

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	22 nd Jan
Planning Development Manager authorisation:	TF	23.01.20
Admin checks / despatch completed	CC	23.01.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	YUE	23/01/2020

Application: 19/01815/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Martin Crabb

Address: Land to The rear of 6 Orchard Close Clacton On Sea Essex

Development: Proposed construction of a three bedroom bungalow, including demolition of existing garage.

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

Tree & Landscape Officer There are no trees or other significant vegetation on the application site.

The application site currently forms part of the curtilage of the host property and does not feature prominently in the street scene. There appears to be little scope or need for new soft landscaping to be carried out as part of the development of the land.

UU Open Spaces No contribution is being requested from open spaces on this occasion.

Building Control and Access Officer Access for a fire fighting appliance required in accordance with Approved Document B.

3. Planning History

19/01815/FUL Proposed construction of a three bedroom bungalow, including demolition of existing garage. Current

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

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG14 Side Isolation

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

HP5 Open Space, Sports & Recreation Facilities

PPL4 Biodiversity and Geodiversity

LP8 Backland Residential Development

LP4 Housing Layout

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 lies on land within the development boundary of Clacton in the rear garden of an existing residential dwelling. The existing property at 6 Orchard Close stands in a plot of land amounting to approx. 1457sqm indicating sufficient land, in principle, to accommodate a new dwelling, gardens for two properties and ancillary parking and turning land.

Orchard Close is a residential cul de sac comprising 6 dwellings. Orchard Close is accessed from the south side of St John's Road.

Number 6 Orchard Close is accessed from the turning head at the end of the cul de sac. The dwelling has ample parking with turning provision in front of the house which could therefore be retained for use by 6 Orchard Close.

Proposal

The application proposes a single storey bungalow in the south corner of the rear garden of the donor dwelling. Separation distances to the east boundary are approximately 1.5m, to the south are just over 5m and to the west boundary are approximately 3.5m; this marginal off-setting is the most beneficial siting as it provides the greatest separation distances. The ridge height of the bungalow would not exceed 5.1m with eaves around 2.2m. Externally it is proposed to finish the dwelling in brick with some decorative features and contrasting brick details. White window frames are proposed under a tiled roof with dark finish.

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.

Assessment

1. Layout, Design & Appearance:-

The National Planning Policy Framework 2018 (NPPF) 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 127 states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history including the surrounding built environment and landscaping setting. Paragraph 130 of the NPPF 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.

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 single-storey bungalow is of a scale compatible with established development in the locale which typically comprises bungalows of a similar scale with a terrace of maisonettes to the south-east boundary. Separation distances to the east boundary are approximately 1.5m, to the south are just over 5m and to the west boundary are approximately 3.5m; this marginal off-setting is the most beneficial siting as it provides the greatest separation distances.

2. Impact to Neighbouring 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 retains all of its existing amenity area. Overall the proposal is considered to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed dwelling would share boundaries with:- No. 7 Orchard Close to the north, 351 St Johns Road to the west, Nos 5 & 7 Autumn Close (a maisonette) to the west and No. 4 Autumn Close to the south.

In regards to the occupier of No.7 Orchard Close; the proposed dwelling would be just over 4.6m from their boundary with an intervening driveway. In regards to the occupier of 351 St Johns Road; a detached garage of single storey nature is proposed adjacent their most south-westerly boundary. In regards to Nos. 5 & 7 Autumn Close; the dwelling would be in the region of 2.6m of their west boundary with the highest point of the ridge being 4.1m from this boundary. Although side facing windows are proposed the impact of these are considered against the backdrop of the proposed 1.8m high boundary fence. In regards to the occupier of No. 4 Autumn Close; the dwelling would be sited away from their north boundary where separation distances in the region of 11m to the highest point of the ridge and 8.4m to the eaves are proposed.

Overall the development would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

3. Highway Issues:-

The parking provision for the host dwelling would not be affected by the proposal. The dimensions of the proposed garage are such that it complies with the dimension of a double garage, with additional surface parking

Essex County Council were consulted and comment that, from a highway and transportation perspective, the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

4. Landscaping

The application site currently forms part of the curtilage of the host property and does not feature prominently in the street scene. There appears to be little scope or need for new soft landscaping to be carried out as part of the development of the land.

5. Legal Obligation

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

6. 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

Three contributions were received in response to the public consultation process; the contents are summarised here:-

I would request that a new fence is erected to maintain the existing boundary line	Noted. This would be a civil matter between the two properties
Heavy vehicles may cut across the front point of our boundaries which could cause damage to my driveway. I would suggest that the boundary fence extends to the front most point of our joint boundary	Noted. This would be a civil matter between the property and the driver of the van. The application is determined on the basis of the plans submitted.
The road is already used as a car park, and any more traffic will make the close more unmanoeuvrable [stet] and very dangerous.	From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority
This we are certain will add further traffic to the close and cause further disruption to the close, which will reach to a point to be chaos, and a lot of disruption between residents.	From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority
We also understand that number 6 orchard close is already up for sale with purple bricks.	Noted; this is not a material consideration in the determination of this planning application.
In particular we refer to the turning area in front of the dwelling. We have observed that vehicles cannot be turned on the site in order to enter and leave in forward gear.	Ample space exists in front of the proposed dwelling to turn; allowing vehicles to enter and exit in a forward gear.
Entrance into Orchard Close itself cannot be accessed on the left-hand side of the road. The left-hand side of the road down to No 8 Orchard Close has two large vans and three cars parked on the road 24 hours a day. Therefore access into Orchard Close can only be obtained on the right-hand side of the road.	Noted.
We believe that owners of the proposed dwelling will have to park in Orchard Close to avoid being parked in by everyday use of the cul de sac.	There is nothing on the plans that would suggest this is the case.
Objection to number of parking spaces. We cannot see how 6 cars can park and manoeuvre on frontage of existing dwelling without entering property of No 7 Orchard Close.	Both the proposed dwelling and the donor dwelling have sufficient space within their curtilage to comply with the published parking standards.
"there are no windows in the side elevation of No 6 adjacent to the drive." This is incorrect. "The absence of windows in the side elevation of 6 Orchard Close will" is also incorrect.	Noted; these errors in the Design & Access Statement hold little weight as material considerations in the overall determination of this planning application.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

- 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 plans:- TMA/832/03 Revision B, TMA/832/04 Revision A, TMA/832/05 Revision A, TMA/832/06 Revision C, TMA/832/07 Revision A and TMA/832/08 Revision A received 28th November 2019.

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house permitted comprising an alteration to the roof permitted by Class B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason - To protect the amenities and privacy of adjoining occupiers.

- 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 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.

- 6 The development shall not be occupied until such time as the car parking and turning areas, have been provided in accord with the details shown in T.M.A. Drawing Numbered T.M.A 4/832/07 Rev A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

7. Informatives

Positive & 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