

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/02/2020
Planning Development Manager authorisation:	AN	25/2/20
Admin checks / despatch completed	CC	25/2/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	25/02/2020

**Application:** 19/01805/FUL **Town / Parish:** Clacton Non Parish

**Applicant:** Penny Investments Ltd

**Address:** Rear of 21 Meadow Close Clacton On Sea Essex

**Development:** Proposed detached bungalow and new vehicular access.

### **1. Town / Parish Council**

Clacton is non parish

### **2. Consultation Responses**

ECC Highways Dept

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

1 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 Each of the parking spaces / vehicular hard standings shall be provided / constructed to minimum dimensions of 6.0m x 2.9m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

4 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 in accordance with Policy DM 1 and 9 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**

12/60015/HOUEN Q	Proposed single storey extension (corner plot)	Permission Required	19.01.2012
12/00141/FUL	Single storey side extension.	Approved	22.03.2012
13/00708/DISCON	Discharge of Condition 3 (hard and soft landscaping) of planning permission 12/00141/FUL - FOR INFORMATION ONLY.	Approved	26.06.2013

### **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

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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 & Recreation 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 refers to the land to the rear of 21 Meadow Close, Clacton on Sea. The application site is situated on the south easterly side of Meadow Close located to the rear of number 21 Meadow Close and Number 14 Inglenook. The application site is located within the settlement development boundary of Clacton on Sea.

### **Proposal**

This application seeks planning permission for the erection of a detached bungalow with a new vehicular access.

### **Assessment**

The main considerations for this application are the following;

- Principle of Development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping
- Highway Considerations and Parking Provision
- Legal Obligation
- Habitat Regulations Assessment
- Other Considerations

#### **1. Principle of development**

The site is situated within the defined settlement limits of Clacton on Sea as defined within both the 2007 Adopted Local Plan and within the Emerging Tendring District Local Plan 2013-2033 and

Beyond Publication Draft (June 2017) and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

## 2. Scale, Layout and Appearance

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

In terms of the design and appearance, the dwelling is single storey with a bay window and porch to the front elevation and it comprises of a hipped roof. It is considered that the features proposed are all positive and contribute positively to the overall design and appearance of the proposed dwelling.

The proposed materials; Atherstone red brickwork, cream render, marley mendip - mosborough red roof with white upvc windows and doors are considered acceptable as there is a mixture of dwelling styles and materials within the street scene.

The proposed dwelling would occupy a narrow plot, however, the surrounding street comprises of a mix of plot sizes and accordingly the plot would not read as a plot out of character along this section of Meadow Close/Inglenook. The proposed dwelling is not considered to create a cramped form of development detrimental to the street scene, as it provides important gaps.

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 75sqm. The submitted plans demonstrate that the proposal can accommodate more than 75 square metres and sufficient private amenity space is retained for number 21 Meadow Close.

It is therefore considered that the proposed dwelling is considered acceptable in terms of design and appearance.

## 3. Impact upon Neighbouring Amenities

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 will be visible to both neighbouring dwellings to the north east and south west. Although the site is considered to be narrow, the dwelling will not create a cramped appearance and it will retain gaps to the neighbouring boundaries.

To the north east of the application site, the proposal will retain 0.6 metres to the neighbouring boundary shared with number 21 which although is below the 1 metre requirement under Policy HG14, due to the proposed dwelling having a hipped roof which will slope away from neighbouring amenities as well as the proposed dwelling being single storey in nature, it is considered that the

proposal will not cause any significant impact upon the neighbouring dwelling. A window is proposed to the north easterly side elevation which will serve the proposed utility room. Due to the existing fencing along the neighbouring boundary as well as the single storey nature of the dwelling, it is considered that the proposed window will not cause any overlooking onto neighbouring amenities. To the south west of the application site, the proposal will retain 1 metre to the neighbouring boundary shared with number 14. Due to the sufficient distance as well as the hipped roof, it is considered that the proposed dwelling will not cause any significant impact upon neighbouring amenities and complies with Policy HG14.

#### 4. Trees and Landscaping

There are no trees or other significant vegetation on the application site.

There appears to be little scope for new soft landscaping to be carried out as part of the development of the land.

#### 5. Highway Considerations

Essex County Highways have been consulted on this application and have no objections subject to conditions relating to the construction of the vehicular access, no unbound materials, parking space measurements and cycle storage. The cycle storage condition will not be imposed as sufficient space is available within the rear garden of the proposed dwelling. The parking measurement condition will not be imposed. Essex Parking Standards state that there should be a minimum parking provision for a dwelling two or more bedrooms for parking spaces measuring 5.5 m x 2.9 m. The plans provided demonstrate that two parking spaces can be achieved in line with the Essex Parking Standards. Therefore the proposal is acceptable in terms of highway safety.

#### 6. Legal Obligation - 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".

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

#### 7. 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.

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.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being is approximately 7.1km away from Colne Estuary SAC and SPA.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne Estuary and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure 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

## 8. Other Considerations

Clacton is non parished.

1 letter of observation has been received raising the following concern;

- the issue of surface water drainage, it needs a permeable surface laid around the property not just block paving put down, as in times of extreme rainfall the water will just run across the road causing flooding on the other side of the road.

In response to this concern, a permeable surfacing condition has been imposed to the permission.

1 letter of objection has been received raising the following concern;

- disagree with rear gardens being built on. The property will be opposite number 33 and will give a look of buildings being squashed and close together ruining the open look of the area. Also this is a narrow part of inglenook and will increase parking problems. There is also the problem of builders causing problems with early morning noise and their vans causing problems.

In response to the concern above, the application site is located within the settlement boundary of Clacton and therefore the principle of development is acceptable in this location. In terms of parking, the dwelling provides two parking spaces in line with Essex Parking Standards and Essex Highways have no objection to the proposal. A construction method statement has been provided with this application which states that the construction times of development will be 7:30am - 5pm Monday to Friday and 8am -1pm Saturdays if required. Deliveries will be accepted within these working hour periods except Bank Holidays. No working or deliveries on Sundays.

## 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: Drawing No. PIMC-02 Revision C and Construction Method Statement scanned 26 November 2019.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C 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 or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and residential amenities

- 4 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 5 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

- 6 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 7 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety

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

Reason - To ensure that loose materials are not brought out onto the highway, in the interests 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.

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



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#### 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.

#### Environmental Protection

Due to the proximity of existing residential premises, should complaints be received relating to noise and/or construction activities, Tendring District Councils Environmental Protection Team will contact the site manager to confirm the techniques that are being used and offer advice/guidance where necessary.

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