

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	24/05/2022
Planning Development Manager authorisation:	JJ	25/05/2022
Admin checks / despatch completed	ER	25.05.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.05.2022

**Application:** 22/00594/VOC **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr Hayes

**Address:** 24 The Street Little Clacton Clacton On Sea

**Development:** Variation of condition 1 of application 19/01908/DETAIL to amend drawings due to proposed changes on plots 1, 2, 4 and 6.

### **1. Town / Parish Council**

Little Clacton Parish Council      No comments received

### **2. Consultation Responses**

Tree & Landscape Officer      No comments.  
22.04.2022

ECC Highways Dept      It is noted that this application concerns variation of condition 1 of original application 19/01908/DETAIL whereby variations have been made to amend the drawings. The revision does not alter the off-street parking or turning provision for the proposed development. As such, the Highway Authority does not object to the proposals as submitted.  
23.05.2022

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](mailto:development.management@essexhighways.org)

Environmental Protection      I have had a look at the proposed variation, and have also received the initial planning permission, in 2019 of which included the acoustician report due to the proximity of the working garage. I don't feel that we have any adverse comments to make on this variation, as I am not convinced this change would alter the impact of the noise on any of the new dwellings. As such, providing there has been no changes of which would result in a dwelling being located neared to the noisy activities, we have no comments to make.  
04.05.2022

### 3. Planning History

16/00427/OUT	Outline application for up to 10 dwellings with alterations to access.	Approved	06.01.2017
19/01887/DISCON	Discharge of condition 16 (site investigation) for approved application 16/00427/OUT.	Approved	23.12.2019
19/01908/DETAIL	Reserved matters approval for access, appearance, landscaping, layout and scale following outline approval 16/00427/OUT.	Approved	03.04.2020
21/01187/DISCON	Discharge of conditions 5 (Construction method Statement) and 6 (Estate roads and drainage drawings) of approved application 19/01908/DETAIL.	Approved	28.07.2021
21/01898/DISCON	Discharge of conditions 6, (Vehicular Turning facility) 13, (Storage of bicycles) 14, (Foul water strategy) 15 (Detailed surface water drainage scheme) and 16 (Phase 1 and 2 site investigation reports) of application 16/00427/OUT.	Approved	28.04.2022
22/00594/VOC	Variation of condition 1 of application 19/01908/DETAIL to amend drawings due to proposed changes on plots 1, 2, 4 and 6.	Current	

### 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)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

### **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 comprises 0.5 hectares of land at, adjoining, and to the rear of Hayes Garage on the eastern side of The Street and in the southern half of Little Clacton village. The site has a 32m frontage onto The Street. The narrow part of the site near the site entrance is currently being

used for car storage whilst the field to rear is used for rough grazing and its boundaries are clearly defined by mature hedgerows with hedgerow trees.

### Proposal

This application seeks a variation of condition 1 of application 19/01908/DETAIL to amend the approved drawings due to proposed changes on plots 1, 2, 4 and 6. The changes seek to revise the footprint of these properties by giving them greater depth in plan form. The appearance of the dwellings affected, when viewed from the access/private road, would remain as previously approved.

As a result of the increase in the size of the affected properties those dwellings on plots 1, 2 and 6 will go from comprising of 3 beds to 4 beds. The dwelling on plot 4 remains a 4 bed unit.

All other aspects of the development remain as previously approved.

### Appraisal

#### Principle

The principle of constructing 10 no. dwellings on this site was established through the granting of outline planning permission reference 16/00427/OUT and the subsequent reserved matters application 19/01908/DETAIL. The site is wholly within the settlement development of Little Clacton as contained within the Tendring District Local Plan 2013-2033 and Beyond (Section 2).

#### Design/Layout

The changes proposed do not materially alter the appearance of the scheme when viewed from public vantage points within the development or from The Street to the west. Whilst the revisions to the design results in the affected dwellings comprising of a deeper plan form, the visual impacts of the changes would largely be restricted to private views at the rear of the properties only.

In terms of the design approach the deeper plan form of the dwellings has been suitably broken up by the use of differing roof levels and a change in the type of exterior materials to be used in construction.

The properties would all retain garden sizes comfortably in excess of 100sqm and the parking arrangements in terms of quantum and size remains as previously approved.

The revisions to the approved development would therefore not result in any demonstrable harm to visual amenity.

#### Residential Amenities

The revisions to the development would not harm existing or future resident's amenity. To the north the increase in the depth of those properties located on plots 1 and 2 would not cause any harm due to the presence of a mature hedgerow on the northern boundary of the site and open agricultural fields located beyond. Furthermore, to the south is an area of woodland and therefore shared boundary with any existing residential properties.

Due to the good degree of spacing between the proposed dwellings and the presence of garaging in between the units there would be no adverse harm to future residents' amenity.

Consequently, the amendments would result in any adverse harm to existing and future residents' amenity.

#### Highways/Parking

The access point, parking provision and turning areas all remain as previously approved. Moreover, the affected plots all accommodate parking for 3 vehicles and therefore any increase in parking

requirements, due to the larger size of the properties, can be absorbed by the approved parking arrangements.

ECC-Highways have confirmed that they do not have any objections to the application.

### Conditions

All conditions from the DETAIL permission will be re-imposed and updated where necessary. In this respect it is noted that Condition 5 (CMS) and Condition 6 (Estate Roads Details) have been discharged, so the conditions will be re-worded to reflect the approved details.

### Legal Obligations

There was no legal agreement secured at outline stage as the development, at the time, fell below the required threshold to attract any contributions. At DETAIL stage a unilateral undertaking was completed to secure a RAMS payment.

The development has commenced and the RAMS contribution already paid. Consequently, there is no need for a deed of variation to update the undertaking.

### Other Considerations

Little Clacton Parish Council has not commented. No further letters of representation have been received.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans; 897-01A, 897-02A, 897-03, 897-04A, 897-05, 897-06A, 897-07, 897-08, 897-09A, 897-10A and document titled 'Schedule of Materials'.

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. 897-10A 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 - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the conservation area.

- 3 The development shall not be occupied until such time as the access road, vehicular turning facility, driveways, parking bays 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.

- 4 The dwellings shall be constructed in accordance with noise mitigation measures set out in the submitted Environmental Noise Assessment (as prepared by Sound Acoustics).

Reason - To safeguard future resident's amenity.

- 5 The development shall be construction in strict accordance with the details outlined within the 'Construction Method Statement' (Rev A July 2021), as approved under planning reference 21/01187/DISCON.

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

- 6 The estate roads and footways shall be constructed in accordance with those details outlined on drawing no. 05/20.05.005-C, as approved under planning reference 21/01187/DISCON.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

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

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.

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