



4 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

18/01053/FUL	Proposed erection of new two bedroom dwelling within ground of existing dwelling.	Approved	22.08.2018
18/01586/FUL	Proposed erection of new two bedroom dwelling within ground of existing dwelling. (Alteration to planning approval 18/01053/FUL).	Current	

### 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

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type  
HG7 Residential Densities  
HG9 Private Amenity Space  
HG14 Side Isolation  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development  
EN6 Biodiversity  
EN11A Protection of International Sites European Sites and RAMSAR Sites  
COM6 Provision of Recreational Open Space  
Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout  
PPL4 Biodiversity and Geodiversity  
HP5 Open Space, Sports and Recreational Facilities  
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 (including Site Description and Proposal)**

### Site Description

The application site is 445 St Johns Road, Clacton on Sea, which is a two storey semi-detached dwelling located within a residential area. The property is at the end of a row of semi-detached properties set back off of St. John's Road behind a grass/planted verge.

### Proposal

The application seeks planning permission for the erection of a two bedroom dwelling within the grounds of the existing dwelling. The proposal will measure 5.4 metres in width, 10.1 metres in depth with an overall height of 7.1 metres. The proposal will create a terrace of dwellings.

The front elevation will comprise of a gable projection which will serve of two ground floor windows serving the kitchen and dining room. To the first floor, there are two windows proposed which will serve a bedroom and bathroom. There is a door to the ground floor side elevation which will be the main entrance to the dwelling. To the rear of the proposed dwelling, there is a single storey element which will serve the extended living room with bifold doors which will open out onto the rear garden. To the first floor are two windows which will serve the stairway and a bedroom.

### Planning History

Planning Permission was granted under planning reference 18/01053/FUL for the erection of a new two bedroom dwelling within the grounds of an existing dwelling.

### Assessment

The main considerations for this application are:

-Principle of Development,

- Design and Appearance,
- Impact upon Neighbouring Amenities
- Parking Provision
- Habitat Regulations Assessment
- Financial Contribution – Open Space
- Other Considerations

#### Principle of development

The site is located within the Settlement Development Boundary of Clacton-on-Sea as defined within both the adopted and emerging Tendring District Local Plans.

Clacton-on-Sea is defined as one of the districts strategic centres being highly sustainable with many public transport links, a vast array of amenities and employment opportunities.

The principle of residential development in this sustainable location is therefore accepted subject to the detailed considerations set out below.

#### Design and Appearance

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that new development relates well to its site and surroundings and the size, scale, design and appearance of new development are in keeping. Emerging policy SPL3 of Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that new buildings should be well designed and maintain or enhance local character and distinctiveness and should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

The existing street scene is well defined, is linear and with a fixed building line. The dwelling will incorporate a front gable projection which will sit beyond the existing building line. In this instance the proposed gable projection would result in an additional 5.4 metres in width, 1.2 depth and 6.4 metres in height. As a result the proposed gable will become a prominent addition within the street scene due to its front projection. The proposal would appear wholly out of character in this section of the street to the significant detriment of the character and appearance of the area. By virtue of its form, this inappropriate development is incongruous to the street scene and seriously detrimental to the visual amenity.

The proposed dwelling incorporates fenestration, window detailing and brick detailing that mimics the adjoining dwelling. The dwelling introduces a single storey element which will have a dual pitched roof and it will be constructed of matching materials to those used within the host dwelling.

Whilst it is recognised that the development is sited on the side boundary, the public footpath will ensure that there is a visual break retained in the street scene with no scope for its enclosure without the benefit of planning permission.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75 square metres. The submitted plans show that this will comfortably be achieved for both the proposed and the existing dwelling.

#### Impact upon neighbours

The proposal introduces a new dwelling in an end of terrace location adjacent to a public footpath. There are no windows proposed on the easterly side elevation to reduce any impact of overlooking. No. 443 St Johns Road is located approximately 14 metres away from the neighbouring boundary and due to the sufficient distance as well as the existing public footpath, it is considered that there will be no impact upon neighbouring amenities to the east. The windows to the rear will have views to the playground located to the retaining a distance of approximately 13 metres. It is therefore considered due to the sufficient distance, the proposal will not cause any significant impact upon neighbouring amenities.

The proposal will be visible to the neighbouring dwelling, no. 445 St Johns Road. The impact in terms of sunlight and daylight lost is not considered to be harmful, as per the Essex Design Guide, which states that the obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. The neighbour to the west, number 445 will be affected by the single storey element to the rear of the proposed dwelling and will fail the combined plan due to the close proximity to the neighbour. However, due to the affected opening having a secondary window, the garden being south facing as well as the proposal being single storey with a hipped roof, it is considered that the proposal is not significant enough to warrant a reason for refusal. In terms of the front gable projection, this is considered to fail the combined plan due to the close proximity to number 445 St Johns Road. However, the front window will serve a bathroom and not a habitable room, therefore it is considered that the proposal is not significant enough to warrant a reason for refusal.

#### Parking provision

Essex County Council Highways have confirmed that they do not object to the application subject to conditions relating to vehicular access, no unbound materials, cycle parking and construction method statement.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The submitted plans show that two parking spaces can be achieved to the front of the proposed dwelling and retained for number 445 St Johns Road. Therefore the proposal is acceptable in terms of parking provision and is in line with Essex Parking Standards.

#### Habitat Regulations Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular Clacton Cliffs & Foreshore SSSI and Colne Estuary Ramsar, SSSI and SPA, mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to 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.

#### Financial Contribution – Open Space

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.

Although there is a deficit of equipped play/open space in Clacton on Sea, it is not felt that this development would impact on this current deficit. Therefore no contribution is being requested on this occasion.

Other considerations

Clacton is non parished.

No letters of consideration have been received.

## 6. Recommendation

Refusal - Full

## 7. Conditions / Reasons for Refusal

- 1 The National Planning Policy Framework ("the Framework") attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. "Emerging" Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The existing street scene is well defined, is linear and with a fixed building line. The dwelling will incorporate a front gable projection which will sit beyond the existing building line. In this instance the proposed gable projection would result in an additional 5.4 metres in width, 1.2 depth and 6.4 metres in height. As a result the proposed gable will become a prominent addition within the street scene due to its front projection. The proposal would appear wholly out of character in this section of the street to the significant detriment of the character and appearance of the area. By virtue of its form, this inappropriate development is incongruous to the street scene and seriously detrimental to the visual amenity.

The proposal is therefore contrary to the aims of the afore-mentioned national and local policy.

- 2 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular Clacton Cliffs & Foreshore SSSI and Colne Estuary Ramsar, SSSI and SPA, mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to 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. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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