

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	08/09/2022
Planning Development Manager authorisation:	JJ	09/09/2022
Admin checks / despatch completed	CC	16.09.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	16/09/2022

Application: 21/01772/VOC **Town / Parish:** St Osyth Parish Council

Applicant: Lane Homes Construction Ltd

Address: Land adjacent Leisureglades Park and Fronting St Johns Road Clacton Road

Development: Variation of condition 2 of application 20/00629/FUL to allow for minor variation in development to introduce additional rear single storey extensions to Plots 2, 3 and 4 (part retrospective).

1. Town / Parish Council

St Osyth Parish Council No objections.
24.11.2021

2. Consultation Responses

None required.

3. Planning History

01/01044/FUL	Change of use of part of site from land authorised for stationing of 30 touring caravans to the siting of 13 static holiday caravans	Approved	05.09.2001
02/00503/FUL	Variation of Condition 5 of TEN/147/86 and Condition 02 of 01/01044/FUL to permit the caravans to be additionally occupied during the months of November and December.	Refused	13.05.2002
96/01618/FUL	Temporary siting of wooden cabin for demonstration and sales purposes	Approved	03.04.1997
02/02066/FUL	Variation of condition 5 of TEN/147/86 and condition 2 of 01/01044/FUL to permit the caravans to be additionally occupied during the months of November, December and until 14 January	Approved	18.12.2003
02/02171/FUL	Retention of building used as caravan park reception office	Approved	09.01.2003
06/00937/FUL	Variation of Condition 5 of TEN/147/86 and Condition 2 of	Approved	01.09.2006

	01/01044/FUL to allow occupancy between and including 1 March in any one year and 14 January the following year.		
08/00078/FUL	Proposed installation of calor gas compound.	Approved	16.04.2008
13/01273/FUL	Variation of condition 05 of approved application TEN/147/86, condition 02 of 01/01044/FUL and condition 2 of 06/00599/FUL to allow year round holiday use of site.	Approved	07.01.2014
15/00638/FUL	Proposed preparation and fitting bay.	Approved	23.06.2015
20/00629/FUL	3No. two storey detached dwellings, 6No. single storey detached dwellings and associated garages, access drives and hard and soft landscaping.	Approved	07.09.2020
21/00474/DISCON	Discharge of Condition 9 (Construction Management Plan), 13, 14 and 15 (Archaeology) of Planning Permission ref: 20/00629/FUL.	Approved	14.07.2021
21/00735/DISCON	Discharge of Condition 3 (Soft Landscaping) of Planning Permission ref: 20/00629/FUL	Approved	03.06.2021

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021
National Planning Practice Guidance

Local:

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
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology

CP1 Sustainable Transport and Accessibility
PPL10 Renewable Energy Generation and Energy Efficiency Measures
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tendring Provision of Recreational Open Space for New Development SPD 2008
Essex Design Guide

Local Planning Guidance

Essex County Council Parking Standards 2009

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 relates to the land adjacent to Leisureglades Park, fronting St Johns Road, St Osyth. The site is on the northern side of St John's Road, part of the B1027, between Clacton, to the east, and St Osyth, to the west.

To the west of the site is a bungalow, a BP petrol filling station, Pumphill Service Station and a car sales business. A bungalow is to the east and then linear residential development of a mix of bungalows and houses. To the rear of the site, to the north, is Leisureglades Park, a caravan/chalet park. On the opposite side of St John's Road the land is generally open and agricultural in character though there are some buildings on a corner of the junction of Lodge Farm Lane with St John's Road.

The re-development of the site for 3 no. two storey detached dwellings and 6 no. single storey detached dwellings was approved under planning application 20/00629/FUL. The application has been implemented and the development is nearing completion.

Description of Proposal

This application seeks a variation of Condition 2 (approved plans) of planning application 20/00629/FUL to allow for the addition of a rear single storey extension to Plots 2, 3 and 4 (being the two-storey properties fronting St. John's Road).

There have been long delays with the application due to additional monies being due for the planning obligations secured at the outline stage.

Consequently, the garden room additions have been built-out at Plots 3 and 4 and the application description has been amended (from that originally submitted) to indicate 'part retrospective'.

Plot has been built without the rear addition but this will remain on the proposed plans should there be a change in circumstances.

Assessment

The main considerations in this instance are:

1. Relevant Planning History and Principle of Development;
2. Scale, Layout and Appearance;
3. Residential Amenities;
4. Highway Safety, Access and Parking;
5. Trees and Landscaping;
7. Financial Contribution - Recreational Disturbance;
8. Financial Contribution - Open Space and Play Space;
9. Other Matters – Previous Conditions; and,
10. Conclusion.

1. Relevant Planning History and Principle of Development

As mentioned above, the re-development of the site for 3 no. two storey detached dwellings and 6 no. single storey detached dwellings was approved under planning application 20/00629/FUL. The application has been implemented and the development is nearing completion. Only a proportion of the units are occupied.

2. Scale, Layout 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 127 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.

This application seeks a variation of Condition 2 (approved plans) to allow for the addition of a rear single storey 'garden room' extension to Plots 2, 3 and 4. Plots 2, 3 and 4 relate to the two-storey properties fronting St. John's Road. The rear addition has been built-out to plots 3 and 4 with dimensions of 4.3 metres in depth, 4.6 metres in width and an overall flat roof height of 2.9 metres.

In terms of layout, Plots 3 and 4 can comfortably accommodate the minor rear addition whilst retaining sufficient space around the dwellings and acceptable private rear gardens in accordance with TDLP Policy LP4. The scale and appearance of the additions are suitably subservient to the host dwelling and are finished in matching facing brick. Only limited views of the extensions are possible from the public domain and therefore do not result in any harm to visual amenity or the character of the area. In the event that the extension to Plot 2 does proceed, the minor scale, height

and flat roof arrangement ensures that the development will remain acceptable in terms of layout and appearance.

For these reasons, the revised development proposal will not appear cramped nor will it result in a significant increase of built development beyond that previously approved on the site. The scale, layout and appearance are therefore considered acceptable.

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.

As addressed above, the revised development continues to provide acceptable private rear gardens in accordance with TDLP Policy LP4.

The garden room additions to Plots 3 and 4 retain appropriate spacing to neighbouring dwellings to avoid any loss of outlook. The single storey flat roof design ensures no harmful impact in terms of privacy or loss of daylight or sunlight will result.

The garden room proposed at Plot 2 will be located relatively close to the rear, shared boundary with the bungalow at Plot 7. However, the garden room positioned an angle with the side elevation of Plot 7, which only contains a small secondary kitchen window and a side door. Furthermore, consideration must be given to the existing 1.8 metre high close boarded boundary fencing. The single storey height, minor scale, angled position and flat roof design will not appear overbearing and will not result in any material harm to the occupiers of Plot 7 in terms of loss of light, outlook or privacy.

For these reasons, the variation is considered acceptable in terms of residential amenity.

4. Highway Safety, Access and Parking

Paragraph 108 of the National Planning Policy Framework 2021 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 developer has provided confirmation provision has been made for EV charging points to all dwellings.

The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is provided. 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 variation does not alter the approved access or parking, nor does it alter the parking provision requirements.

The development remains policy compliant subject to EV charging facilities being installed.

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.

The proposed variation does not alter the approved landscaping scheme.

6. 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. Mitigation measures must be secured prior to occupation.

In this instance, development has commenced under the originally approved 20/00629/FUL. The necessary financial contribution toward recreational disturbance (RAMS) has been paid in full for all approved dwellings. Therefore, this current application does not require a unilateral undertaking.

7. Other matters – Previous Conditions

This revised application must remain compliant with any relevant report findings and conditions applicable to the original consent and any subsequent discharge of condition approvals. These are summarised below:

Condition 3	-	Landscaping Scheme and Implementation
Condition 4	-	Vis Splays
Condition 5	-	Vehicular Turning Facility
Condition 6	-	No Unbound Materials
Condition 7	-	Private Drive Details
Condition 8	-	No Surface Water Discharge
Condition 9	-	Construction Method Statement
Condition 10	-	New Planting 1m back
Condition 11	-	Parking Space Dimensions
Condition 12	-	Garage Dimensions
Condition 13;		
Condition 14; and,		
Condition 15	-	Archaeology Investigation

Conditions 13, 14 and 15 have been fully discharged and complied with.

8. Representations

St Osyth Parish Council raise no objections.

Representations have been received from the occupants of the adjoining dwellings within the development (Plots 5, 6 and 7) raising no objection to the rear additions to Plots 3 and 4. An objection has been received in relation to the addition to Plot 2.

The impact on residential amenities has been addressed above.

9. Conclusion

For the reasons set out above, officers are satisfied that the proposed variation will not result in any material harm to visual amenity, the character of the area or neighbouring amenities that would justify a refusal of planning permission. In the absence of any material harm resulting from the revised proposal, officers recommend approval subject to conditions. A time limit condition is not required in this instance, as the development has commenced.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- 001 Drainage Strategy
- 01 A Location Plan
- 05 Bungalow Type 1 - Plot 6
- 06 Bungalow Type 1 - Plot 5
- 07 A Bungalow Type 2 - Plot 7, 9 and 10
- 08 Bungalow Type 1 - Plot 8
- 10 B Block Plan and Roof Plan
- 11 A Single Garage - Plot 2, 3, 4 and 10
- 115 Site Layout Plan - Plots 2, 3 and 4
- 12 A Double Garage - Plot 6, 7, 8 and 9
- 13 A Street Elevations
- 114 A Amended Plots 2, 3 & 4

Arboricultural Impact Assessment
Infiltration Report

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

- 2 The scheme of hard and soft landscaping, including tree planting, approved under discharge of condition application reference 21/00735/DISCON shall be implemented during the first planting season following occupation of any dwelling hereby permitted. If any tree should die within 5 years of its planting it will be replaced to the satisfaction of the local planning authority.

Reason - In the interest of achieving a well-designed place, in the interest of visual amenity and to ensure that soft landscaping is an integral part of the development.

- 3 Prior to full 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 each vehicular access, i.e. the vehicular access to plots 2, 3 and 4 and the vehicular access to plots 5, 6, 7, 8, 9 and 10. 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.

- 4 Prior to full occupation of the development a vehicular turning facility, as indicated on site layout plan number 115, 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.

- 5 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 6 Prior to the full occupation of the dwellings hereby approved, each proposed private drive shall be constructed, as indicated on site layout plan number 115, to a width of 5.5 metres for

at least the first 6 metres from the back of Carriageway / Footway and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 7 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.

- 8 The Construction Method Plan approved under discharge of condition application reference number 21/00474/DISCON shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that on-street parking of these vehicles does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 9 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 10 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 11 All single garages shall have a minimum internal measurement of 7m x 3m and all double garages shall have a minimum internal measurement of 7m x 5.5m.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

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 development is subject of a planning obligation securing a financial contribution toward recreational disturbance mitigation in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. According to our records, this contribution has been paid in full upon the commencement of the development under the originally approved application 20/00629/FUL. No further action is required.

Legal Agreement Informative – Open Space Contribution

This development is subject of a planning obligation securing a financial contribution toward Public Open Space. According to our records, this contribution has been paid in full under the originally approved application 20/00629/FUL. No further action is required.

Highways Informatives

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.

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 are 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

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.

Anglian Water Informatives

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water's Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Essex Police Informative

Essex Police would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

Essex Police provide a no cost, impartial advice service to any applicant who requests this service and is able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the applicant to contact Essex Police via designingoutcrime@essex.police.uk.

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