

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	03/02/2021
Planning Development Manager authorisation:	TC	03/02/2021
Admin checks / despatch completed	ER	03/02/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	03.02.2021

**Application:** 20/01714/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr David Harrington - Parkington Investments Ltd

**Address:** 18 Weeley Road Little Clacton Clacton On Sea

**Development:** Variation of condition 2 (approved plans) to change the proposed layout of house and remove garage.

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

No comments received

### **2. Consultation Responses**

ECC Highways Dept  
22.01.2021

It is noted that this application concerns variation of Condition 2, to remove the proposed garage; and change the proposed layout; 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 occupation of the dwelling, there should be no obstruction above ground level within a 2.4 metres wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by the new dwelling and the south-east side shall be retained free of obstruction above 600mm and below 2 metres at all times.

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

2. Prior to occupation of the new dwelling 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.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's

Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: As in accordance with original planning application 17/00748/FUL, at no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity. To give vehicles using the access free and unhindered access to and from the highway.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

### **3. Planning History**

93/01319/FUL	(Plough Cottage, 18 Weeley Road, Little Clacton) Extension	Approved	23.12.1993
16/30346/PREAPP	Proposed detached bungalow and garages.	Refused	14.02.2017
17/00748/FUL	Proposed detached house, garage and parking for host dwelling.	Approved	31.08.2017
20/01044/DISCON	Discharge of conditions 3 (materials) and 4 (landscaping) of approved application 17/00748/FUL.	Approved	22.10.2020
20/01714/FUL	Variation of condition 2 (approved plans) to change the proposed layout of house and remove garage.	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

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  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development  
SP2 Spatial Strategy for North Essex  
SP3 Meeting Housing Needs  
SP6 Place Shaping Principles  
SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
LP1 Housing Supply  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout  
LP8 Backland Residential Development  
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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10<sup>th</sup> 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## **5. Officer Appraisal**

### Site Description

The application site relates to the side garden of a semi-detached house fronting on to Weeley Road in Little Clacton which provides parking via a vehicular access and a domestic garden. The site falls within the settlement development boundary as defined in both the adopted and emerging local plans.

### Proposal

This application seeks planning permission for the variation of Condition 2, the approved plans, of previously approved 17/00748/FUL. The planning permission for 17/00748/FUL was due to expire on 31<sup>st</sup> August 2020 however the Business and Planning Act 2020 temporarily modifies the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which have lapsed or are due to lapse during 2020 to be extended.

This is in recognition of the effect coronavirus has had on the planning system and the construction sector and in particular the delays it has caused to the commencement of new development. This extension will allow the commencement of the planning permissions and listed building consents without the need for a new application.

Under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval.

The changes proposed are detailed as follows:

- Removal of the attached single garage
- Changes to the fenestration in view of the revised internal layout
- Position of the house moved approximately 0.70 metres to the south of the site

### Assessment

The removal of the attached garage will reduce the bulk of the build on this site while retaining sufficient parking and turning for the existing and proposed dwelling. The slight change to the internal layout due to the removal of the garage has led to changes in the fenestration which is considered acceptable and will not have a significant impact on visual amenity or significantly increase the impact on neighbours' residential amenity. There remains a distance of 1 metre to the closest side boundary shared with 18 Weeley Road which meets with Policy HG14 of the adopted local plan.

There are no other impacts in comparison to the previously approved scheme.

### Other Considerations

Essex Highways have no objections to the amendments as they still provide 2 parking spaces for existing dwelling, 2 parking spaces for the proposed dwelling and sufficient turning within the site and subject to the conditions on the previous application being reimposed.

No other letters of representation have been received.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before 1st May 2021.

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: -

17/00748/FUL

Un-numbered Location Plan received on 09 June 2017

Un-numbered - Construction Method Statement, received on 08 May 2017

20/01714/FUL

Proposed landscaping and layout plan 1:100

Proposed floor plans, elevations and roof plan 1:100

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

- 3 The manufacturer and types and colours of the external facing and roofing materials as approved under reference 20/01044/DISCON on 21st October 2020 shall be used in construction of the development unless other such materials are submitted to and agreed, in writing, by the Local Planning Authority.

Reason - In the interest of the visual amenity of the locality and the prominent site location.

- 4 The landscaping shown on the approved drawing 'Proposed landscaping and layout plan 1:100' (at variance to that approved under Amended Landscaping Plan submitted 15th October 2020 of 20/01044/DISCON) shall be implemented in the first planting season following the date of this decision. 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason - To ensure that the development provides a satisfactory setting and in the interest of the appearance of the area.

- 5 Prior to the occupation of the development, the frontage boundary feature shall be amended in accordance with the submitted plan thereby improving the visibility splays of and for traffic in the existing highway. Such vehicular visibility splays shall be provided before the 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 access and those in the existing public highway in the interest of highway safety.

- 6 Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan 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.
- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.
- 8 At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.
- Reason - To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.
- 9 Any vehicular hardstanding shall have a minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.
- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class A, B, C and D of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations or additions to the dwelling or its roof shall be erected except in accordance with drawings showing the design and siting of such building(s) or enclosure(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.
- Reason - To prevent the over intensive development of the site, in the interests of visual amenity and to ensure a satisfactory standard of residential amenity.
- 11 Other than the door and window openings shown on the approved plans and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new window or door openings shall be installed in the building.
- Reason - In order to protect the amenity of the occupants of the adjacent residential property.
- 12 No construction in relation to the permission hereby granted shall occur outside of the following times:
- 07.00am to 07.00pm in any one day, on Monday - Friday  
Saturday 08.00am to 01.00pm, and;  
At no time at all on a Sunday or Bank Holiday.
- Reason - In the interests of protecting the amenity of the occupants of the nearest noise sensitive premises.

## **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.

Highways Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

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