

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	18/05/22
Planning Development Manager authorisation:	JJ	19/05/2022
Admin checks / despatch completed	DB	19.05.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	19.05.2022

Application: 22/00562/VOC **Town / Parish:** Little Clacton Parish Council

Applicant: Mrs K Kandiah

Address: Lindisfarne 59 London Road Little Clacton

Development: Variation of condition 2 of application 21/00867/FUL to amend the materials shown on approved drawing.

1. Town / Parish Council

Little Clacton Parish Council
21.04.2022 Support.

2. Consultation Responses

Tree & Landscape Officer
11.04.2022 No comments.

3. Planning History

97/00178/OUT	(Site adjacent Lindisfarne and Oak View, London Road, Little Clacton) Proposed dwelling	Refused	16.04.1997
21/00867/FUL	Proposed construction of new bungalow and detached garage.	Approved	29.10.2021

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)

SP7 Place Shaping Principles

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP4 Housing Layout

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

Site Description

The application site is land on the eastern side of London Road to the immediate south of Stone Hall Drive, within the parish of Little Clacton. The surrounding area is largely dominated with residential properties, particularly to the north and west. To the east is a large area of agricultural land.

The site falls within the Settlement Development Boundary for Little Clacton within the Adopted Local Plan.

Planning History

Under planning application 21/00867/FUL, permission was previously granted on this site for a single detached bungalow.

Under planning reference 17/00790/FUL, planning permission was granted on the land to the east and south-east for 30 detached bungalows.

Description of Proposal

This planning application seeks permission for a variation of Condition 2 of planning permission 21/00867/FUL, which relates to the approved plans. The alterations to the previously approved design solely see amendments to the use of materials, as listed below:

Roof Tiles: Redland Fenland Pantile Breckland Brown to Redland Grovebury Farmhouse Red
Brickwork: Wienerberger Mardale Antique to Bespoke brick Company Buff Stock

Render: Cream Monocouche to Hardie Plank Midnight Black Cladding
Windows, soffit, fascia. White upvc to Sofft, Fascia, Anthrasite UPVC

No other changes are proposed.

Assessment

1. Principle of Development

The principle of the residential development of one dwelling on this site has previously been established within planning permission 21/00867/FUL. The determination therefore falls to the detailed considerations discussed below.

2. Visual Impacts

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.

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. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

The proposals submitted do not intend to amend the size and location of the proposed dwelling, and it will retain its detached single storey design. The amendments purely relate to the use of the materials, with the most notable difference being the use of cladding as opposed to render. These changes are not considered to result in any visual harm and are therefore supported.

3. Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Adopted Policy SP7 of the Adopted Local Plan requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

As previously stated, the changes result in no alterations to the size or siting of the proposed dwelling. As such there are no additional impacts to the nearest neighbouring properties that would justify a reason for refusal.

Other Considerations

Little Clacton Parish Council support the application.

There have been no other letters of representation received.

Conclusion

The proposed development is a minor variation to the scheme previously approved under 21/00867/FUL, and will not result in any significant visual impacts, or any additional impacts to neighbouring amenities. Therefore the application is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before 29th October 2024.

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 and document:

21/00867/FUL:

957/01a Proposed block plan.

957/loc a Amended site plan

957-03 Proposed garage floor plans and elevations

Materials shown in section 7 of the application form submitted with the application.

22/00562/VOC:

957/02 a Proposed floor plans and elevations

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

- 3 There should be no obstruction above ground level within a 2.4 m 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 vehicle access is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 4 Prior to the occupation of the dwelling the internal layout shall be provided in principal with drawing number from planning permission 21/00867/FUL:

957/01a - Proposed block plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 5 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 drop kerbs), shall be retained at that width for 6 metres within the site.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 6 No unbound material shall be used in the surface treatment of the proposed vehicular access/ driveway throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 All single garages should have a minimum internal measurement of 7m x 3m

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

- 8 The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 9 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

- 10 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. No materials produced as a result of the site development or clearance shall be burned on site.

Reason: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

- 11 The buildings shall not be occupied until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

- 12 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 the interest of visual amenity and the character of the area.

- 13 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes B or C 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), no enlargement, improvement or other alteration to the roof of the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to ensure that the site is not over-developed in the interest of the amenity of the occupants of adjacent dwellings, and in order to maintain a satisfactory appearance in the street scene in the interest of the visual amenity of the locality.

- 14 An electric vehicle charging point shall be provided for the approved dwelling prior to first occupation.

Reason: In the interests of sustainable transportation.

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.