

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/05/2020
Planning Development Manager authorisation:	SCE	22.05.20
Admin checks / despatch completed	CC	22.05.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	22.05.2020

**Application:** 20/00217/DETAIL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr C/O Agent

**Address:** 11 St Clair Close Clacton On Sea Essex

**Development:** Approval of reserved matters (conditions 1-4) for outline approval 17/01847/OUT.

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

Clacton is non parished

### **2. Consultation Responses**

ECC Highways Dept  
01.05.2020

Due to COVID-19 restrictions, a site visit was not undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated October 2012. It appears that the proposed dwelling is utilising the existing vehicular access for No. 11, therefore:

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 occupation of the dwelling a new vehicular access shall be constructed for No. 11 at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of either vehicular access within 6 metres of the highway boundary.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is

provided in the interest of highway safety in accordance with Policy DM8.

4. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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.

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### **3. Planning History**

05/01402/FUL	To retain extension to garage, to retain carport and to retain conservatory to rear of house.	Approved	11.10.2005
17/01847/OUT	Erection of one detached dwelling with associated parking.	Approved	12.12.2017

### **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

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

HP5 Open Space, Sports & Recreation Facilities

PPL4 Biodiversity and Geodiversity

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 is land adjacent to 11 St Clair Close, Clacton-on-Sea. The character of the surrounding area is largely urban, with examples of residential development to all sides. The site falls within the Settlement Development Boundary for Clacton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### History

Outline planning permission was granted under reference 17/01847/OUT for the erection of one dwelling serving four bedrooms.

## Proposal

This application seeks approval of the reserved matters for the residential development of 1 detached dwelling associated with outline planning application 17/01847/OUT.

Application 17/01847/OUT was made with all matters reserved. This application is therefore assessing the access, layout, scale, appearance and landscaping for the proposed development.

## Assessment

The main considerations in this instance are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Safety and Parking;
- Legal Obligations - Open Space
- Habitat Regulations Assessment
- Representations.

### 1. Principle of development

The principle of development has been established by the approval of the outline planning application 17/01847/OUT.

### 2. Scale, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The layout of the development allows for well-spaced property retaining at least 1 metre to all boundaries exceeding the standards set out within saved Policy HG14 of the adopted Plan. The dwelling retains a good set back from the highway with parking and turning area to the front of the dwelling.

The overall scale and footprint of the property are considered proportionate to the plot and the existing adjacent residential character.

The fenestration and materials details provide a modern appearance which will contribute positively to the locality.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should accommodate a minimum of 100 square metres. The plans provided demonstrates that the proposed four bedroom house will provide private amenity space in line with the policy and retain 100 square metres for Number 11.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

### 3. Residential 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).

To the west of the application site is open space and to the east of the application site is Number 11. The western side elevation incorporates a first floor window serving the landing and a high level window serving the master bedroom. It is considered that as the landing window is not serving a habitable room and the high level window will be for light purposes only, the proposed windows will not cause any impact upon neighbouring amenities.

The eastern side elevation comprises of two first floor windows to serve the en-suite and master en-suite. A condition will be imposed to ensure that the windows are obscure glazed to reduce any impact of overlooking onto neighbouring amenities.

The proposal is considered acceptable in terms of neighbouring impact and residential amenities.

### 4. Trees and Landscaping

The amended site plan demonstrates the species and specification for the tree to be planted in the small triangular planting area to the front of the proposed new dwelling is acceptable and sufficient to process the reserved matter relating to soft landscaping.

### 5. Highway Safety and Parking

Essex Highway Authority have been consulted on this application and have stated that due to COVID-19 restrictions, a site visit was not undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated October 2012. It appears that the proposed dwelling is utilising the existing vehicular access for No. 11 and therefore the highway authority have no objections subject to conditions relating to vehicular access, no unbound materials, vehicular parking spaces and cycle parking. The vehicular parking space condition will not be imposed as the plans provided demonstrate that there is sufficient parking available in line with Essex Parking Standards. The cycle parking condition will not be imposed as there is plenty of roof to the rear of the dwelling to accommodate cycle parking.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres. The amended block plan demonstrates that the proposed dwelling and No. 11 can each accommodate two parking spaces in line with Essex Parking Standards.

### 6. Legal Obligations - 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 requested from the public realm.

### 7. Habitats Regulation 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 6.4km from the Colne Estuary RAMSAR and SPA and Essex Estuaries SAC.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne Estuary and Essex Estuaries 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 emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## 8. Representations

Clacton is non parished.

No letters of representation have been received.

## 6. **Recommendation**

Approval - Reserved Matters/Detailed

## 7. **Conditions / Reasons for Approval**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans;  
Drawing No - P002 Rev 01 - Proposed Site Plan  
Drawing No - P111 Rev 01 - Proposed Floor Plans  
Drawing No - P112 Rev 01 - Proposed Elevations

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

- 2 No unbound material shall be used in the surface treatment of either vehicular access within 6 metres of the highway boundary.

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

- 3 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), other than those shown on the approved drawings, no provision of fences, walls or other enclosures shall be erected along the eastern or southern boundaries or 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.

- 4 Prior to occupation of the dwelling a new vehicular access shall be constructed for No. 11 at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 5 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved Drawing No. P002 - Rev 01 - Proposed Site Plan 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 - In the interests of the character and quality of the development.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window proposed serving the en-suite bathroom and the master en-suite bathroom on the eastern side elevation shown on Drawing No - P112 Rev 01 - Proposed Elevations shall be non opening and glazed in obscure glass and shall thereafter be permanently retained in this approved form.

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

## **8. Informatives**

### Highways

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.

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Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ



## Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

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