

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	07/01/2021
Planning Development Manager authorisation:	TC	07/01/2021
Admin checks / despatch completed	DB	07/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	07.01.2021

Application: 20/01621/DETAIL **Town / Parish:** Little Clacton Parish Council

Applicant: Penny Investments Ltd

Address: Land rear of 8A Holland Road Little Clacton

Development: Approval of reserved matters for outline application 19/00005/OUT for erection of 4 dwellings.

1. Town / Parish Council

Little Clacton Parish Objects
Council
15.12.2020

Whilst we acknowledge this site has outline approval we can not give any approval for development of this site. The site is back land development with access squeezed between existing properties.

2. Consultation Responses

UU Open Spaces
16.12.2020

No further comments to be made from Open Spaces

Building Control and
Access Officer
27.11.2020

No comments at this stage.

Tree & Landscape
Officer
08.12.2020

The information provided by the applicant relating to tree protection and soft landscaping are sufficient.

The tree protection details will ensure that the retained trees will be physically protected for the duration of the construction phase of the development and the planting details confirm that a reasonable amount of soft landscaping will be carried out to enhance the appearance of the development.

ECC Highway

1. As indicated on drawing no. Pihr-101a and prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

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

- Drawing: Pihr-101a 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. The dwelling shall not be occupied until such time as a car parking has been provided in principal with drawing Pihr-101a. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and/or 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 and in accordance with Policy DM 1 & 8.

4. 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.

5. 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 and Policy DM1.

6. Prior to occupation of the proposed dwelling, 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 in accordance with policies DM9 and DM10.

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: 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 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh, Colchester, CO7 7LT

2: 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.

Waste Manager
07.01.2021

To confirm our conversation; for these properties to be serviced by the kerbside waste and recycling service the access road would need to be of suitable width and construction to allow full access to a 26 tonne collection vehicle along with withstanding its weight. The access road should be constructed of hardstanding to allow the free and easy movement of wheeled bins across the surface by both the homeowners and collection operatives.

3. Planning History

18/01272/OUT	Proposed erection of 5 Bungalows.	Refused	26.09.2018
19/00005/OUT	Erection of 4 bungalows.	Approved	19.07.2019
20/00323/LUPROP	Construction of a detached garage.		17.08.2020

20/01621/DETAIL Approval of reserved matters Current
for outline application
19/00005/OUT for erection of
4 dwellings.

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
HG13 Backland Residential Development
HG14 Side Isolation
EN1 Landscape Character
EN6 Biodiversity
EN6A Protected Species
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
COM19 Contaminated Land
COM21 Light Pollution
COM23 General Pollution

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

SPL1 Managing Growth
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable and Council Housing
LP8 Backland Residential Development
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
HP5 Open Space, Sports & Recreation Facilities
CP1 Sustainable Transport and Accessibility

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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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 technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires 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.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located in the southern side of Holland Road and outside the Settlement Boundary of Little Clacton. The site is also outside the Settlement Boundary of the Emerging 2013-2033 Tendring Local Plan Publication Draft. In which Little Clacton is recognised as a Rural Service Centre. However, the outline approval for the 4 dwellings on the site was passed in 2019.

The site measures 0.25 hectares and is rectangular in shape.

Immediately to the north of the site are the rear gardens of No's 8a to 14 Holland Road, while to the south is the Firs Caravan Site. A number of bungalows have recently been completed at land to the rear of No's 30 to 38 Holland Road and a further development of 6 bungalows is underway on land previously forming part of the Little Clacton tennis Club and to the rear of 40 to 54 Holland Road. While planning permission has recently been granted for a further 9 dwellings on land to the rear of 54 to 60 Holland Road.

The neighbouring properties are mainly detached or semi-detached bungalows, some of have now been converted to form chalet properties. There are no public rights of way within the site or within close proximity to the site. Equally, there are no Listed Buildings or Conservation Areas near to the host site.

Planning History

Under planning application 19/00005/OUT, planning permission was approved for the erection of four dwellings. Six planning conditions were attached

1. Two years to start the work from the date of the last reserve matter approval.
2. All reserved matters to be completed within 3 years
3. All matters were reserved
4. The dwellings must be single storey in height
5. Permitted development rights for class A, B and C were removed on all the dwellings
6. No development shall take place until the existing oak tree on the western boundary has been protected.

Proposal and Principle of Development

This application seeks permission for all the reserved matters (appearance, scale, layout, landscape and access) for the construction of 4 dwellings following the approval at outline stage. The principle of development has been established through the granting of outline planning permission under application 19/00005/OUT. Therefore, this application is subject to the detailed reserved matters consideration below:

1. Scale, appearance and layout
2. Access
3. Landscaping
4. Habitat Regulations Assessment
5. Requirements of Outline Consent
6. Other Considerations

1. Scale, Appearance and Layout

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 within Policy SPL3 of the emerging Local Plan.

Essentially all the dwellings are the same however 2 are 'handed'. The maximum depth is 11.6 metres and the width, 13.1 metres. The height to the eaves is approximately 2.3 metres with a maximum height of some 6 metres. They are functional 3 bedroom dwellings with front gabled outshots with a low pitched roof. The design is enhanced by the use of brick quoining on the corners of the buildings and also by soldier courses at the base of the windows. The roof will be a Roof Mendip colour Mosborough red tile, the brick a Atherstone Red by Hanson and the driveway, a Bradstone Woburn Rumbled rustic permeable pavements. These materials (shown in the design statement) appear typical of the local vernacular and are not objectional.

The fenestration and the proposed materials detailed on the plans are considered to relate acceptably to the character of the area.

The submitted plans demonstrate the layout of the 4 plots allows a well-spaced development retaining at least 1 metre to all boundaries which exceeds the standards set out within saved Policy HG14 of the Tendring District Local Plan. The overall density of the development would be 16 dwellings per hectare which is acceptable.

Policy HG9 of the Saved Tendring District 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 demonstrate that despite relatively shallow depths, all the plots can accommodate in excess of 100 sqm in line with Policy HG9.

The overall width depth and the height of the 4 proposed plots is considered to be proportionate to the site and the surrounding area. 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.

Residential Amenities

The NPPF at Paragraph 127 f) reminds decision makers developments should have a 'high standard of amenity for existing and future users'. Whilst the Essex Design Guide seeks in part to provide minimum standards of back to back distances between dwellings to overcome both overlooking and over shadowing. Normally 'new dwellings' should be 15 metres from the rear boundary of existing dwellings. Providing for a minimum of 25 metres gap between both. However, the design guide also says that this distance can be reduced if one or both of the houses concerned are 'designed in such a way as not to overlook one another'.

As the proposed dwellings are single storey, and close board fencing is used to the sides and the rear it is considered that impact on residential amenity plot to plot would be negligible. The ensuite side facing windows shall be conditioned to be obscured glass and non-opening unless 1.7 metres above internal floor height. As stated above normally 15 metres distance from the rear of proposed properties to the rear boundary should be achieved if the property opposite is a dwelling. However, in this case the land to the south is a Caravan Site. The 1.8 metre high close board fencing will adequately retain privacy.

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

2. Access and Parking

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that dwellings with 2 bedrooms or more require a minimum of 2 parking space is provided per dwelling measuring 5.5 metres by 2.9 metres, or in the case of garages being 3m wide and 7 metres deep internally.

The plans provided demonstrate that the site can accommodate two parking spaces in line with the Standards. The estate road outside the proposed dwellings is in part 5.5 metres wide, therefore, it is considered that on road parking is achievable and vehicles to pass without any significant objections. Also, the dwellings are set back from the highway and due to the road width, have sufficient parking and turning area to the front.

The minimum width of the road into the site is 3.31 metres. This section is in a straight line. The width of a fire engine is 2.3m and the width of a dust cart is 2.6 metres. The Waste Manager has confirmed that a dust cart can access the site, however the road needs to be built to take the weight of the vehicle. This has been added as a planning condition. The estate road includes a size 3 turning head that is sufficiently wide to allow these vehicles to turnaround and leave in a forward gear. A passing bay at the northern end of the drive

together with the access arrangement onto Holland Road remain as indicated on the drawings forming part of the outline permission.

Essex Highway Authority have been consulted on this application and have stated that there are no objections subject to conditions relating to the vehicular turning facility, the development is constructed in accordance with the approved layout plan, the parking spaces are retained for that purpose only, cycle provision shall be provided, a construction management plan is submitted, finally a residential travel plan is submitted. Officers accept these conditions apart from the Construction Management Plan as this has been submitted, also due to the size of the development the residential travel packs request. While, due to the size of the garages proposed, Officers believe bikes can be stored in there, thus there is no need for the cycle planning condition.

3. Landscaping

The Landscape Officer has confirmed the information provided by the applicant relating to tree protection and soft landscaping are sufficient. The information includes details of the Heras fencing required to protect the Oak tree on the western boundary, which will meet BS standard 5837: 2012.

The tree protection details will ensure that the retained trees will be physically protected for the duration of the construction phase of the development and the planting details confirm that a reasonable amount of soft landscaping will be carried out to enhance the appearance of the development.

The hard landscaping has been assessed above the driveway will be in Bradstone Woburn Rumbled rustic permeable pavements and is not objectional. Officers consider that the highway planning condition relating to the construction and surface materials of the turning area and estate road is sufficient to deliver a suitable road type.

Officers have no objections on landscaping grounds.

4. Habitat Regulations Assessment

A unilateral undertaking accompanied the planning approval 19/00005/OUT securing a proportionate financial contribution in line with Public Open Space requirements. This undertaking also included a Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development. This remains in place.

5. Requirements of Outline Consent

The application was approved subject to a number of conditions and subject to a legal agreement for a financial contribution towards recreational disturbance and public open space.

Condition 1 - 3 Standard reserved matters time limit and submission of details conditions.

Condition 4. Required the building to be single storey, this application complies.

Condition 5, the removal of permitted development rights remains.

Condition 6, the Oak Tree protection, has been addressed within this application and is discharged.

6. Other Considerations

There have been no letters received by members of the public.

Little Clacton Parish Council have objected to the application, however the principle has already been agreed and the details of the reserve matters have been found adequate, subject to planning condition, as set out above.

6. Recommendation

Approval subject to conditions

7. Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason - The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans;

Pihr-101C	Amended block plan	Received	06 Jan 2021
Pihr-102	Proposed elevations and floor plans for plots 1 and 3		12 Nov 2020
Pihr-103	Proposed elevations and floor plans for plots 2 and 4		12 Nov 2020
	Construction Management Plan		06 Jan 2021

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

3. As indicated on drawing no. Pihr-101C and prior to occupation of the development a vehicular turning facility and estate road, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

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

Drawing: Pihr-101C 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. The dwelling shall not be occupied until such time as a car parking has been provided in principle with drawing Pihr-101C. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and/or 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) or the details provided within approved plan, Pihr-102 and Pihr-103. The side facing window serving the ensuite on all four plots shall be non-opening unless; the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window shall be glazed with obscure glass with a degree of obscurity equivalent to Pilkington level 5 and shall be permanently maintained thereafter as obscure glazed.

Reason - To safeguard the amenities of the adjoining premises from overlooking and loss of privacy

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) or the details provided within approved plan, Pihr-102 and Pihr-103. The 1.8 metre fence panels between plots 2 and 3 shall extend 2 metres north of the garage at plot 3 and shall be permanently maintained thereafter.

Reason - To safeguard the amenities of the adjoining premises from overlooking and loss of privacy

8. Informatives

- 1: 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 these 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.

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 or by post to:

SMO1 – Development Management Team
 Ardleigh Depot,
 Harwich Road,
 Ardleigh, Colchester, CO7 7LT

3. 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.
4. Condition 6 of 19/00005/OUT is included with this application and the written elements of the condition are considered discharged, but this does not confirm the works have been carried as prescribed.

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