

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|--|----------|------------|
| Case officer recommendation: | AP | 13/9/2023 |
| Planning Manager / Team Leader authorisation: | ML | 13/09/2023 |
| Planning Technician final checks and despatch: | JJ | 14/09/2023 |

Application: 23/00928/VOC **Town / Parish:** Little Clacton Parish Council

Applicant: Mr and Mrs Harriott

Address: Clovis Thorrington Road Little Clacton

Development: Application under section 73 of the Town and Country Planning Act, to allow a variation of condition 2 (Approved drawings) of 22/01628/FUL to change design of roof. Discharge of condition 10 (provision of water, energy & resource efficiency measures) of 22/01628/FUL.

1. Town / Parish Council

Little Clacton Parish Council Supports application

2. Consultation Responses

n/a

3. Planning History

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|--------------|---|-----------|------------|
| 01/01086/FUL | Placement of mobile home within residential curtilage for family relative | Approved | 22.08.2001 |
| 92/00848/FUL | (Clovis, Thorrington Road, Little Clacton) Side extension, detached garage, pitched roof over flat, garden wall | Approved | 15.09.1992 |
| 93/00044/OUT | (Plot between 'Astwich' and 'Clovis', Thorrington Road, Little Clacton) One detached dwelling house | Refused | 09.03.1993 |
| 93/00620/FUL | (Clovis, Thorrington Road, Little Clacton) Front garden wall 1.8 metres high | Refused | 13.07.1993 |
| 04/00191/FUL | Extension, garage and swimming pool enclosure. | Withdrawn | 11.03.2004 |
| 04/00903/FUL | Extension, garage and swimming pool enclosure. | Approved | 24.06.2004 |
| 22/01628/FUL | Sub-division of the site and conversion of the existing garage (including two-storey front and side | Approved | 22.02.2023 |

extensions and roof alterations) to form a new 4 bedroom dwelling.

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|--------------|---|---------|

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

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

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) 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.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendingdc.uk/content/neighbourhood-plans>

5. Officer Appraisal

Proposal

This application seeks planning permission for the variation of condition 2 (approved plans) and discharge of condition 10 (provision of water, energy and resource efficiency measures) for application 22/01628/FUL.

The changes alter the design and form of the roof, while water, energy and resource efficiency measures have been submitted in preparation for implementation.

Assessment

The proposal removes the half hip roof design and proposes a more traditional pitched roof form. In addition, the roof of the front extension will be reduced in height by 1 metre and in doing so reduces the proposal by one bedroom as a result of the restricted head height internally. The footprint, scale and overall design of the proposed dwelling will remain the same and therefore the changes will not significantly impact the street scene, the character of the area or neighbouring residential amenity.

There are no other impacts in comparison to the previously approved scheme.

Other Considerations

Provision of water, energy and resource efficiency measures have been submitted as part of the application which includes as a minimum:

- Agreement of provisions to ensure no more than 105 litres per person per day is used
- Agreement of carbon level
- Agreement of provisions to ensure the development is zero carbon ready
- An electric car charging points per dwelling
- A Water-butt per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

Dwg No. P01B confirms provision of an electric car charging point, a water butt, compost bin and recycling area. The dwelling will be heated by an air source heat pump. The submitted documents confirm water and energy efficiency measures.

The submitted information is considered acceptable and the measures will be secured by condition on the grant of planning permission.

Work on the site has commenced and the financial contribution secured by unilateral undertaking under reference 22/01628/FUL was paid in full on 11 September 2023 and therefore it is not necessary to enter into any further legal agreements.

Little Clacton Parish Council support the application and recommend approval.

No other letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

1 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

22/01628/FUL
Drawing No. P02B

23/00928/VOC
Drawing No. P01B

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar,

will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 2 There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage of the dwelling hereby approved. Such vehicular visibility splays shall be provided before the access to the dwelling hereby approved 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.

- 3 Prior to occupation of the dwelling hereby approved, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the carriageway, shall be provided on both sides of the vehicular access to the dwelling hereby approved. 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 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the Thorrington Road carriageway.

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

- 5 Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the verge.

Reason: In the interest of highway safety.

- 6 The public's rights and ease of passage over public footpath no.11 (Little Clacton_173) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 7 The dwelling hereby approved shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 8 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of Thorrington Road.

Reason: 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.

- 9 The scheme submitted for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be fully implemented prior to

the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed, and the measures provided and made available for use as agreed and thereafter shall be maintained.

Reason: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

- 10 Notwithstanding the provisions of Schedule 2 Part 1 Classes B, C and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no porches or alterations to the roof of the dwelling shall be carried out except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason: Due to the unique roof design and to minimise and retain control over the amount of development in this location.

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.

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| 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 |