

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/08/2019
Planning Development Manager authorisation:	AN	8/8/19
Admin checks / despatch completed	ER	8/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	08/08/19

Application: 19/00719/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Oliver Burfoot - Burfoot Homes Ltd

Address: 3 Stratford Road Holland On Sea Clacton On Sea

Development: Proposed erection of no 2. detached Bungalows with integral garages following demolition of existing dwelling and detached single garage.

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

ECC Highways Dept

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

1. 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

2. Prior to occupation of each dwelling the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (The standard width of 4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. There shall be no discharge of surface water onto the Highway.
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 to ensure accordance with policy DM1.

4. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. 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.

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 and amenity in accordance with Policy DM8.

7. 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.

8. 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: On the completion of the Development, all roads, footways/paths, 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 2: 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.

3. Planning History

19/00719/FUL	Proposed erection of no 2. detached Bungalows with integral garages following demolition of existing dwelling and detached single garage.	Current
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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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL4 Biodiversity and Geodiversity
- HP5 Open Space, Sports & Recreation Facilities

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 refers to 3 Stratford Road, Holland on Sea, located to the south west of Stratford Road. The application site currently comprises of one single storey dwelling situated within a spacious plot. The application site is located within the development boundary of Clacton on Sea. The character of the area is predominantly residential single storey dwellings with some commercial properties to the south east of Stratford Road.

Proposal

This application seeks planning permission for the erection of two detached bungalows with integral garages following the demolition of the existing dwelling and detached single garage.

Assessment

The main considerations for this application are:

- Principle of development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping
- Highway Considerations and Parking Provision
- Legal Obligation
- Habitat Regulations Assessment
- Other Representations

1. Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Clacton on Sea, as established within the emerging local plan. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

2. Scale, Layout and Appearance

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

In terms of design and appearance, the dwellings are single storey. The front elevation of both dwellings, incorporate a gable projection with a dual pitched roof and a bay window which serves bedroom 1. There is also a gable projection to the rear of both dwellings which will serve an extended kitchen/dining room. Both dwellings comprise of integral garages which will be located to

the north easterly elevation. It is considered that the features are all positive and contribute positively to the overall design and appearance of the proposed dwelling.

The materials proposed for plot 1 are as follows; Marley Eternit - Mendip - Anthracite roof tiles, TBS London Weathered bricks, white UPVC windows, doors and rainwater good and Marshalls Driveline - Priora Charcoal Paving for the driveway. The materials proposed for plot 2 are as follows; Marley Eternit - Mendip - Smooth Brown roof tiles, all about bricks - redstone rainbow bricks, white UPVC windows, doors and rainwater goods and marshalls driveline - Priora Bracken Paving for the driveway. It is considered that there is a mixture of dwelling styles and materials within the street scene and therefore the proposed materials are considered to be acceptable in terms of design and appearance.

The proposed dwellings would occupy a footprint similar to that of surrounding dwellings. As a result the additional two dwellings would not represent a cramped form of development detrimental to the street scene, as it would provide important gaps to both sides in excess of the minimum standards set out within saved Policy HG14.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100sqm. The submitted plans demonstrate that both dwellings can accommodate more than 100 sqm.

3. Residential Amenities

Policy QL11 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Both plots will be visible to the neighbouring dwellings to the north west and south east, however there is a distance of 1 metre to both boundaries which is in line with Policy HG14 of the Tendring District Local Plan 2007. A 1.8 metre fence is proposed on both neighbouring boundaries to help screen any impact of overlooking onto neighbouring amenities. It is considered that due to the single storey nature of the proposals as well as the roof which will slope away from neighbouring amenities, the proposed dwellings will not cause any significant impact upon neighbouring amenities.

To the south west of the application site is the rear garden of number 68 Colchester Road. It is considered that both dwellings retain a sufficient distance to the rear neighbouring boundary to not cause any significant impact upon the neighbouring amenities of number 68 Colchester Road. A 1.8 metre fence is also proposed to help screen the dwellings from the neighbouring dwelling.

4. Trees and Landscaping

The application site currently forms the curtilage of the existing dwelling on the site and is well populated with established shrubs and small trees. In its present condition it has a pleasant softening impact on the character of the area.

The most prominent vegetation on the land is an Irish Yew situated to the front of the existing dwelling, a Eucalyptus close to the northern boundary and a culinary Pear in the rear garden. The garden is otherwise well planted with shrubs including Buddleia, Camellia and Spiraea. The remainder of the garden is set to grass.

In terms of the amenity value of the trees on the application site the Irish Yew is the most prominent feature although it is a species that is not appropriate for its location close to an existing dwelling. For this reason the tree does not formal legal protection by means of a tree preservation order.

Neither the Eucalyptus nor the Pear makes such a significant contribution to the appearance of the area that they merit protection by means of a tree preservation order.

The applicant has provided a plan to maintain and improve the 'greening' by providing two new trees to the grassed area to the front of the proposed new dwellings. The application site is therefore considered acceptable in terms of trees and landscaping.

5. Highway Considerations and Parking Provision

Essex Highway Authority have been consulted on this application and do not raise any objections to the application subject to conditions; no unbound materials, vehicular access to be constructed at right angles, no discharge of surface water, tandem parking space measurements, garage measurements, cycle parking, Residential Travel Information Pack, the reception and storage of building materials. The following conditions will not be imposed; the reception and storage of building materials will be imposed as an informative, Residential Travel Information Pack is only imposed for major developments and there is sufficient space on site to accommodate cycle parking. Parking space and garage measurements will not be imposed as sufficient parking is provided and the site is located within a sustainable location.

Further, Essex Parking Standards state that there should be minimum parking provision for a dwelling with two or more bedrooms for parking spaces measuring 5.5m x 2.9m and garages should measure 7 metres by 3 metres. The plans submitted demonstrate tandem parking and an integral garage. Although the garage is undersized, there are two off street parking spaces which both meet the standards and therefore parking is considered acceptable.

6. Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of '17.68 hectares of equipped play/open space in Clacton-on-Sea/Holland. Any additional development in Holland/Clacton will increase demand on play facilities further. The nearest play areas to the application site are located at Hereford Road, Holland on Sea. The area is designated as a Local Equipped Area for Play and provides equipment for children of all ages. This play area already covers a large part of Holland on Sea and it is felt that any further development in this area will impact on the current facilities. The contribution will be used at Hereford Road. The contribution is secured by unilateral undertaking.

7. Habitats Regulation 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). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

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.

8. Other Representations

Clacton is non parished.

No letters of representation have been received.

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 plan and documents: Drawing Ref: 003, Drawing Ref: 004, Drawing Ref: 005, Drawing Ref: 006 - Amended Proposed Landscaping and Fencing, Construction Method Statement doc ref:009 and Construction and Demolition Method Statement and Environment Management Plan document ref:008.

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

- 3 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

- 4 Prior to occupation of each dwelling the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (The standard width of 4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 5 There shall be no discharge of surface water onto the Highway.

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.

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.

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.

On the completion of the Development, all roads, footways/paths, 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.

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Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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.

Noisy construction works to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

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