

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	14.04.2021
Planning Development Manager authorisation:	TF	14.04.2021
Admin checks / despatch completed	DB	15.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15.04.2021

**Application:** 21/00324/FUL **Town / Parish:** Clacton Non Parished  
**Applicant:** Mr Stuart Willsher - Persimmon Homes Essex  
**Address:** Oakwood Park Land East of Thorpe Road  
**Development** Erection of 1.8m brick entrance piers at entrance to residential development

### 1. Town / Parish Council

Clacton – Non Parished

### 2. Consultation Responses

ECC Highways Dept

### 3. Planning History

20/00179/FUL	Detailed planning application for residential development to provide 50 no. residential dwellings.	Pending Consideration
18/01800/DETAIL	Approval of reserved matters (relating to appearance, access, landscaping, layout and scale) for 250 dwellings pursuant to Condition 1 of planning permission 12/01262/OUT (as varied by planning permission 15/01781/OUT).	Approved
15/00178/OUT	Variation of condition 22 of planning permission 12/01262/OUT to change the wording of the condition	Approved
12/01262/OUT	Residential development of up to 250 dwellings, 2,273m <sup>2</sup> (gross) B1c floorspace and open space, with access from Thorpe Road (residential) and from Fowler Road (employment), with all matters reserved.	Approved

### 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
- COM1 Access for All
- EN1 Landscape Character
- TR1A Development Affecting Highways

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

- SPL3 Sustainable Design
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape

### *Local Planning Guidance*

### *Essex County Council Car Parking Standards - Design and Good Practice*

### *Essex Design Guide*

## **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is located to the eastern side of Thorpe Road and is part of a large site of some 13.31ha with planning permission for residential and commercial development as outlined in the planning history above. The site lies within the settlement development boundary of the Draft Local Plan

### Proposal

The application seeks planning permission for two brick piers, one each side of the estate road entrance leading into the estate from the newly formed roundabout from Thorpe Road. The piers are approximately 50m from the roundabout. Each pier would have an overall height of 1.85m and be to a width and depth of 0.44m square. The piers are to be constructed in brickwork and capped with a stone pyramid coping stone with a name plate to the front of the piers.

### Assessment

#### Design and Character of the Area.

The proposed entrance piers would have a noticeable presence sited in the grass verge area either side of the access road carriageway. Apart from the two courses of engineering brick to the lower base, the piers would be finished in brickwork from the approved palette of materials for the site with a name plate recessed into the front of each pier.

The piers would not result in any narrowing to this part of the street carriageway and the entrance is not proposed to be gated. The piers merely provide a visual mark in the new street achieving a sense of architectural enclosure, as is commonplace for new large residential developments. The proposed piers are considered to be of a suitable scale and relate well to surrounding houses in the previously approved layout.

#### Impact to Neighbouring Amenities

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst criteria 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Given the small scale nature of the development, no harmful impacts to the residential amenities of the neighbouring occupiers are identified.

#### Highways Issues

The proposed piers are located within the grass verges well away from the main highway and public footpath and therefore the proposed piers are not considered to materially impact on highway safety.

#### Other considerations

The site is within the Non Parished area of Clacton-on-Sea

No representations have been received

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

Recommendation

Approval – Full

**6. 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 plan(s): PH-201-EP01

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

**7. 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.

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