

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	14/10/2020
Planning Development Manager authorisation:	SCE	27.10.2020
Admin checks / despatch completed	DB	29/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	29/10/2020

**Application:** 20/00791/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Sarah Leigh Jenion

**Address:** 2 Stone Hall Gardens Little Clacton Clacton On Sea

**Development:** Erection of a single bungalow.

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

Mr Little Clacton Parish  
Council  
03.08.2020

Back land development at the end of the garden

### **2. Consultation Responses**

Essex County Council  
Heritage  
16.07.2020

The application is for erection of a single bungalow.

The main heritage asset for consideration is Grade II Listed Stone Hall (List Entry ID: 1165889).

I have no objection to the principle of development within this Site given the recent change to the setting of the heritage asset. However, this proposal will remove undeveloped garden which gave some relief to the domestic curtilage of Stone Hall and its setting. I recommend this element of harm can be mitigated with the creation of screen planting along the boundary of the proposed new building on side of Stone Hall's garden. It appears from the block plan that the existing proposal could not accommodate screen planting. As such I recommend the proposal footprint is either moved/reconfigured or the garage is omitted so appropriate mitigation can be achieved.

Should the application be revised considering the above, I would have no objection.

Essex County Council  
Heritage  
14.08.2020

There is no objection to this scheme now.

ECC Highways Dept  
08.07.2020

In principle the Highway Authority does not object to the proposal but has some concerns in relation to the proposed location of the vehicle access and the adjacent boundary fence:

The proposal fails to provide visibility splays and geometric layout which accord with current standards. The existence of an access in

this location would restrict the visibility splay due to an established boundary feature 1.8 metres in height that is outside the control of the applicant and is in third party ownership.

Note:

Further consideration would be given to the planning application if the applicant can provide visibility splays which accord with the required standards having regard to the following:

- i) The proposed vehicle access does not show on the information provided any visibility splay details. It appears that the visibility splay to the west is only 2.4metres x 10 metres as measured from and along the nearside edge of the carriageway. As such does not provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.
- ii) Alternatively, it would be better if the proposed vehicle access was situated adjacent the opposite boundary on the east side to maximise the visibility splay looking west as measured from and along the nearside edge of the carriageway.

In addition:

- iii) 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.

The Highway Authority reserves making a recommendation until such time as the above information has been considered and provided.

ECC Highways Dept  
09.09.2020

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

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the vehicle access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to the occupation of the dwelling the internal layout shall be provided in principal with drawing number:

- 6753-1103 p2 Amended block plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

3. Prior to occupation of the development the vehicular access shall be constructed 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 3.6 metres (4 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.

4. No unbound material shall be used in the surface treatment of the proposed vehicular access/ driveway throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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.

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

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

UU Open Spaces  
22.07.2020

There is currently a deficit of 2.22 hectares of equipped play in Little Clacton

The closest play area to the development is located 0.2 miles from the proposed development.

Due to the significant lack of play facilities in the area, a contribution, towards play is justified and relevant to the planning application and that this money would be spent to improve the play area a Harold Lilley, London Road

### **3. Planning History**

15/01561/OUT	Erection of dwellings and minor access way off modified existing highway access.	Approved	07.12.2015
16/01001/FUL	Erection of 10 No. dwellings, car ports, visitor parking and new access road from the public highway.	Approved	30.11.2016
17/00815/FUL	Variation of conditions 3, 6 and removal of condition 7 of planning permission 16/01001/FUL. Erection of 10 No. dwellings, car ports, visitor parking and new access road from the public highway.	Approved	24.07.2017
20/00791/FUL	Erection of a single bungalow.	Current	

### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*Tendring District Local Plan 2007*

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation

COM6	Provision of Recreational Open Space for New Residential Development
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN23	Development Within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
LP1	Housing Supply
LP3	Housing Density and Standards
PPL4	Biodiversity and Geodiversity
PPL9	Listed Buildings

*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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

## **5. Officer Appraisal**

### Site Description

The site appears to be part of the curtilage of a relatively recently built detached bungalow on the southern side of Stone Hall Gardens, a cul-de-sac off the eastern side of London Road, Little Clacton. The site is set behind a screen fence. To the west of the site is the rear garden of Stone Hall, a Listed Building with a curtilage on the southern corner of the junction of London Road with Stone Hall Gardens.

The site is outside the Development Boundary of Little Clacton as shown in the Proposals Map to the adopted Local Plan but within the Settlement Development Boundary as shown in the emerging Local Plan.

The site is effectively surrounded on all four sides by existing built development.

### Proposal

Erection of a single bungalow.

The bungalow would have three bedrooms and a single garage attached to the side.

The scale and design of the bungalow would match that of a bungalow immediately to the left hand side when viewed from Stone Hall Gardens.

### Appraisal

In the context of the planning history of the relatively recent cul-de-sac that is Stone Hall Gardens, the position of the site in relation to development boundaries is an academic point. The officers' report for planning permission 16/01001/FUL notes that "With regards to social sustainability the site is within the draft SDB for Little Clacton. Little Clacton is a Rural Service Centre and has a number of shops and other facilities along London Road within walking distance of the application site. In addition, the village lies on a bus route which provides direct access to Clacton-on-Sea which is the major service centre in the District. In revising the settlement boundaries across the District, the issue of social sustainability was a key consideration (as part of the wider sustainability agenda). In this instance, although jobs, education, healthcare and convenience shopping within Little Clacton are somewhat limited, this is a higher level centre and it is considered that such facilities as provided are, together with high level access by public transport to Clacton from a nearby bus stop, deemed sufficient to result in a positive outcome in terms of social sustainability."

The site is in a relatively good location in terms of sustainable location and the proposal is considered acceptable with regard to Policies QL1 and QL2.

The site is currently part of the garden, the curtilage, of the bungalow to the east. On the basis that the site is "brownfield" land and the development would be on previously developed land, the proposal is supported by Policy HG1 and the provisions of the NPPF to make efficient use of land.

The bungalow would match the appearance of those existing in the same sweep of the eye to the east of the site. The proposal is acceptable with regard to Policy QL9.

The kitchen and lounge of the proposed bungalow would be set to the rear of the property. The bungalow would have a south facing rear elevation. The proposal is acceptable with regard to Policy QL10.

The nearest neighbour to the proposed bungalow is the bungalow immediately to the east. The bungalow to the east has two side windows facing the application property; the bungalow to the east would appear to be a handed version of the bungalow the subject of the application. It would seem that the two windows facing the application property are to a bedroom and an en-suite off the master bedroom. The bedroom window to the bungalow to the east would lose outlook but the resulting arrangement would seem to be that which occurs along all the bungalows on the southern side of Stone Hall Gardens and on this basis is judged acceptable.

The dwelling at 55 London Road, the Listed Building that is Stone Hall, would retain a sufficient depth of rear garden such that the proposed bungalow would have no material adverse impact.

Dwellings to the south facing onto Stonehall Drive would have rear gardens in excess of 20m in depth such that the proposal would have no material adverse impact.

The proposal is considered acceptable with regard to Policy QL11.

The proposed bungalow would have a private amenity area of 121 sq m and as such would be acceptable with regard to Policy HG9.

The density of the proposed development would match that of existing development extending to the east, the density of the development is considered appropriate within its context and the proposal is therefore acceptable with regard to Policy HG7.

The attached garage would be hard on the eastern boundary though there would be spacing of some 2.5m off the western boundary. Given that the positioning of the bungalow would match the

pattern of existing bungalows to the east, the proposal would not appear unduly cramped; it would appear appropriate in its setting. The proposal is considered acceptable with regard to Policy HG14.

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 (Zoi) being approximately 7.6km from the Hamford Water Special Protection Area (SPA) and RAMSAR site.

New housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water 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, dated 29<sup>th</sup> September 2020, 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.

The application includes a completed unilateral undertaking to address the latest advice from Natural England regarding European Designated Sites and accordingly the proposal is acceptable with regard to Policies EN6 and EN11a.

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".

A signed Unilateral Undertaking, dated 29<sup>th</sup> September 2020, has been received which addresses the contribution requested from Open Spaces and accordingly the proposal is considered acceptable with regard to Policies QL12 and COM6.

The site adjoins the curtilage of a Listed Building but is a distance of some 44m from the built form of the house which is a Listed Building. A consultation response from ECC Heritage, dated 16/07/2020, comments "I have no objection to the principle of development within this Site given the recent change to the setting of the heritage asset. However, this proposal will remove undeveloped garden which gave some relief to the domestic curtilage of Stone Hall and its setting. I recommend this element of harm can be mitigated with the creation of screen planting along the boundary of the proposed new building on side of Stone Hall's garden. It appears from the block plan that the existing proposal could not accommodate screen planting. As such I recommend the proposal footprint is either moved/reconfigured or the garage omitted so appropriate mitigation can be achieved.

Should the application be revised considering the above, I would have no objection."

An amended block plan, 6753-1103 P2, was subsequently received. This refers to an evergreen screen 2.4m in height to the western boundary. The latest written response from ECC Heritage, of 14.08.2020, raises no objection.

The proposal is acceptable with regard to Policy EN23.

The local highway authority, ECC, was consulted on the original plans and a response received on 08.07.2020 expressing concerns. Amended plans were subsequently submitted and the highway authority was re-consulted. The latest response of the highway authority, dated 09.09.2020, states in writing that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions relating to:

- A visibility splay
- Development being in conformity with the amended block plan
- Vehicular access to the site being at a right angle to the adjoining highway and minimum width of drive
- No unbound material
- Minimum size of garage (7m x 3m)
- Bicycle parking
- An area for the construction process off the highway.

The floor plan shows the requisite dimensions to the garage, the garage is the same size as nearby recently constructed properties. Given the scale of the development, a condition regarding bicycle parking provision is considered unreasonable. All other matters could be achieved by condition.

Subject to appropriate conditions as referred to above, the proposal is considered acceptable with regard to Policy TR1a.

The bungalow would have a garage and driveway. Parking provision would be acceptable for this three-bedroomed property.

The proposal is acceptable with regard to Policy TR7.

The application was advertised in a local publication and a site notice was posted. Letters were sent to occupiers of 12 neighbouring properties. 6 comments of objection from the public have been received in response. The objections make the following points:

- Back land development
- Unaware of this proposal when property purchased
- Unfair that this property should benefit when existing properties have contributed to development cost
- Noise and mess during construction
- Will bring a lack of privacy to Stonehall
- I cannot tolerate disruption and noise whilst working nights as a paramedic
- Will bring more people and cars into this pleasant little road
- Would encroach on my privacy and view

Although set to the rear of Stone Hall, the site is not a back land site as it has its own frontage to the highway. A number of comments indicate that properties on Stone Hall Gardens were purchased with an understanding that the existing arrangement of the cul-de-sac was complete and that no other dwellings would use the carriageway. This would seem to have created a feeling of injustice to recent purchasers but this aspect of the history of the site and its setting is not a planning matter. Likewise, disruption during construction is not a planning matter in this case due to the limited scale of the development. Due to isolation distances from neighbouring built forms and boundary treatment, no material loss of privacy is envisaged.

Little Clacton Parish Council object on the ground of back land development at the end of the garden. The site is considered to not be back land development because it has its own access to a carriageway and has been separated from the back garden of Stone Hall for some time.

## **6. Recommendation**

Approval.

## **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 and documents: 6753-1101 P1; 6753-1102 P1; 6753-1103 P2; and, 6753-1201 P3.

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

3. There shall be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splay shall be provided before the vehicle access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

4. Prior to first occupation of the bungalow the internal layout shall be provided in principal with drawing number 6753-1103 P2, Amended block plan.

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

5. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be not more than 3.6 metres (4 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.

6. No unbound material shall be used in the surface treatment of the proposed vehicular access/ driveway throughout.

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

7. The garage shall have a minimum internal measurements of 7m x 3m.

Reason - To encourage the use of the garage for its intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy TR7.

8. Prior to construction above slab level an area or areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway by a plan which shall have been approved in writing by the Local Planning Authority.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

9. The soft landscaping screen as shown on amended block plan, 6753-1103 P2, shall be implemented during the first planting 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 interest of forming a visual barrier between the bungalow and the Listed Building of Stone Hall to ensure the character of the Listed Building is not adversely affected, in accordance with Policy EN23 of the adopted Local Plan.

## 7. 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.

### Highways Informatives

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.

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

<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