Water Run Off And Wheel Cleaning During Construction Works unless otherwise agreed in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

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

- 8 Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 9 Any single garages shall have a minimum internal measurement of 7m x 3m. Any double garages shall have a minimum internal measurement of 7m x 6m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 10 Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, 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.

- 11 Prior to occupation of any dwelling a shared use cycleway/footway measuring no less than 3 metres in width shall be provided on the eastern side of Thorpe Road between the existing facilities located on the two roundabouts north and south of the development site.

Reason - To make adequate provision within the highway for the additional pedestrian and cyclist traffic generated within the highway as a result of the development.

- 12 The approved landscaping scheme shall as be as shown on drawing numbers NC 17.416-P-200 D, and 6550 - 1103 F of planning permission 18/00735/FUL unless otherwise agreed in writing by the Local Planning Authority.

Reason - An appropriate landscaping scheme is a visually essential requirement in order to soften the appearance of the development.

- 13 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 14 The equipment to be provided to the public open space shall be as shown on drawing number 6550 - 1101 C of planning permission 18/00735/FUL unless otherwise agreed in



writing by the Local Planning Authority. The public open space equipment shall be provided as approved prior to occupation of any of the hereby approved dwellings.

Reason - To ensure a satisfactory provision of public open space equipment in the interests of the amenities of the occupiers of the approved development.

- 15 The construction method statement shall be as Construction Method Statement - Revision B of planning permission 18/00735/FUL unless otherwise agreed in writing with the Local Planning Authority. The method statement shall be implemented as approved for the duration of the demolition and construction period.

Reason - In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works.

- 16 The screen walls and fences shall be as shown on drawing numbers 6550 - 1103 F, 6550 - 1504, and 6550 - 1506 of planning permission 18/00735/FUL unless otherwise agreed in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

- 17 Details of the provision of bird and bat nest boxes, and hedgehog fencing and homes shall be in full accordance with the details submitted and agreed in writing by the Local Planning Authority within 19/00734/DISCON.

Reason - In the interests of biodiversity.

- 18 The surface water drainage scheme, scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works, and Maintenance Plan shall be as submitted under planning permission 18/00735/FUL: Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 19 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

## **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:

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.