

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	28/10/2020
Planning Development Manager authorisation:	TC	28/10/2020
Admin checks / despatch completed	DB	29/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	29/10/2020

**Application:** 20/01218/DETAIL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Brazier

**Address:** 522 St Johns Road Clacton On Sea Essex

**Development:** Reserved matters application for erection of 12 x three bed bungalows.

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

Clacton – No Town  
Council

### **2. Consultation Responses**

Building Control and  
Access Officer No comments at this stage.

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. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM1.

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

- Bsjr-01 A Site plan layout 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 the first occupation of the development, the proposed vehicular access at its bell-mouth junction with St Johns Road shall be provided with:

- Minimum 6.0m. radius kerbs returned to an access road

carriageway width of 5.5m. and flanking footways 2m. in width returned around both the radius kerbs which shall connect to the existing footways.

- The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6.

4. 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.

5. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the carriageway and to a width of 3.6m (4 low kerbs) and each shared vehicular access shall be constructed at right angles to the carriageway and 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

7. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles while vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 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.

8. As indicated on drawing no. Bsjr-04 A, all single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

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

9. 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.

10. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

### **3. Planning History**

17/01964/OUT	Erection of 12 x three bed bungalows.	Approved	10.04.2018
20/01218/DETAIL	Reserved matters application for erection of 12 x three bed bungalows.	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

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM23 General Pollution

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

### **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 (including Site Description and Proposal)**

### **Site Description**

No. 522 St Johns Road is a detached bungalow that is located on the north side of St John's Road within the town of Clacton-on-Sea. Immediately to the rear of the dwelling is a private workshop and yard operated by the applicant. Further to the north is a large rectangular field which is

cropped for hay. The entire site is in the ownership of the applicant and extends behind 508-520 St Johns Road, which are predominantly bungalows although some have first floor accommodation. The site occupies an area of 0.6 hectares. It is located within the 30mph speed restricted area for St Johns Road. Opposite the site is Clacton Garden Centre.

The southern boundary of the site is marked by a mixture of timber and wire fencing. A large Willow tree is sited within the rear garden of one of the dwellings, and partly overhangs the application site. To the east is the recent estate development off Legerton Drive. To the north east is a block of flats. The boundary is marked in two separate places; a 1.8m high timber fence is located behind the new development, with a ransom strip inserted by the original land owner and then a 1.0m wire fence and line of dense Hawthorn hedgerow which is within the application site. There is a turning area/cul de sac along Legerton Drive where a further ransom strip exists.

The western boundary is mixed, with sections which are open and other parts enclosed by a line of conifers. This boundary features a substantial Oak tree and a further tree which are located just within the application site.

The application site is situated within the settlement development boundary for Clacton-on-Sea and in both the saved and emerging local plans and is specifically allocated for housing development.

### Proposal

This application seeks approval of the reserved matters relating to outline permission 17/01964/OUT and the erection of 12 bungalow (12 x 3 bed bungalows).

All 12 properties will be served by a private garden area in excess of the minimum 100 square metres required by Saved Policy HG9 of the adopted Tendring District Local Plan (2007).

All 12 properties will be served by a minimum of 2 no. parking spaces in the form of a garaging or parking bays. Several of the properties have 3 or more parking bays which assists in absorbing visitor parking requirements. This provision comfortably accords with the current parking standards.

The submitted landscape strategy plan shows new tree/hedgerow planting proposed at key points within the development, particularly at the entrance into the site in conjunction with new planting areas and beds to the front of properties.

### Appraisal

#### Principle

Outline planning permission was granted in April 2018 with all matters except access reserved for subsequent approval. In granting the permission, the Council considered that the site could be developed without harming the character and appearance of the locality. Planning permission was granted subject to 11 conditions.

The issues to be considered in this case pursuant to the terms of the outline permission concern the scale, layout, appearance and landscaping of the development.

#### Layout/Amenity

The proposed layout follows closely the indicative layout provided at outline stage. The development shows a single point of access from St Johns Road with a footway shown on its eastern side. The access road then bends eastwards with the 12 bungalows arranged around the access and a size 3 turning head. The layout demonstrates that each bungalow would retain sufficient side isolation with space for planting along the proposed access road and at key points within the development to the front of the bungalows.

Plot 2 is set back behind its garage to ensure it is clear of the root protection zone of the adjacent tree. This arrangement is acceptable as the proposed garage helps to screen the amenity space serving this bungalow. The setback nature of the bungalow would not be detrimental to visual amenity as any harm caused is off set by the retention of the mature tree and supplementary tree planting to the front of the garage block.

The block plan also shows that each property would be served by at least 2 no. parking spaces (several with more than 2). In addition, the properties would be set within good sized plots which allows for private rear gardens measuring between 100sqm and 194sqm in size. This is in excess of the requirements of saved policy HG9.

In terms of the impact of the development upon existing residents the width of the existing plot provides ample space for the new access road with additional screen planting to protect the residents either side from noise associated from traffic movements. This additional planting along with the existing dense hedgerows and the absence of any windows serving main habitable rooms on the adjacent properties ensures any impact upon amenity would be minimal.

The single storey nature of the development ensures that views into surrounding resident's gardens would be avoided. The presence of existing dense vegetation and the intention to install fencing also assists in this regard. With regard to the potential for overlooking of the new dwellings from the existing houses and flats to the north, the scheme envisages the retention of the extensive dense hawthorn hedgerow to the eastern boundary.

### Design

The design of the bungalows reflects similar styles of housing recently permitted in the vicinity. They would be constructed predominantly in red brick although Plot 3 would have a rendered finish on the front elevation. The materials will be;

- Wienerberger Renaissance (facing brickwork)
- A mix of Marley Anglia Antique Brown & Old English Dark Red Interlocking tiles to the roofs

The bungalows would be of traditional hipped roof form with brickwork detailing, bay windows and door canopies to add interest.

### Landscaping/Trees

Comprehensive details for the landscaping are included. This scheme focuses on the need to protect the three trees on the perimeter of the site and additional planting to the southern boundary and within the scheme itself. The opportunity for further specimen planting is shown, while the future property owners will have the ability to undertake further planting within the extensive front and rear gardens.

The use of brindle colour block paving to the driveways of properties will represent a suitable contrast to the tarmac of the access road.

The Council's Tree Officer provides the following comments;

The application site comprises the dwelling, residential curtilage and land to the north 522 St Johns Road. The implementation of the development proposal would necessitate the demolition of the existing dwelling and the creation of a new access road. This would appear to necessitate the removal on the Holly of the front boundary and the cutting back of lower branches of the Portugal Laurel. This, in itself would not have a significant adverse impact on the amenities of the locality and neither tree merits protection by means of a tree preservation order.

Immediately to the west of the proposed access road, on adjacent land, there is a row of tall conifers that could be adversely affected by the development proposal as the new road would be within their Root Protection Areas (RPAs) however the land has a metalled surface so any additional hard surfacing is unlikely to cause significant harm. The main body of the application site comprises mown grass with an established Hawthorn hedgerow. The hedgerow runs along the

complete length of the northern and eastern boundaries and part of the western and southern boundaries.

There is a row of hedging conifers running from the southern boundary northwards into the land these trees have very low visual amenity value and do not merit retention.

The most important trees potentially affected by the development proposal are the two Oaks on, or close to the western boundary and the Golden Weeping Willow within the curtilage of an adjacent property to the south. The site layout makes provision for the protection of the trees as there will be only minimal development within the Root Protection Area of the larger of the retained Oak trees. Due to the location of the trees and the modest contribution that they make to the amenities of the locality it is not considered necessary to make any of these trees the subject of a Tree Preservation Order

The site layout plan shows the retention of these trees and show that the development of the land could take place without a significant incursion into their RPAs. This information is in accordance with BS5837 Trees in relation to design, demolition and construction; Recommendations.

In terms of soft landscaping the site layout plan show details of tree planting positions and species. This information is sufficient to satisfactorily enhance the appearance of the development.

### Highways

The access specifications were approved at outline stage. ECC-Highways have confirmed that they have no objections to the internal layout subject to several requirements, some of which were included on the outline permission (transport packs, main access specification, water discharge, no unbound materials) and some (parking dimensions/individual accesses specifications) are reflected on the submitted plans. However, a construction method statement has now been requested and will be secured in the interests of amenity and highway safety.

### RAMS

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). This also applies to reserved matters applications where the impact of recreational pressures on designated sites was not considered at outline stage.

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.

### Other Considerations

Conditions contained on the outline approval require the submission of a surface water drainage strategy and foul water drainage strategy prior to work commencing. The applicant has confirmed these details will be submitted shortly.

TDC Building Control have no comments on the application.



2 letters of representation have been received. One from a local resident confirming no objections to the application and one from a local resident having no objections providing it does not prejudice the development of their land. In response all applications are dealt with on their own merits. The development of land in vicinity of the site will be assessed on its own merits having regard to local and national planning policies and all material planning considerations.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans/documents;

- BSJR-01 A
- BSJR-02 A
- BSJR-03 A
- BSJR-04 A
- Section 4.4 of Planning Statement outlining materials/driveway block paving

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. BSJR-01 A shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the conservation area.

- 3 The development shall not be occupied until such time as the access road, vehicular turning facility, driveways, parking bays and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

- 4 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I. the parking of vehicles of site operatives and visitors
- II. loading and unloading of plant and materials
- III. storage of plant and materials used in constructing the development
- IV. wheel and underbody washing facilities

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 5 The tree protection measures outlined on drawing no. BSJR-01 A shall be adhered to throughout the construction phase.

Reason - To ensure the retention of the mature trees located within the application site in the interests of amenity.

## 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.

### 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.

<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