

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	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: 20/01482/FUL **Town / Parish:**

Applicant: Mr Daniel Lane - Lane Homes Construction Ltd

Address: 6 Nelson Road Clacton On Sea Essex

Development: Variation of condition 6 of approved application 20/01215/FUL to remove the following wording from the condition; 'The width of the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs) for a single access, or shall not be more than 7.2 metres (8 low kerbs) for a joint vehicle access...'.
 ...

1. Town / Parish Council

Clacton – No Town
Council

2. Consultation Responses

ECC Highways Dept
06.01.2021

It is noted that this application concerns variation of Condition 7, due to the vehicular accesses being close together, the requirement for four low kerbs for each access cannot be achieved due to the close proximity of each vehicular access and there appears to be no reduced kerbside parking, therefore:

The Highway Authority does not object to the proposals as submitted and in accordance with the revised drawings.

3. Planning History

18/00888/FUL	Construction of 9 dwellings following demolition of the existing dwelling.	Approved	07.11.2019
20/01008/DISCON	Discharge of conditions 11 (construction method statement) and 12 (archaeology) for approved application 18/00888/FUL.	Approved	28.09.2020
20/01215/FUL	Variation of condition 2 of approved application 18/00888/FUL to substitute drawings 347-PL 02B, 347-PL 03A, 347-PL 04A, 347-PL 05A, 347-PL 06 and 07A with LC3-101D, LC3- 201, LC3- 202, LC3-	Approved	25.11.2020

203 and LC3- 106B.

20/01475/DISCON	Discharge of condition 3 (landscaping) of approved application 18/00888/FUL.	Approved	04.11.2020
20/01482/FUL	Variation of condition 6 of approved application 20/01215/FUL to remove the following wording from the condition; 'The width of the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs) for a single access, or shall not be more than 7.2 metres (8 low kerbs) for a joint vehicle access...'	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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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) 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 land at 6 Nelson Road, which lies within the parish of Clacton-on-Sea. The site, which measures 0.18 hectares, consists of 6 Nelson Road, which is a two storey residential property, and surrounding garden land. The character of the surrounding area is heavily populated with residential development of all forms, situated on more narrow plots than that the subject of this application. The seafront is to the south, with the Clacton Town Centre to the north-east.

The site within the Settlement Development Boundary for Clacton-on-Sea within both the Saved Local Plan and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Description of Proposal

This application seeks to vary Condition 6 (Access Specification) of planning permission 20/01215/FUL to secure alterations to the dropped kerb arrangement. To achieve the application seeks the removal of the following wording from the condition;

"The width of the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs) for a single access, or shall not be more than 7.2 metres (8 low kerbs) for a joint vehicle access".

Overall the development remains a 9 dwelling scheme and all other aspects of the approved development remain unchanged.

Impact of Changes

The vehicular accesses for each plot on the approved drawings are very close together. The requirement for 4 x dropped kerbs for each access cannot be achieved due to the close proximity of each access and limited width between each to raise the kerbs and re-drop them. The proposal is to have dropped kerbs along the entire site frontage.

There is no reduced kerbside parking as a result of this proposal compared to raising the odd kerb in between each access as required by the current condition.

ECC-Highways have reviewed the proposed changes to the dropped kerb arrangement and have no objections.

Overall the changes to the scheme do not materially alter the character or appearance of the development and would not be detrimental to highway safety.

Conditions/Legal Agreement

Conditions applied to the original permission will be updated where relevant or to refer to details previously agreed.

The legal agreement secured under planning permission 18/00888/FUL remains in force as the wording of the agreement confirms it applies to S73 (variation) applications too.

Other Considerations

No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers LC3- 101D, LC3- 201, LC3- 202, LC3- 203, LC3- 106B and CA/NEL/01 A.

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 on the approved landscaping details (Drawing No: 101D - as approved under planning reference 20/01475/DISCON) 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 effective implementation of the landscaping scheme in the interests of visual amenity.

- 3 Prior to the first occupation of the approved development the completion of the programme of geo-archaeological investigation will be required in accordance with a Written Scheme of Investigation.

The applicant will submit to the Local Planning Authority a final report (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority) and a full site archive ready for deposition at the local museum.

Reason - To safeguard and record those archaeological remains present on the site.

- 4 Prior to occupation of the development, each new vehicle access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 45 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 5 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

- 6 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 access shall be retained at the approved 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.

- 7 Any existing vehicle access on the site that will become redundant shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge kerbing immediately the proposed new accesses are brought into first beneficial use.

Reason - To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 8 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.

- 9 No unbound material shall be used in the surface treatment of the vehicular access throughout.

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

- 10 Construction work shall be carried out in accordance with the submitted 'Construction Method Statement' document, as approved under planning reference 20/01008/DISCON.

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

- 11 The existing line of conifer trees sited on the rear boundary of the application site shall be retained in perpetuity, as shown on approved drawing no. 101D, and not felled lopped, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual and residential amenity.

- 12 Prior to first use of the rear service access a lockable security gate shall be provided at the entrance of that access in full accordance with details that shall have been previously submitted to and approved, in writing, by the Local Planning Authority. The lockable security shall be retained as approved thereafter.

Reason - In the interests of residential amenity of local residents.

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.

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