

Sept

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20 th Aug 2019
Planning Development Manager authorisation:	AN	23/9/19
Admin checks / despatch completed	ER	24/9/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	24/09/2019

Application: 19/00868/DETAIL **Town / Parish:** Clacton Non Parished

Applicant: Mr & Mrs Keston

Address: Plot 10 820 St Johns Road Clacton On Sea

Development: Reserved Matters Application following Outline Approval on Planning Application 18/00379/OUT. Appearance, landscaping, layout and scale for Plot 10 (Condition 3).

1. Town / Parish Council

None received

2. Consultation Responses

None received

3. Planning History

18/00379/OUT	Outline application for proposed residential development of 14 dwellings including replacement of existing dwelling (following demolition of 824 St Johns Road).	Approved	18.12.2018
18/02113/DETAIL	Partial reserved matters application of 18/00379/OUT- Erection of 11 dwellings.	Approved	09.04.2019
19/00062/DISCON	Discharge of conditions 10 (construction method statement), 14 (contamination), 16 (Surface Water Drainage), and 17 (Maintenance plan) of approved application 18/00379/OUT.	Approved	26.04.2019
19/00339/DETAIL	Reserved Matters Application following Outline Approval on Planning Application 18/00379/OUT. Design appearance, finishes and hard/soft landscaping for Plot 11 (Condition 3).	Approved	18.06.2019
19/00636/DETAIL	Reserved Matters Application following Outline Approval on	Approved	25.07.2019

Planning Application
18/00379/OUT. Appearance,
landscaping, layout and scale for
Plot 12 (Condition 3).

19/00868/DETAIL Reserved Matters Application Current
following Outline Approval on
Planning Application
18/00379/OUT. Appearance,
landscaping, layout and scale for
Plot 10 (Condition 3).

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- HG1 Housing Provision
- HG3A Mixed Communities
- HG6 Dwelling Size and Type
- HG9 Private Amenity Space
- COM6 Provision of Recreational Open Space for New Residential Development
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN6 Biodiversity
- EN6A Protected Species
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN13 Sustainable Drainage Systems
- TR7 Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

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 lies outside the settlement development boundary of the adopted local plan. The emerging local plan includes all the dwellings on the northern side of St Johns Road within the settlement development boundary of Clacton-on-Sea, plus the application site and neighbouring St Johns Plant Centre which both lie to the rear of existing dwellings fronting St Johns Road.

The application site gains access from St Johns Road by demolishing existing dwelling number 824. The site extends northwards and then increases in width to accommodate land associated with number 824 which has a mixture of residential and storage uses with a number of barns and large sheds. To the north-west lies a holiday park, and to immediate eastern boundary lies the rear gardens of number 818 and 814 St Johns Road and a large mature garden.

History

14/00929/FUL was refused but allowed at appeal for 14 two storey dwellings on a marginally altered site.

18/00379/OUT granted outline permission for 14 dwellings with access included and was subject to a S106 for open space and affordable housing.

Reserved matters application 18/02113/DET relates to all remaining reserved matters for Plots 1-9 and 13-14 only. The two two-bedroom affordable dwellings as required by the S106 have been approved under this application. An offsite public open space contribution has also been secured under the S106 on 18/00379/OUT.

Reserved matters application 19/00339/DETAIL related to all remaining reserved matters for Plot 11; reserved matters application 19/00636/DETAIL related to all remaining reserved matters for Plot 12. This current application relates to all remaining matters for the final Plot on the site – plot 10.

Description of Proposal

The application seeks reserved matters approval for consideration subsequent to the outline application (18/00379/OUT). The matters which were reserved are the scale, appearance, layout and landscaping. The details submitted pertain solely to Plot 10.

Plot 10 is sited due north to the rear of No. 818 St. Johns Road where back-to-back separations distances in excess of 60m would exist. The plot itself is around 29m in depth and just over 12m wide; the dwelling would sit fairly centrally within the plot. It would have a south-facing rear private grassed amenity space in the region of 120sqm and a 1.8m-high close-boarded fence to the east, south and west boundaries. Off-street parking with permeable paving for two vehicles would be provided to the front of the property.

The dwelling itself is two-storey; although bungalows are the dominant property type immediately in front of the site, two-storey properties lie only a short distance to the east. As the area is not dominated by bungalows the introduction of two-storey dwellings at the site would not amount to a significant departure from the area's character and appearance.

Externally the property would be finished in a white/grey brick and have a slate roof; window and door frames would be white uPVC and rainwater goods would be black and dormer cheeks would be a grey weatherboard. Window and door openings are well-proportioned in terms of their siting within facades with small front dormers breaking up the roofslope. To the rear of the property there is a single gable which is subservient in terms of its width and ridge height in comparison to the scale of the main building.

The dwelling would have an overall height in the region of 9m with eaves at around 4.8; it would be around 10.5m wide and a maximum of 15m deep (excluding the porch and the single-storey rear extension). Accommodation is split over three floors with communal family areas at ground floor, bedrooms at first floor and secondary accommodation in the roofspace (labelled on the floorplans as loft storage).

Principle

The application site lies outside of any defined settlement development boundary in the 2007 adopted plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea hence the grant of outline planning permission.

Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

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

The height, width, design and external materials of the proposed dwelling would respect the character of the area in general.

Scale

14/00929/FUL accepted 14 two storey dwellings on a marginally altered site so there can be no objection in principle to two storey development on this site. Plots 7, 8 and 9 towards the rear/centre of the site are two storey and the scale of this 2.5 storey plot is considered acceptable

given ample separation distance to existing and proposed dwellings to ensure no material loss of light, privacy or outlook.

Landscaping

This is a single plot sited in a deep backland location where it is not publicly visible from outside the site.

The hard and soft landscaping proposed is acceptable.

Layout

The layout is a sensible approach to this awkwardly shaped site with adequate plot sizes and side isolation to prevent the development appearing cramped.

The proposal relates to a single plot remaining from the larger reserved matters approval for 11 plots.

The plot is adequately separated to prevent any material loss of light, outlook or privacy to neighbouring dwellings.

Parking is not overly dominant to enable soft landscaping to the frontage.

The private garden complies with the standards under saved policy HG9.

Impact on Neighbours Amenities

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

Due to the separation distances to the neighbour at No. 814 St. Johns Road and the proposed siting of window openings there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Other considerations

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

One representation has been received in regards to a second-floor rear-facing gable window having the potential for overlooking. The agent subsequently removed this window and provided revised amended plans to reflect the omission of the window.

RAMS

There has been a recent change to Natural England's 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 above 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) and that this also applies to reserved matters applications where this was not considered at outline permission stage. 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.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: KSJ-01, revision E, received 23rd August 2019
Reason - For the avoidance of doubt and in the interests of proper planning.

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

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

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

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

Are there any letters to be sent to applicant / agent with the decision?	NO
Are there any third parties to be informed of the decision?	NO