

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	JJJ	25/04/2024
Team Leader authorisation / sign off:	ML	25/04/2024
Assistant Planner final checks and despatch:	ER	25/04/2024

**Application:** 24/00123/VOC **Town / Parish:** Little Clacton

**Applicant:** Mr Andrew Moon

**Address:** Crossways Thorpe Road Little Clacton Essex CO16 9RZ

**Development:** Variation of Condition 2 of planning permission 19/01598/FUL to ensure condition 2 relates to amended drawings.

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

Little Clacton Parish Supports Application.  
Council

### **2. Consultation Responses** (N/A – scheme relates to minor design changes only)

### **3. Planning History**

19/01598/FUL	Erection of 21 houses and associated development following demolition of existing buildings.	Approved	–
		26/07/2021	
22/00754/DISCON	Discharge of conditions 3 (Materials), 4 (Construction Method Statement), 5 (Highway Details), 7 (Estate Details), 8 (Turning Facilities), 13 (Landscaping Scheme), 15 (Boundary Treatments), 17 (Reptile Migration Strategy), 18 (Biodiversity Enhancement Scheme), 19 (Lighting), 20 (Surface Water Drainage), 21 (Drainage Maintenance Plan), 23 (Foul Water Drainage) and 27 (Pedestrian Footpath) of application 19/01598/FUL.	Approved	–
		29/03/2023	

### **4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19<sup>th</sup> December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## **5. 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.tendringdc.uk/content/neighbourhood-plans>

There are no neighbourhood plans in place for this area.

## **6. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework December (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)

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL10 Renewable Energy Generation  
HP5 Open Space, Sports & Recreation Facilities  
SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
CP1 Sustainable Transport and Accessibility

#### Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)  
Essex Design Guide

#### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## 7. **Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is located to the north of Clacton and the east of Little Clacton. It measures approx. 0.8 hectares. Development has commenced on planning approval 19/01598/FUL referred to above.

To the immediate north of the site lies a detached 2 storey dwelling and large associated garden, where planning permission was granted (16/00912/FUL) for the erection of 5 no. dwellings and associate garaging and ancillary works. However, as there have been no Building Control applications or discharge of condition application it is considered that this consent has now expired.

### Proposal

Variation of Condition 2 of planning permission 19/01598/FUL to ensure condition 2 relates to amended drawings.

The changes are limited to the addition of a limited number of windows on some dwellings, and in areas as shown. Specifically, only en-suite windows have been added to plots 1-3. Plots 16-21 have been mirrored.

### Assessment

The main considerations of this application will be the visual impact and the impact on residential amenities. The principle of development has been established through the approval mentioned above, and works have commenced on site.

### Design and Appearance

The changes to the fenestration do not have a detrimental impact on the appearance of the new dwellings or indeed on the character of the local area. The footprint and overall design of the affected dwellings will remain the same, with the exception of the addition of a limited number of windows in limited areas as shown. Specifically, only en-suite windows have been added to plots 1-3. Plots 16-21 have been mirrored.

Given the nature of the proposed changes there is not considered to be any adverse impacts to visual amenity.

### Impact on residential amenities

The removal and introduction windows in limited areas will not increase the risk of overlooking to neighbouring properties.

The separation distances between the new dwellings and the neighbouring properties remains the same, with the height of the eaves and the ridge heights also remaining exactly the same compared to the previous approval.

### Other Considerations

Little Clacton Parish Council did not respond to a consultation.

No further representations have been received.

The original section 106 agreement attached to application reference 19/01598/FUL includes the clause which explicitly states that the covenants and provisions of the said legal agreement shall bind any varied permission and apply in equal terms to the new planning permission. As such there is no need for the applicant to enter into a separate deed of variation.

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

### Conclusion

In the absence of any material harm as a result of the development, this application is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. 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.

#### 19/01598/FUL

0493\_A\_DD\_001  
0493\_A\_DD\_010/D  
0493\_A\_DD\_013\_A  
0493\_A\_DD\_017\_B  
0493\_A\_DD\_018\_B  
0493\_A\_DD\_019\_A  
0493\_A\_DD\_020\_A  
0493\_A\_DD\_021\_B  
0493\_A\_DD\_023\_C

#### 24/00123/VOC

0493_a_dd_014_b	Plots 3, 4, and 5 - house type a elevations - rec'd 25/01/24
0493_a_dd_015_c	Plots 6-10 and 16-21 - house type b floor plans - rec'd 25/01/24
0493_a_dd_016_c	Plots 6-10 and 16-21 - house type b elevations - rec'd 25/01/24
0493_a_dd_012_b	Plots 1 and 2 - house type a elevations - rec'd 25/01/24
0493_a_dd_011_b	Plots 1 and 2 - house type a floor plans - rec'd 25/01/24
0493_a_dd_022_b	Proposed street elevations - rec'd 25/01/24

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 The development shall be carried out in accordance with the materials and details as approved under conditional discharge approval reference 22/00754/DISCON.

Reason - To ensure that materials of an acceptable quality appropriate to the area.

- 3 All measures and requirements as set out in the Construction Method Statement as approved under reference 22/00754/DISCON shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity.

- 4 The development shall be carried out in accordance with the drawings and details approved under condition 5 of conditional approval reference 22/00754/DISCON.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 5 No occupation of the development shall take place until a priority junction off Thorpe Road to provide access to the proposal site has been completed. The junction shall include but not be limited to a 6.0-metre wide carriageway, 2no. 6 metre kerbed radii and a 2.4 x 180 metre visibility splay southbound and 2.4 x 205 metre visibility splay northbound.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

- 6 The development shall be carried out in accordance with the drawings and details approved under condition 7 of conditional approval reference 22/00754/DISCON.

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 7 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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

- 8 Prior to occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent of 4 low kerbs) for an individual access, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 9 The boundary planting as approved under condition 13 of conditional approval 22/00754/DISCON 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 No dwelling shall be occupied until such time as the vehicle parking area indicated on the approved plans, for that dwelling, has been hard surfaced, sealed and marked out in parking bays. 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.

- 11 Prior to occupation of the development hereby approved, 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 free of charge).

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 12 The development shall be carried out in accordance with the landscaping drawings and details approved under condition 13 of conditional approval reference 22/00754/DISCON.

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

- 13 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 interests of visual amenity and the character of the area.

- 14 The development shall be carried out in accordance with the boundary treatment drawings and details approved under condition 15 of conditional approval reference 22/00754/DISCON.

Reason - To protect the amenities and privacy of occupiers and in the interest of visual amenity.

- 15 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1, Bat Emergence and Reptile Surveys (Hillier Ecology, November 2019) already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 16 The development shall be carried out in accordance with the information and details approved under condition 17 of conditional approval reference 22/00754/DISCON. The said Reptile Mitigation Strategy shall be implemented in accordance with these approved details and all features shall be retained in that manner thereafter.

Reason - To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 The development shall be carried out in accordance with the information and details approved under condition 18 of conditional approval reference 22/00754/DISCON and shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 18 The development shall be carried out in accordance with the drawings and details approved under condition 19 of conditional approval reference 22/00754/DISCON. All external lighting shall be installed in accordance with the specifications and locations set out in that scheme and maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason - To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 19 The development shall be carried out in accordance with the drawings and details approved under condition 20 of conditional approval reference 22/00754/DISCON. The surface water drainage scheme shall subsequently be implemented on site in accordance with the approved details prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. - To ensure the effective operation of SuDS features over the lifetime of the development. - To provide mitigation of any environmental harm which may be caused to the local water environment - Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 20 The development shall be carried out in accordance with the drawings and details approved under condition 21 of conditional approval reference 22/00754/DISCON. The surface water drainage strategy shall be maintained in accordance with these approved details.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 21 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 22 The development shall be carried out in accordance with the drawings and details approved under condition 23 of conditional approval reference 22/00754/DISCON. Prior to the occupation of the development, the foul water drainage works relating to the development must have been carried out in complete accordance with the approved scheme.

Reason - To prevent environmental and amenity problems arising from flooding.

- 23 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings 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 the interests of the amenities of the occupants of neighbouring property.

- 24 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

- 25 The development shall be carried out in accordance with the drawings and details approved under condition 27 of conditional approval reference 22/00754/DISCON. The footpath shall provide a link to the neighbouring development approved under application 18/01800/DETAIL. The footpath shall be provided in accordance with the details as approved under conditional discharge reference 22/00754/DISCON prior to the first occupation of the development hereby permitted and shall be maintained in perpetuity.

Reason - To ensure adequate pedestrian links, in the interest of highway safety.



## 10. 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.

### Highways Informatives

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)

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.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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.

### Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
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Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

**11. Notification of Decision**

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