

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	19 th Nov 2019
Planning Development Manager authorisation:	AN	26/11/19
Admin checks / despatch completed	<i>Whe</i>	<i>29/11/19</i>
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>ER</i>	<i>29/11/19</i>

Application: 19/01008/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr and Mrs Marsh
Address: Land adjacent 170 Burrs Road Clacton On Sea Essex
Development: Erection of a detached 3 bedroom bungalow with associated parking.

1. Town / Parish Council

Not applicable

2. Consultation Responses

ECC Highways Dept

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

Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres which shall be a continuous extension northerly of the existing vehicular access to No.168 Burrs Road, constructed at right angles to the highway boundary and provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

No unbound materials shall be used in the surface treatment of the proposed vehicular access 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.

All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

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

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be

maintained free from obstruction and retained thereafter.

Reason - To promote the use of sustainable means of transport.

UU Open Spaces

Response from Public Realm - Open Space & Play

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

The nearest play area to the proposed development is located on Burrs Road. The play area is classified as a Local Equipped Area for Play, but provides limited provision.

Although there is a current deficit of play facilities in Clacton it is unlikely that this development will impact on that deficit. Therefore no contribution is being requested on this occasion.

Building Control and
Access Officer

No comments at this stage.

3. Planning History

19/01008/FUL	Erection of a detached 3 bedroom bungalow with associated parking.	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

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

SP1 Presumption in Favour of Sustainable Development

PPL4 Biodiversity and Geodiversity

LP1 Housing Supply

LP3 Housing Density and Standards

HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex Design Guide

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 area is characterised by single storey bungalows within very varied plot sizes ranging from around 180sqm up to 900sqm. Presently the site is of an irregular shape with an area of 851sqm; the plot is narrowest at the front (north-west) at 14.7m wide, increasing to 29m at the rear (south-east) and approximately 38m deep. The donor dwelling is set around 9.5m from a wide pavement, giving the property more than ample off-street parking to meet the minimum requirements. It benefits from a large garden to its south/south-west boundary that has dense, established evergreen planting to its south, south west and south east boundaries.

Description of Proposal

The application proposes the construction of a detached, single storey bungalow following the subdivision of the site and demolition of the existing conservatory. At the front of the plot the subdivision would occur through a 4.5m driveway serving the new dwelling with the remainder reserved for the donor dwelling. The new dwelling would be sited approximately 1.5m away from the boundary with No. 168 Burrs Road (where the dwelling itself is some 8m from the boundary), approximately 6m behind the front façade of the donor dwelling and angled slightly towards it.

The dwelling would be 8m wide and 13m deep, have a maximum ridge height of 5.7m – the front gabled projection would have a ridge of 4.1m and eaves would be around 2.7m. Externally the dwelling would be rendered above a brick plinth and have an interlocking cement tiled hipped roof. The dwelling would have three bedrooms, all laid out at ground floor.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & 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 scale and external appearance of the proposed dwelling accord entirely with existing development in the area. The external appearance would be extremely similar to other dwellings in the locale.

Landscaping

The existing evergreen planting to the south/south-west boundary would be lost to facilitate the plot sub-division; notwithstanding this the plans indicate replacement planting to the new south/south-west boundary.

Highways/Access

It is unknown how many bedrooms the donor dwelling has but it can easily achieve at least two off-street spaces and would utilise the existing vehicular access. The proposed dwelling has 3 bedrooms; as such each property needs to provide two off-street parking spaces. Parking standards require that each parallel parked bay is 5.5m x 2.9m; although the plans do not indicate formal bays, the width of the site where parking is proposed is 6.6m which is sufficient to achieve the 2.9m per vehicle width required.

Residential Amenities

The NPPF, at paragraph 17 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 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).

The proposed dwelling would have three bedrooms and requires a private space of 100sqm or more; this is adequately shown on the plans. The donor dwelling can also achieve a minimum of 100sqm; this is also shown on the plans. Overall the proposal is considered to secure a good standard of amenity for all existing and future occupants of land and buildings.

In regards to the potential for the potential of a materially damaging impact on the privacy, daylight of other amenities of the occupiers of nearby properties. No. 168 Burrs Road is over 8m away (their garage is 6m away) from the proposed dwelling and sited to the west; although the new dwelling has side-facing windows, the uppermost cill of the windows is at 2.2m. In regards to No. 170 Burrs Road, the front corner of the proposed dwelling is around 2m away but the degree of separation increases sharply as the new dwelling angles away to the south; sufficient sunlight/daylight would be maintained for the donor dwelling due to the siting of the new dwelling, although the new dwelling has side-facing windows, the uppermost cill of the windows is at 2.2m. Overall the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Legal Obligation

No contribution is requested in regards to Public Realm on this occasion.

Habitat Regulations 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.

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Other Considerations

Clacton Town Council made no representations.

No comments were received from occupiers of adjoining or adjacent properties as a result of the public consultation or the display of the site notice.

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: 01 REV A, received 5th July 2019.

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

- 3 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres which shall be a continuous extension northerly of the existing vehicular access to No.168 Burrs Road, and provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access 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.

- 5 All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

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

- 6 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development shall be submitted to and approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason -To promote the use of sustainable means of transport.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no dormer windows shall be inserted in the east or west roof slopes except in accordance with drawings showing the design and siting of such roof alterations/enlargements which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

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.

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

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