

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	03/08/2022
Planning Development Manager authorisation:	AN	04/08/22
Admin checks / despatch completed	ER	04/08/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.08.2022

Application: 22/00391/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Mr and Mrs Penny /Sowton

Address: Land to rear of 8A Holland Road Little Clacton

Development: Proposed one self-build custom detached dwelling.

1. Town / Parish Council

Little Clacton Parish
Council
04.04.2022

This site had an original application - 18/01272/OUT - Proposed erection of 5 Bungalows (Aug 2018), which was refused. They then can back with another application which was approved - 19/00005/OUT- Erection of 4 bungalows. (Jan 2019)
This new application is for the one property which was dropped out of the original application of 5 but with access route left in place within the design of the four properties. It should also be noted that the layout causes an additional land space to be created for a possible potential 6th dwelling, should this application be granted. The extension to the building site would have a yet more direct impact on the six existing properties along Holland Road. The site is not accessed by public road but a private lane hence the description 'land to the rear of'.
The classic creeping back garden development into a cramped area with restricted access still has all the valid reason of refusal from application 18/01272/OUT but now also has the added weight that the Council has a Local plan and the building numbers required. *Application form classes the development as Market housing and not Self-Build therefore plans to sell or rent on the open market.

2. Consultation Responses

ECC Highways Dept
20.04.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority as shown on submitted Drawing no. MP-201, subject to the following mitigation and conditions:

1. 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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

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.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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/LUPRO P	Construction of a detached garage.	Lawful Use Certificate	17.08.2020

		Granted	
20/01621/DETAIL	Approval of reserved matters for outline application 19/00005/OUT for erection of 4 dwellings.	Approved	07.01.2021
21/00886/DISCON	Discharge of condition 3 (Vehicular turning facility and estate road) of approved application 20/01621/DETAIL.	Approved	12.07.2021
22/00815/FUL	Proposed turning head.	Approved	29.06.2022

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

LP4 Housing Layout

LP7 Self-Build and Custom-Built Homes

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL10 Renewable Energy Generation

HP5 Open Space, Sports & Recreation Facilities

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). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the southern side of Holland Road and outside the Settlement Boundary of Little Clacton. Little Clacton is recognised as a Rural Service Centre.

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

Planning History

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

Under planning application 20/01621/DETAIL, approval of reserved matters for outline application 19/00005/OUT was granted for the erection of 4 dwellings.

Proposal

This application seeks planning permission for one self-build custom detached dwelling.

Assessment

The main considerations for this application are:

- Principle of Development and Self Build
- Layout, Scale and Appearance;
- Residential Amenities;
- Highway Considerations;
- Trees and Landscaping
- Financial Contributions - RAMS
- Financial Contributions - POS
- Representations

1. Principle of Development and Self Build

There has been a significant change in national and local plan policy with the Council having an adopted Local Plan to cover the period of 2013-2033 and able to demonstrate a comfortable five year housing land supply.

Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The application site lies adjacent to, but outside, of the defined settlement boundary for Little Clacton within the 2013-2033 Local Plan, with the nearest settlement of Little Clacton located directly to the north and west of the application boundary. The proposed development would therefore extend beyond the area planned to provide growth for this settlement.

However, as the application confirms the proposed development would include self-build/custom built home, attention must instead be turned to Adopted Policy LP7, which states the following:

The Council will also consider, on their merits, proposals for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes. All new dwellings on such developments must either:

- a) be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', or 'smaller urban settlements' .
- b) be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or
- c) involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use.

The proposal shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this Local Plan.

Little Clacton is known as a 'Rural Service Centre' within the Local Plan and therefore the development will need to comply with part (b) of Policy LP7 of the Local Plan.

The application site is located directly adjacent to the settlement boundary on two sides of the application site. It is therefore considered that the application site is within walking distance to the services of Little Clacton. The applicants who will be the owners of the self build dwelling will have the primary input into the dwellings final design and layout in accordance with paragraph Paragraph: 016 Reference ID: 57-016-20210208 (Revision date: 08 02 2021) of the Planning Practice Guidance and therefore the principle of development is acceptable in this location, subject to the detailed consideration below.

2. Layout, Scale and Appearance;

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Furthermore, Policy PPL3 of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seek to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The proposal is for a single storey dwelling set back from the highway of Harwich Road and accessed via a newly approved and built road in conjunction with application 19/00005/OUT and 20/01621/DETAIL. There are a mixture of dwelling situated along Holland Road and approved to the rear of properties along Holland Road which are mainly single storey dwellings.

The dwelling would retain significant distance to its side boundaries ensuring it would be sympathetic to the character and appearance of the rural area. The materials proposed are facing

brickwork - Atherstone Red by Hanson with marley mendip mosborough red roof tiles with white UPVC windows and doors. The proposed materials are considered acceptable in this location.

The site provides amenity space in excess of the local plan requirements in line with Policy LP4 of the Local Plan.

As such the development would be well-proportioned and would consist of materials that are suitably sympathetic to the rural character of the area. It is therefore, considered that the redevelopment of this site would not result in overriding harm to the character of the surrounding area.

3. Residential Amenities;

Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Paragraph 127 f) of the Framework requires that planning decisions should create places with a high standard of amenity for existing and future users.

The proposed dwelling will be visible to the neighbouring dwellings facing Holland Road, however due to the distance to the neighbouring boundary, boundary treatment as well as the single storey nature of the proposal, it is not considered to cause any harm to neighbouring amenities. The proposed dwelling will also be visible to the recent development which utilises the same access however due to the distance, boundary treatment and single storey nature, the proposed dwelling will not cause any significant harm to the neighbouring amenities.

4. Highway Considerations;

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations.

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.

Essex Highway Authority have been consulted on this application and have stated that they have no objections subject to conditions relating to no unbound materials and residential travel pack.

The plans provided demonstrate that the proposed dwelling will be served by a double garage measuring 7.3 x 8 metres. The plan also demonstrates that two parking spaces are achievable in front of the garage. It is considered that the parking arrangements proposed are in line with Essex Parking Standards.

5. Trees and Landscaping

Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible. Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential

developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.

No trees or other significant vegetation will be adversely affected by the development proposal. There is little public benefit to be gained by new soft landscaping associated with the development.

6. Financial Contributions - POS

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.

No contribution is being requested on this occasion, however should there be further development in this area a contribution would be required.

7. Financial Contributions - RAMS

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 contribution is secured by unilateral undertaking.

This residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is sited approximately 100 metres from the Stour and Orwell Estuaries RAMSAR, SPA and SSSI. In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation. New housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries, and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. Representations

Little Clacton Parish Council have commented on this application and have the following concerns:

- Concerns that the application site is located outside of the settlement development boundary

The concern has been assessed within the report.

- Concerns that a previous application was for 5 bungalows which was refused and application 19/00005/OUT was approved, will a sixth bungalow be proposed.

In regards to the above, the Council cannot comment whether a future application will be submitted for any more development. However, every application is assessed on its own merits.

Two letters of objection have been received raising the following concerns:

- Concerns in regards to access and highways

In response to the above concern, the access is existing, apart from the slightly extended access to serve the proposed dwelling. Essex Highways Authority have also been consulted on this application and have no objections.

- Concerns in relation to the previous applications on site and the refusal for 5 dwellings

In response to the concern raised above, since the refusal of the 5 dwellings, application reference 19/00005/OUT and 20/01621/DETAIL have been granted permission for the erection of four dwellings.

- Concerns that the application is not self build

The self build element of this application has been assessed within the report.

- Concerns located outside the settlement development boundary

In response to the concern raised above, the principle of development has been assessed within the report.

- Concerns in regards to overlooking onto neighbouring properties

In response to the concern raised, this has been assessed within the report.

One letter of support has been received.

6. Recommendation

Approval - Full

7. 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 plans:

Drawing No. MP-201

Reason - For the avoidance of doubt and in the interests of proper planning.
- 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
- 4 No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

Reason - To protect the amenity of nearby residents.
- 5 No materials produced as a result of the site development or clearance shall be burned on site.

Reason - To protect the amenities of nearby residents.

- 6 Prior to first occupation of the dwelling hereby approved, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities as may be approved shall be installed in a working order, prior to first occupation.

Reason- In order to promote sustainable transport.

- 7 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason- In the interests of reducing the need to travel by car and promoting sustainable development and transport

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Highways

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

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.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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