

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	26/01/2022
Planning Development Manager authorisation:	JJ	26/01/2022
Admin checks / despatch completed	ER	26.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.01.2022

Application: 21/01956/VOC **Town / Parish:** Weeley Parish Council

Applicant: South East Developments

Address: Former Land off Connaught Road Weeley

Development: Variation of conditions 4 and 8 imposed upon outline planning permission 20/00277/OUT and conditions 1, 2 and 3 imposed on reserved matters approval 20/00667/DETAIL to make a number of minor variations to the design of the dwellings (originally approved under 19/00785/OUT).

1. Town / Parish Council

Weeley Parish Council No comments received.

Little Clacton Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept No comments received.

3. Planning History

16/01391/OUT	Residential development of 0.5 ha of land to create up to eight detached bungalows.	Approved	01.12.2016
18/00010/OUT	Outline planning application for seven detached bungalows and new access road to serve proposed and approved developments.	Refused	27.02.2018
18/01259/DETAIL	Reserved matters application following planning approval 16/01391/OUT - Erection of eight detached bungalows.	Approved	05.10.2018
19/00785/OUT	Proposed seven detached bungalows and the upgrading of the existing private road (outline application considering access only with all other matters reserved).	Approved	04.10.2019
20/00277/OUT	Proposed variation to condition 5 (design of access road) of permission 19/00785/OUT.	Approved	20.04.2020

20/00667/DETAIL	Approval of reserved matters for outline approval 20/00277/OUT for the erection of 7 dwellings.	Approved	21.08.2020
20/00668/FUL	Proposed erection of 1 bungalow.	Approved	20.10.2020
21/00458/FUL	Proposed one bungalow. (Variation of scheme as approved under planning permission 20/00668/FUL - handed version of dwelling to allow for drainage)	Approved	19.11.2021
21/01940/VOC	Variation of conditions 2, (Approved plans and materials) 3, (Landscaping scheme) and 8 (Fences, walls or other enclosures) of application 20/00668/FUL	Current	

4. Relevant Policies / Government Guidance

National Planning Policy Framework July 2021 (the Framework)

National Planning Practice Guidance (the NPPG)

Tendring District Local Plan 2013-2033 and Beyond Section 1

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Essex County Council Parking Standards 2009 (Parking SPD)

Tendring Provision of Recreational Open Space for New Development SPD 2008

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). Therefore, the 'development plan' for Tendring now comprises the adopted Section 1 and Section 2 of the Tendring District Council 2013-33 and Beyond Local Plan, together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

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6. Officer Appraisal (including Site Description and Proposal)

Site Description

The site measures approximately 0.4 hectares in size and is situated in the north-western corner of Connaught Road, a small unmade private road to the eastern side of Clacton Road/Weeley Road. Connaught Road currently serves 6 dwellings (2 houses and 4 bungalows) and a recently completed development of 8 detached bungalows approved under 16/01391/OUT and 18/01259/DETAIL.

The application site for this current application lies opposite the 8 recently completed bungalows and is part of the existing large open field. The extent of the site area mirrors the site area of the 8 bungalows opposite together with the 1 additional plot approved under 20/00668/FUL (subject of a variation of condition application reference 21/01940/VOC). Access to the development will be via Connaught Road which will be upgraded as part of the development.

In terms of relationship to any settlement, the proposed dwellings are considered to relate to the facilities within the village of Little Clacton.

Description of Proposal and Planning History Summary

Application 19/00785/OUT was approved for seven detached bungalows and the upgrading of the existing private road in outline form considering access only with all other matters reserved. This was then subject of an amendment under planning application 20/00277/OUT which allowed a minor amendment to the road access and layout. Reserved matters approval for the outstanding matters of scale, layout, appearance and landscaping was subsequently approved under reference 20/00667/DETAIL.

The applicant now wishes to submit a number of minor variations to the design of the dwellings requiring the variation of conditions 4 and 8 imposed upon outline planning permission 20/00277/OUT and conditions 1, 2 and 3 imposed on reserved matters approval 20/00667/DETAIL.

The scheme remains essentially the same as the approved development, but now features amended house designs as well as further landscaping and fencing details together with details of a Construction Method Statement. These details thereby complete all outstanding issues for the development of the site.

Assessment

- Principle of Development;
- Scale, Layout and Impact;
- Trees and Landscaping;
- Residential Amenities;
- Highway Considerations and Parking Provision;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open Space and Play Space; and,
- Representations.

Principle of Development

The planning and appeal history for the site establishes the principle of residential development on this site. The SDB was enlarged to account for the planning and appeal decisions of the adjacent sites made at a time when the Council were unable to demonstrate a 5 year housing land supply and when the tilted balance applied.

The site therefore lies within the Settlement Development Boundary of Little Clacton as defined within the 2013-2033 Local Plan. The principle of residential development on the site is therefore acceptable subject to the relevant detailed considerations set out below.

Scale, Layout and Appearance

The applicant wishes to introduce a number of minor changes to the design of the dwellings to follow the development recently completed on the opposite side of the road. Thus, the development now proposed will achieve a more complementary and consistent appearance to the development of Connaught Road (directly adjacent development subject of a similar design variation under 21/01940/VOC).

The layout follows that envisaged within the outline and reserved matters approvals. The principal change to the scheme is to introduce 3 pairs of garage linked dwellings. This will result in an improved spacing between the pairs of dwellings while also avoiding the trees and hedgerows along the northern boundary which would otherwise be affected by the approved scheme. In all other respects, the development is consistent with the approved development.

The scheme is for seven detached and link-detached bungalows, each with a plot width of approximately 12.5m. They would all comprise 3 bedrooms and be of a similar design but handed versions with the exception of Plot 8. This property is detached with a single driveway (subject of application 21/01940/VOC). The remainder would have double drives with attached garages. The dwellings would have a height and width identical to the properties constructed opposite. The garages would be set back from the road to enable at least 2 cars to be parked on the driveway. The flank wall of each dwelling would be at least 1m from the respective boundary, excluding the attached garages.

The dwellings would have a very similar form to the bungalows recently constructed opposite. The dwellings will have a common design, albeit handed, creating a more varied street scene. A front gable projection would complement this appearance. Details of the materials to be used are shown on the application drawings.

For the reasons set out above, the revised proposal is considered acceptable and will not result in harm to visual amenity or the character of Connaught Road.

Trees and Landscaping

The details relating to soft landscaping, submitted in support of the application, shows an adequate level of new planting, including trees. In this regard the soft landscaping proposals are acceptable.

The proposed landscaping plan also provides details of the boundary treatments comprising of 1.2 metre high post and rail fencing with interspersed tree planting on the most visually sensitive northern rear boundary. This is considered an appropriate response to the semi-rural setting of the site, which can be further controlled by appropriately worded conditions.

Residential Amenities

The revised development will not result in any material harm to existing or future occupants. The spacing around the dwellings, distance to the shared boundaries and single storey height will ensure a good standard of amenity. Furthermore, the dwellings are served by a private amenity space of a size and configuration that will appropriately meet the needs and expectations of the future occupants and which is commensurate to the size of dwelling and the character of the area, in accordance with Policy LP4 of the 2013-2033 Local Plan.

Highway Considerations and Parking Provision

Access to the development is taken via the existing Connaught Road served by appropriately pedestrian and vehicular visibility splays. The planning history for the site establishes the acceptability of the development in terms of highway safety and accessibility. Consultation with Essex County Council Highway Authority has been undertaken but no comments have been received. However, a response is not considered essential in this instance as the access has already been approved under 20/00668/FUL. The variations proposed do not alter the access arrangements already agreed with The Highway Authority as part of the previous approval. The accompanying Construction Method Statement has been checked by the Council's Environmental Protection Team and following an amendment to the statement is now considered acceptable.

The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The proposed plan shows a garage and parking bays. Although the garages are marginally undersized, internally the space remains usable with enough space provided to the front of the garage for a further 2 parking spaces per dwelling. The development is therefore acceptable in terms of access and parking.

Financial Contribution - Recreational Disturbance

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 legal obligation was secured as part of the previously approved applications and the contribution has been paid in compliance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the 2013-2033 Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution - Open Space and Play Space

The Council's Open Spaces Strategy (2017) identifies the nature of any existing surpluses and deficiencies and provides size and quality standards for the provision of future open spaces and green infrastructure in the District. This is reflected in the Policies HP3, HP4 and HP5 of the 2013-2033 Local Plan. Specifically, Policy HP 5 states that, where new development would be better

served by existing open space within an accessible distance, a financial contribution in lieu of on-site provision will be sought towards any necessary improvement or expansion of existing facilities.

The legal obligation was secured as part of the previously approved applications and the contribution has been paid in compliance with the above policies.

Representations

Little Clacton Parish Council and Weeley Parish Council have not commented on the application.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the varied application is recommended for approval subject to conditions.

7. Recommendation

Approval - Full

8. Conditions

- 1 The development hereby permitted shall be begun before the expiration of two years from 21 August 2020.

Reason - To comply with the requirements of Section 92 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 and materials:

S-1 A - WIP	Proposed Site Layout Plan
S-2 A - WIP	Block Plan
S-3	Street View
E-1 A	Amended Plots 2 and 3 - Floor Plans and Elevations
F-1	Plots 4 and 5 - Floor Plans and Elevations
G-1	Plots 6 and 7 - Floor Plans and Elevations
H-1	Plot - Floor Plans and Elevations

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

- 3 The approved landscaping scheme shown on approved drawing S - 4 A – WIP Hard and Soft Landscaping Plan 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 - In order to soften and mitigate the visual impact of the development on the remaining open fields beyond having regard to the semi-rural setting of the site.

- 4 The removal of any vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 5 The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

- 6 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.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), other than the 1.2m high post and rail fencing shown on the approved S - 4 A – WIP Hard and Soft Landscaping Plan, no provision of fences, walls or other enclosures shall be erected along the northern rear boundary of the site, nor forward of the front elevation of the dwellings hereby approved, except in accordance with details that shall previously be 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 landscape harm does not result in this edge of settlement location.

- 8 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 additions or alterations to any of the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/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 landscape harm does not result in this edge of settlement location and to ensure that no harm to neighbouring amenities will occur.

- 9 The approved amended Construction Method Statement received on 14 December 2021 shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

9. 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

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway to ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.

- 2. The single garage should have a minimum internal measurement of 7m x 3m to encourage the use of garages for their intended purpose and to discourage on-street parking.
- 3. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
- 4. 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

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