

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	19/12/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	19/12/2024
Assistant Planner final checks and despatch:		ER	19/12/2024

Application: 24/01646/VOC **Town / Parish:** Little Clacton Parish Council

Applicant: Mr David Messenger

Address: Thorpe House 149 Harwich Road Little Clacton

Development: Application under Section 73 of the Town and Country Planning Act for Variation of Condition 3 (Ground visibility splay) of application (19/00698/FUL) to enable change to 90m instead of 120m.

1. Town / Parish Council

Little Clacton Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept
17.12.2024

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. As per the original application the proposed two dwellings will use an established vehicular access used by the host dwelling and has included the removal of the hedge across the entire site frontage of the host dwelling. The proposal only relates to the non-traffic approach (east), the proposed change has been agreed with the Development Management team and is one step below the minimum within the DMRB for stopping sight distances, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As indicated on drawing no. 23-027-DR-CE-2001 Rev. C, and prior to occupation of the development, the road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 120 metres to the south-west and 2.4 metres by 90 metres to the north-east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm at all times across the entire site frontage.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Any new boundary planting 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 and in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informative:

i) 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 must 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

ii) 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.

iii) 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.

3. **Planning History**

03/02493/OUT	Proposed dwelling	Refused	16.02.2004
04/00906/OUT	Demolition of house and outbuildings and formation of six dwellings.	Refused	15.06.2004
05/00247/OUT	Demolition of house and outbuildings and formation of dwellings	Refused	04.04.2005
06/00987/FUL	40 bed elderly care home.	Refused	18.08.2006
07/01392/FUL	Erection of 33 bedroom elderly care home.	Refused	15.10.2007
91/01009/OUT	Erection of house.	Refused	08.10.1991
19/00698/FUL	Proposed erection of 2no. single storey Bungalows to the rear of site.	Approved	20.01.2020

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 19th 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 July 2024, and demonstrates a 6.26-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 that relate to this site.

6. Relevant Policies / Government Guidance

National:
National Planning Policy Framework 2024 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

7. **Officer Appraisal**

Site Description

The application site is land located to the rear of Numbers 145 and 149 Harwich Road, within the parish of Little Clacton. The immediate surrounding area sees a number of residential dwellings to the east. To the north-east, under planning permission 16/00746/FUL, two dwellings are currently under construction, while to the north two dwellings have been built following planning permission 14/01858/OUT (won at appeal). Further out to the north, and adjacent to the west, the character is more rural, with large areas of grassed and agricultural land.

Planning History

Under reference 19/00698/FUL planning permission was granted in January 2020 for the erection of two dwellings. Within the determination of the discharge of conditions application in August 2023 evidence was provided to demonstrate that the permission had been implemented within the three year time limit, and therefore this permission remains extant.

Description of Proposal

This application seeks planning permission for the variation of Condition 3 of 19/00698/FUL, which related to visibility splays. The application seeks to reduce the splays from 120 metres to 90 metres.

Assessment

1. Principle of Development

The application site falls outside of the Settlement Development Boundary for Little Clacton within the adopted Local Plan 2013-2033, however on this occasion Officers note that the principle of development has previously been accepted through the granting of permission 19/00698/FUL. Evidence has also been provided to the Council to demonstrate that this permission was lawfully implemented in accordance with Condition 1 of 19/00698/FUL, and therefore the permission remains extant, and the principle of development is supported.

2. Highway Safety

Paragraph 116 of the National Planning Policy Framework (2024) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, whilst Paragraph 110 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking. Adopted Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

Essex Highways Authority have been consulted on the application given that the proposed amendments relate to the visibility splays that they had previously recommended. They have confirmed that the proposal utilises an established vehicular access used by the host dwelling and has also included the removal of the hedge across the entire site frontage. Given this, and that the proposal only relates to the non-traffic approach (east), from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority. They recommend two conditions; firstly, amended wording for the visibility splay condition to reflect the amended distances, and secondly to ensure any boundary planting is planted a minimum of 1 metre back from the highway. The latter condition was, however, previously included within the list of conditions relating to permission 19/00698/FUL.

Other Considerations

The altered visibility splays will result in no visual impacts and will also result in a neutral impact to the amenities of neighbouring residents.

Little Clacton Parish Council have not provided any comments.

There has been one letter of observation received, raising concerns that the works would include the removal of the hedge which is within the ownership of 151 Harwich Road. In response to this, Officers note the comment, but this would be a private matter separate from the Planning system. The previous permission allowed for visibility splays measuring 120 metres, so the proposal to reduce this to 90 metres could not reasonably be objected to on this basis. Moreover, the plans state that the hedge will only be trimmed back to the highway boundary.

Conclusion

The proposal will result in the reduction of the visibility splays previously granted permission under reference 19/00698/FUL. The principle of development of the site for two dwellings has previously been established, with evidence provided to demonstrate that earlier permission was lawfully implemented. ECC Highways have raised no objections to the reduction in visibility splays, and the proposal would result in a neutral impact to both the character and appearance of the area, as well as to existing neighbouring amenities. Accordingly, the application is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval.

9. Conditions

- 1 Condition - The development hereby permitted shall be carried out in accordance with the following approved plans

19/00698/FUL:

Documents titled 'Location Plan' Drawing No. 63.101, 'Proposed Ground Floor Plans' Drawing No. 63.102B, 'Plot 1 Elevations' 63.104, 'Plot 2 Elevations' 63.105B, 'Proposed Roof

Plans' Drawing No. 63.103B, 'Arboricultural Planning Report', and drawing numbers 63.105A and 63.106.

24/01646/VOC:

Drawing Number 23-027-DR-CE-2001 Revision C.

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

- 2 Condition - Prior to occupation of the development, the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the south-west and 2.4 metres by 90 metres to the north-east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic from the development and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 3 Condition - Prior to first 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. This also applies to the host property 149 Harwich Road.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 4 Condition - No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

- 5 Condition - Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 6 Condition - There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 Condition - Any new boundary planting 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.

- 8 Condition - The scheme of hard and soft landscaping works for the site shall be in full accordance with the details as submitted and agreed within reference 23/01007/DISCON.

Reason - To enhance the visual impact of the proposed works.

- 9 Condition - 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 -To enhance the visual impact of the proposed works.

- 10 Condition - Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E 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), there shall be no additions to the dwelling or the roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the semi-rural landscape and to ensure the site is not overdeveloped.

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:

- i) 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 must 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
- ii) 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.
- iii) 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.

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

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO