

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	06/12/2019
Planning Development Manager authorisation:	TF	19/12/2019
Admin checks / despatch completed	CC	19/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ML	19/12/19.

Application: 19/01402/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr K Kandiah

Address: Orchard Works London Road Clacton On Sea

Development: Variation of condition 17 of application 17/01328/FUL to replace drawings 841/100A, 841/02, 841/03 and 841/04 with drawings 841/100B, 841/02B, 841/03B and 841/04B.

1. Town / Parish Council

Clacton – No Town
Council

2. Consultation Responses

ECC SuDS Consultee Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

This application is making changes to the layout that does not appear to impact the drainage strategy therefore this site should remain subject the drainage conditions from application 17/01328/FUL.

Building Control and
Access Officer No comments at this stage.

Waste Management Access road to be constructed to suitable standard to withstand weight of 23 tonnes refuse and recycling vehicle, with surface of metalled construction.

Tree & Landscape Officer As part of the documentation submitted in support of planning application 17/01328/FUL the applicant provided a tree report in order to show the extent to which the trees and hedges on, and on land adjacent to the application site, are a constraint on the development of the land and to identify the way that retained trees would be physically protected should planning permission for development be granted the applicant has provided a Tree Survey and Report.

The report was in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

As stated at the time of that application the two mature and established Oak trees to the north of the application site are afforded formal legal protection by Tree Preservation Order ref: 79/03/TPO

Elmden Court, Great Clacton, Essex.

At the time the applicant produced a plan showing the footprint of the proposed dwellings overlaid with the Tree Protection Plan (TPP). This demonstrated which trees are to be retained and those which are to be removed in order to facilitate the development proposal.

With regard to the proposed changes it appears that the above protected trees will not be harmed as a result of the proposed amendments.

If not secured by the approved planning permission 17/01328/FUL then tree protection measures should be secured by a condition attached to any planning permission likely to be granted.

It is essential to ensure that the Root Protection Areas (RPAs) of the retained Oaks are physically protected for the duration of the construction phase of any development.

Anglian Water Services
Ltd

The variation of condition application is not foul or surface drainage related, therefore this is outside our jurisdiction for comment.

ECC Highways Dept

The Highway Authority confirms that the details contained in the amended drawings 841/100B, 841/02B, 841/03B and 841/04B are sufficient to enable the variation of condition 17 only:

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, 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

17/01328/FUL	Construction of 14 dwellings and associated access road.	Approved	04.07.2018
19/00496/DISCON	Discharge of conditions 2) Materials & 14) Construction Method Statement to approved Planning Application 17/01328/FUL.	Approved	18.04.2019
19/00644/DISCON	Discharge of conditions 6 (Detailed Surface Drainage Scheme), 7 (Maintenance Plan) and 9 (Contaminated Land) of approved application 17/01328/FUL.	Approved	16.09.2019
19/01402/FUL	Variation of condition 17 of application 17/01328/FUL to replace drawings 841/100A, 841/02, 841/03 and 841/04 with drawings 841/100B, 841/02B, 841/03B and 841/04B.	Current	
19/01405/DISCON	Discharge of condition 2 (Materials) of application 17/01328/FUL.	Approved	30.09.2019
19/01608/DISCON	Discharge of condition 9 (2) (contamination report) of planning permission 17/01328/FUL	Approved	25.11.2019
19/01758/DISCON	Discharge of condition 03 (landscaping) and 16 (lighting scheme) of planning permission 17/01328/FUL.	Approved	26.11.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM19 Contaminated Land

COM21 Light Pollution

COM23 General Pollution

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

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

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 site is a broadly rectangular piece of land, reasonably level, located between Knox Road and London Road. Construction work has commenced on site in relation to the re-development of the site with 14 dwellings. The land was formerly the site of the Orchard Works a printing works dating from around the 1950's. The buildings on the site were demolished during 2010. The concrete floor bases and paving remain.

To the west of the site are the rear gardens of houses fronting London Road. These are mostly two storey post-war houses. To the north of the site is a terrace of two storey houses separated from the site by their rear gardens and an access road. To the east is a development of two and three storey housing and flats with gardens backing onto the site but separated by a rear access path between the gardens and the boundary fence to the site. To the south of the site the above development continues and the houses are separated from the application site by a large group of garages. Substantial mature oak trees are on the northern boundary, but outside of the site.

Proposal

This S73 application seeks to vary the approved plans condition to make several changes to the approved development, these being;

- Changing the render to cladding on units 3, 4, 11 and 12
- Relocating bin stores from front elevations to rear gardens;

- Removal of first floor bays; and
- Substitution of glass panel front doors to solid doors.

All other aspects of the development are as previously approved.

The changes are proposed to meet the design specifications of a housing association who are proposing to take control of the development.

Appraisal

Impact of Changes

The visual impacts of the proposed changes are minor. The substitution of render with cladding to all properties is acceptable and with the use of contrasting colour finishes will provide the development with a varied appearance. The relocation of the bin stores from the front to the rear of the properties is considered to be a design enhancement. The removal of the first floor bays is unfortunate as they assisted in promoting the contemporary design aesthetic. However, their removal is not to the significant detriment of the scheme. The glass panel front doors to solid doors would not adversely affect the overall appearance of the development.

Overall the changes are relatively minor in significance and would not adversely harm the overall appearance of the development.

Conditions

Several of the conditions placed on the original approval have now been discharged. Consequently, the conditions now proposed will be updated to reflect the approved details. A time limit condition is not required as work has commenced on site.

No legal obligations were secured previously as a viability assessment was undertaken to demonstrate that the development would not be viable with off-site contributions.

As the development has now commenced and is to be taken on by a housing association it would not be reasonable to pursue such contributions.

Other Considerations

Essex County Council SUDs, Anglian Water, Building Control, the Council's Trees and Landscaping Officer and Essex County Council Highways have no objections to the application.

No objections have been received from any statutory consultees. No additional letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The materials to be used in the construction of the development shall be in accordance with the details approved under planning reference 19/01405/DISCON.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details (Drawing No. 841/105/A - as approved under planning reference 19/01758/DISCON) 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 effective implementation of the landscaping scheme in the interests of visual amenity.

- 3 The tree protection measures, as outlined on the Tree Protection Plan no. TPSarb6820217 TPP, shall be adhered to at all times during the construction phase of the development.

Reason - To ensure the existing mature trees are safeguarded during construction and retained in the interests of visual amenity.

- 4 Prior to the first occupation of the development the surface water drainage strategy shall be installed and maintained in full accordance with the details shown on the following drawings/documents (as approved under planning reference 19/00644/DISCON);

- 10.17-05.001.D
- 10.17-05.101.C
- 10.17-05.102.B
- 1251-1WD STORM SEWER DESIGN
- 1251-2WD STORM SEWER DESIGN
- 1251-3WD STORM SEWER DESIGN
- 10.17-05.002
- Soakaway Tests Report (prepare by Murray Rix Limited) - dated 30th January 2019
- Percolation Test Results Report - dated 29/04/19-01/05/19

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.

- 5 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.

- 6 The development shall be carried out in accordance with the contaminated land recommendations as contained in the following documents (approved under planning references 19/00644/DISCON & 19/01608/DISCON);

'Remediation Method Statement' documents (Report No: 18-2540r(b) - prepared by Murray Rix Limited and dated April 2019; and
'Verification Report for Knox Road, Clacton-on-Sea' (Ref - Report No: 18-2540r (c) and dated May 2019)

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 7 Prior to occupation of the development the vehicular turning and parking facilities, as shown on the submitted block 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 and sufficient off-street parking provision is provided in the interest of highway safety.

- 8 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 Prior to the first occupation of the development, the proposed access drive shall be constructed as a shared use route measuring no less than 6m in width within the site, and shall be provided with an appropriate transition onto the existing highway details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 10 Prior to occupation of the proposed development, 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.

- 11 The development shall be constructed in full accordance with the details outlined within the Construction & Environmental Management Statement (Ref - 841 Method Statement 03/19 -rev A) as approved under planning reference 19/00496/DISCON.

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

- 12 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwellings, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that adequate usable private amenity space is retained on the plots and to protect the amenity of neighbouring residents.

- 13 The lighting scheme shall be installed in full accordance with the details shown on drawing no. 841/105/A (as approved under planning reference 19/01758/DISCON). The lighting shall be retained as approved thereafter.

Reason - In the interests of residential amenity.

- 14 The development hereby permitted shall be carried out in accordance with the following approved plans: 841/02 B, 841/03 B, 841/04 B and 841/100 B.

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

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.

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control.

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Friday, Saturday 08:00 to 13:00 with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request for approval by Pollution and Environmental Control prior to the commencement of works.
- 7) The site manager name and contact number should be provided in writing to the pollution and environmental control team as soon as they have been appointed.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

Cost of Works - 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.

Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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