

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		NH	28/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	YES / NO		
Team Leader authorisation / sign off:		JJJ	28/10/2024
Assistant Planner final checks and despatch:		ER	28/10/2024

**Application:** 24/01291/VOC **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Thompson - Cage Properties Limited

**Address:** 520 St Johns Road Clacton On Sea Essex

**Development:** Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Drawings) of application 22/01321/FUL to change rear conservatory construction to solid brick and tile.

### 1. Town / Parish Council

Clacton is non parished

### 2. Consultation Responses

Not applicable

### 3. Planning History

22/01321/FUL	Proposed new bungalow and garage.	Approved	24.02.2023
23/00379/DISCON	Discharge of conditions 3, (Construction method statement) 4, (Landscape plan) and 6 (Zero carbon statement) of application 22/01321/FUL	Approved	05.05.2023

### 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.

### 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.tendingdc.uk/content/neighbourhood-plans>

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

National:

National Planning Policy Framework July 2023 (NPPF)  
National Planning Practice Guidance (NPPG)

Local:

Tending 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

Tending 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  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL10 Renewable Energy Generation  
CP1 Sustainable Transport and Accessibility  
DI1 Infrastructure Delivery and Impact Mitigation

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

### **Site Description**

The application site comprises of an area of land that currently forms part of the rear garden of No. 520 St Johns Road and land immediately to the north of the garden boundary. The part of the application site that lies beyond the current garden boundary forms part of a larger site that has planning permission for the development of 12 x 3-bedroom bungalows (ref. 20/01218/DETAIL/22/01331/VOC at 522 St Johns Road) and is currently under construction.

Currently No. 520 St Johns Road comprises a detached chalet bungalow that is located on the north side of road, with a front and rear garden. The property benefits from vehicular access off the highway with a hardstanding to the front/side of the dwelling. No. 520 sits within a ribbon of dwellings (508-520 St Johns Road) which are predominantly bungalows/chalet bungalows. The application site is situated within the defined settlement development boundary for Clacton-on Sea in the adopted local plan and is also close to the strategic housing allocation at Rouses Farm (ref. Local Plan Policy SAMU4) which proposes an urban extension of approximately 950 dwellings. The site is also located within Flood Zone 1 which has a low risk of flooding.

## History

Planning permission was approved for the erection of a new bungalow and garage under planning reference 22/01321/FUL.

## Proposal

This application seeks to vary condition 2 of 24/01291/VOC to change the rear conservatory construction to solid brick and tile.

## Assessment

The main considerations are;

- Principle of Development,
- Scale, Layout and Appearance,
- Residential Amenities,
- Highway Considerations and Parking Provision,
- Financial Contributions - Recreational Disturbances and Conditions
- Habitats, Protected Species and Biodiversity Enhancement
- Representations
- Conclusion

### 1. Principle of development

The principle of development has been established by the granting of planning application 22/01321/FUL. The detailed consideration has therefore been addressed below.

### 2. Scale, Layout and Appearance

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) 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. Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposed application only refers to the conservatory element of application 22/0131/FUL. The proposed extension will replace the existing conservatory located to the north of the bungalow. The extension is single storey, constructed from matching materials to those used within the host dwelling and due to the close proximity to the highway, it is considered a visual improvement.

### 3. Residential Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions 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.

Policy SP7 of Section 1 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.

Due to the single storey nature of the proposal as well as the distance to the neighbouring dwelling to the north and south east of the application site, it is not considered that the proposed extension will cause any neighbouring harm to the neighbouring amenities.

#### 4. Highway Considerations and Parking Provision

Paragraph 110 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of this policy are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

The revised scheme does not alter the parking provision approved under 22/01321/FUL.

#### 6. Financial Contributions - Recreational Disturbances and Conditions

Confirmation has been provided that the RAMs contribution, as secured by undertaking at the original application stage, has been paid upon commencement. Consequently, a fresh undertaking is not required.

The original conditions will be re-applied and updated where necessary.

#### 8. Habitats, Protected Species and Biodiversity Enhancement

##### *Ecology and Biodiversity*

##### *General duty on all authorities*

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

##### *Biodiversity net gain*

This application to vary condition 2 of the planning permission under section 73 which was made on 23rd August 2024, which is after 12 February 2024 (the commencement of the statutory framework for biodiversity net gain) and is therefore not in scope as the original permission (to which the section 73 application relates) was granted before this date. This proposal is not therefore applicable for Biodiversity Net Gain.

##### *Protected Species*

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

##### *Conclusion*

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

## 10. Representations

Clacton is non parished.

No letters of representation have been received.

## 11. Conclusions and Recommendations

In the absence of any harm resulting from the revised development, the application is recommended for approval subject to conditions and any related discharge of condition approvals.

## 8. **Recommendation**

Approval - Full

## 9. **Conditions**

### 1 COMPLIANCE REQUIRED: COMMENCEMENT SECTION 73 TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration 24th February 2026.

REASON: To comply with the requirements of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### NOTE/S FOR CONDITION:

The development needs to commence (if not already commenced) within the timeframe provided unchanged from the permission varied. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 2 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).

Drawing No. PA-10A

Drawing No. PA-11A

REASON: For the avoidance of doubt.

#### 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.

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.

### 3 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Method Statement approved under 23/00379/DISCON on 4 May 2023 shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of public amenity and highway safety.

### 4 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved Landscape Plan received on 10 March 2023 approved under 23/00379/DISCON on 4 May 2023 shall be carried out in full 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 approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

### 5 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: The sustainability measures detailed within the zero carbon statement dated March 2023 approved under 23/00379/DISCON on 4 May 2023 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 may be 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.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case,

please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

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.

- 6      **CONDITION:** Prior to the first occupation of the development hereby approved, 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 3.6 metres and shall be retained at that width for 5.5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

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

- 7      **CONDITION:** The detached garage hereby approved under planning application 22/01321/FUL shall be used only for the parking of motor vehicles and cycles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

REASON: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

## **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.

### Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

## **11. 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
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

## 12. Notification of Decision

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Has there been a declaration of interest made on this application?</b>  <b>No Declarations Of Interest Made</b>	<b>YES</b>	<b>NO</b>