

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	27/10/2020
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: 20/00780/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mrs Owen

Address: Rear of 98 Jaywick Lane Clacton On Sea Essex

Development: Proposed residential development of 9 three bedroom bungalows along with associated garaging, parking, access road and landscaping.

1. Town / Parish Council

Clacton – No Town
Council

2. Consultation Responses

Essex County Council
Highways

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 occupation of the development the internal layout shall be provided in principal with drawing number:
- Pa-10 Proposed block plan.
2. The dwellings shall not be occupied until such time as a car parking and turning areas has been provided in principal with proposed block plan drawing Pa- 10. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.
3. No unbound material shall be used in the surface treatment of the vehicular access or access road throughout.
4. There shall be no discharge of surface water onto the highway.
5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
7. Any single garages should have a minimum internal measurement of 7m x 3m

8. 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.

9. Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

10. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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

3. Planning History

20/00780/FUL	Proposed residential development of 9 three bedroom bungalows along with associated garaging, parking, access road and landscaping.	Current
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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

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

HG4 Affordable Housing in New Developments

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential 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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

LP5 Affordable and Council Housing

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, 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

The site comprises the domestic garden and a small parcel of paddock land to the rear (west) of the applicant's dwelling and it is located between the frontage dwellings on Jaywick Lane, and a larger housing re-development served from a new housing estate road, leading on to Jaywick Lane to the north.

The site is therefore surrounded on 3-sides by existing and proposed housing. The application site excludes the applicant's property and its extensive curtilage.

Apart from the obvious domestic curtilage, the majority of the site is currently un-developed open paddock land, running behind other properties on Jaywick Lane, and it reflects the long strips of land associated with the other dwellings on Jaywick Lane, further to the south.

The application site is roughly rectangular in shape, running on an east-west alignment.

The red-line of the application site includes the spine-road of the development to the north, and that road, which has been adopted by ECC-Highways, runs north and then east and joins Jaywick Lane between No's 86 and 84.

Proposal

This proposal is for a small development of 9 no. 3 bedroom bungalows, on land to the rear of 98 - 104 Jaywick Lane.

98 - 104 Jaywick Lane will be retained, with reduced rear amenity and a new rear boundary line. Vehicular access for 98 - 104 Jaywick Lane will remain unchanged.

Access to the proposed development will be via the new minor access road within the adjacent developments currently under construction to the north (Planning Approvals 16/01520/FUL and 17/02148/FUL). The developments to the north are on land in different ownership to the application site.

Each dwelling is shown with one garage and a parking space and 3 further visitor parking spaces are shown on the cul-de-sac.

The layout reflects closely, the residential layout of the sites to the north, and the development would be a modest cul-de-sac serving a variety of bungalow types. Each has a modest private garden at the rear of the bungalow.

Appraisal

Principle

The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) but within the SDB of the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Therefore whilst being outside the SDB in the saved local plan, the SDB contained within the emerging plan has been altered via the current local plan review process. As such the site has been included as being within the SDB of the emerging plan represents a significant material planning consideration and demonstrates that it is the Council's intention going forward to release this land for residential purposes. The site is bordered by residential development to the north and east and directly to the west is a large housing allocation in the emerging local plan. Consequently, the development of the site with single storey properties would not represent an intrusive extension out into open countryside. Furthermore, the development of the site would utilise the adopted highway access via Jaywick Lane and the new developments to the north thereby not harming residential amenity of existing residents on Jaywick Lane.

As such the principle of residential development on the site has to be considered acceptable and sustainable.

Visual Impact/Character

The approved residential developments to the north and west establish the principle of development. The Jaywick Lane location is no longer one of frontage development and the approved developments along with the larger housing allocation to the west have changed the character of the area.

The current proposal for 9 bungalows would be served from the access serving the larger housing developments to the north and would not therefore be a 'new' development introduced in to an

open area of the land to the rear of frontage dwellings, but is instead, needs to be considered as part of the overall redevelopment of the area, and would be viewed not in isolation, but along with the approved housing estate development that surrounds it.

The surrounding residential development sets the tone for any new development, and the issue is whether the development is acceptable in relation to this surrounding residential development.

The current proposal relates to a logical "infill" area, surrounded by other residential development and an approved housing estate. The development meets the usual standards for amenity area size, distance between dwellings and car-parking, and therefore raises no particular policy concerns, although it is accepted that the site currently falls outside of the settlement development limits of the 2007 Local Plan, the inclusion of the site in the emerging local plan settlement boundary, the surrounding 'approved' development, and that Clacton is a key housing growth area is compelling.

As a result, the development would not appear to be out-of-character with its surroundings, and the proposed bungalows would constitute logical rounding-off with the approved new housing development.

As it utilises an approved estate road for access, the proposed access drive serving 9 new bungalows could not therefore be said to be out-of-character and the density and layout is considered appropriate for its location to the rear of established frontage housing.

Design/Layout

The layout of the proposed development addresses the linear form of the access. The bungalows address the drive and are setback to allow for the implementation of planting to the front of each property. The properties retain sufficient spacing between each other to ensure that the development would not appear cramped.

Each property is shown to have a private amenity space of 100sqm or more which accords with the requirements saved policy HG9.

The development comprises of traditional hipped roof bungalows featuring a mixture of design features including roof canopies and brickwork detailing. The properties will comprise of a mix of red/buff facing brickwork and interlocking roof tiles.

A landscaping condition will be attached to secure further planting to strengthen the existing perimeter hedgerows along with new planting at key points to the front of properties to enhance the overall aesthetics of the development.

Overall the layout and design of the development would represent an appropriate response to the character and appearance of the area.

Residential Amenities

The single storey nature of the properties and the degree of separation to surrounding properties ensures that the development would not cause harm to local resident's amenities.

Permitted development rights will be removed in respect of extensions and roof additions due to the smaller nature of the rear gardens and to safeguard future and surrounding resident's amenity in respect of loss of privacy and outlook.

Highway Considerations

The proposed access drive meets the adopted estate road to the north, where it is straight with good visibility splays, most being within the highway. Therefore with a net-gain of 9 dwellings the development of the site from an existing estate development does not raise any particular highway safety concerns.

ECC-Highways have no objections subject to various conditions relating to; the provision of parking/turning areas prior to first occupation, no unbound materials being used throughout the development, the provision of public transport packs to future residents, the submission of a construction method statement and the siting of new planting.

In respect of parking provision each property would be served by 2 no. parking bays of a size commensurate with the current parking standards. 3 no. visitor's spaces are also proposed. This provision accords with the requirements of the parking standards.

Trees

The Council's Tree Officer has provided the following comments;

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

Should planning permission be likely to be granted then a condition should be attached to secure details of the soft landscaping shown on the proposed site layout plan.

Legal Obligations

RAMS

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 residential on a site that lies within the Zone of Influence (Zoi) of the Essex Estuaries SAC and the Colne Estuary SPA and Ramsar. New housing development within the Zoi would be likely to increase the number of recreational visitors to these designated sites 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. In this case the mitigation is a contribution of £125.58 per property.

A completed unilateral undertaking has been provided to secure this legal obligation 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.

POS

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

They have confirmed that due to the significant lack of play facilities in the area a contribution, towards play is justified and relevant to the planning application and the biggest impact will most likely be to the nearest play area at Rush Green Recreation Ground. This play area will need to be increased to cope with any additional development.

A completed unilateral undertaking as been provided which secures a contribution towards enhancements at the Rush Green play area in line with policy requirements.

Affordable Housing

The site is under the site area threshold and quantum for an affordable housing contribution to apply. Moreover, the land to the north is in separate ownership to the application site and therefore site splitting to avoid an affordable housing contribution is not relevant in this instance.

Other Considerations

No letters of objection have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: PA10, PA11, P12, PA13 and PA14.

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

- 3 The dwellings shall not be occupied until such time as the car parking and turning areas has been provided in accordance with the proposed block plan drawing PA10. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

- 4 No unbound material shall be used in the surface treatment of the vehicular accesses or access road throughout.

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

- 5 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.

- 6 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 7 Prior to the commencement of any above ground works precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used in construction, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the appearance of the area.

- 8 Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations,
 - d) details of plot boundary treatment,
 - e) details of hard surfacing, and
 - f) an implementation programme.

All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason - In the interest of the appearance of the area.

- 9 Prior to the first occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 10 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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.

- 11 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 extensions or roof additions to the bungalows, nor shall any buildings, swimming or other pool enclosures be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the properties retain sufficient private amenity space and the impact upon existing/future residents is not harmed.

8. Informatives

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.

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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

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