

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	11/06/2018
Planning Development Manager authorisation:	SCE RW	12.06.18
Admin checks / despatch completed		12/6/18

ER

Application: 18/00603/FUL **Town / Parish:** Clacton Non Parished
Applicant: R.Burfoot Construction Ltd
Address: All Souls Catholic Church Brighton Road Holland On Sea
Development: Erection of five bungalows (following demolition of existing church).

1. Town / Parish Council

N/a

2. Consultation Responses

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above application for the following reasons:

Whilst it is recognised the church would have generated a certain level of traffic, it is currently served through one point of access. The proposal as submitted shows the introduction of a second access adjacent to the existing.

This Authority aims to limit unnecessary points of conflict with highway users and this second access will just lead to uncertainty and an increased risk of collisions within the highway.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011;

A) Safety - Policy DM1 of the Highway Authority's Development Management Policies February 2011

On receipt of an amended plan showing pots 1 and 2 sharing an access taken from the proposed private drive, this Authority would submit a favourable recommendation.

Tree & Landscape Officer

The application site is relatively well populated with small established trees primarily on the boundary of the land and close to the car park area.

On the boundary with Brighton Road there are two Hornbeams that are mature healthy specimens that make a positive contribution to the appearance of the area. There are Flowering Cherries close to the car park and Acer species adjacent to the boundary with Brighton Road and Frinton Road. Also along the boundary with Frinton Road and in the area directly adjacent to the gas governor there are a group of Elm that have regrown as suckers from the roots of trees that have been removed some years ago. Collectively the trees have a positive

impact on the character and appearance of the public realm.

In order to show the trees that would be retained and those that would need to be removed in order to facilitate the development of the land the applicant has provided a detailed soft landscaping plan. The plan also shows new planting to compensate for the loss of some of the trees. These being: - one of the Hornbeam, the Flowering Cherries and the group of Elm.

On balance it is considered that the development proposal will result in a net gain in the local tree population and that the harm caused by the removal of some of the trees will be adequately mitigated by new planting. At the present time it is not considered necessary to make any of the trees the subject of a new Tree Preservation Order although if planning permission were to be granted then it may be expedient to protect trees, on completion of the development, in order to manage post development pressures.

In terms of the layout of the development it appears that the need to remove one of the Hornbeams in order to create the new vehicular access could be avoided if the access to Plot 1 and the shared access to the remaining plots were to be rationalised so that only one point of access were to be created.

The soft landscaping shown should be secured by a planning condition.

Waste Management

No comments at this stage.

Environmental Protection

Pollution and Environmental Control would also ask that the following is conditioned:

Construction and demolition noise/dust/light:

Site Clearance, Demolition & Construction In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is conditioned

Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

- Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the

Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Lighting control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Building Control and
Access Officer

No comments at this stage.

3. Planning History

05/00537/FUL

Extension

Approved

13.05.2005

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development
 QL10 Designing New Development to Meet Functional Needs
 QL11 Environmental Impacts and Compatibility of Uses
 HG3 Residential Development Within Defined Settlements
 HG9 Private Amenity Space
 HG14 Side Isolation
 COM3 Protection of Existing Local Services and Facilities
 TR1A Development Affecting Highways
 TR7 Vehicle Parking at New Development
 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
 SP1 Presumption in Favour of Sustainable Development
 SPL1 Managing Growth
 SPL2 Settlement Development Boundaries
 SPL3 Sustainable Design
 LP3 Housing Density and Standards
 HP2 Community Facilities
 Local Planning Guidance
 Essex Design Guide
 Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

- The application proposes the erection of five detached bungalows following demolition of the existing Church.

- The plans have been amended twice since original submission. The first amendment addressed the Highway Authority's objection by removing the second vehicular access. This also enabled retention of the existing Hornbeam tree.
- The second amendment relocated the detached garage to plot 5 from the northern boundary to its opposite side altering the siting, footprint and elevations; reduced all fencing along the northern boundary from 1.8m high to 1m high; and reduced the access road along the northern boundary enabling more soft landscaping.

Context

- The site occupies a corner plot at the junctions of Brighton Road and Frinton Road within the settlement development boundary of Holland on Sea in both the saved and draft local plans. The site currently comprises a flat roofed single storey church building which is vacant and stated to be declared surplus to requirements by the Diocese. There are two existing vehicular accesses and a car park to the south of the site. The site has a number of semi mature trees and soft landscaping.
- Immediately to the south is a detached front gabled chalet bungalow. Hipped roof bungalows lie to the west (rear) in Edison Road. Directly opposite the site is a three storey flat roof block of flats, and on the opposite side of Frinton Road are two storey terraced houses. Immediately adjacent to the site, on the Frinton Road frontage is a bus stop shelter.

Representations

- One letter of objection has been received summarised below (response in brackets):
 - Plot 1 will block light to our side secondary/annexe living room window (as detailed in the report below no material loss of light will result due to separation and ridge height).
 - Noise, traffic and parking concerns during and after construction (addressed in the report).
 - 7am until 6pm working hours six days a week is unreasonable and should be reduced (standard restricted hours are 08:00 and 18:00 Monday to Friday and 0800-1300 on Saturdays. These hours are considered to represent a balance between preserving residential amenity and allowing construction to proceed swiftly).
 - Concerned about loss of landscape and particularly trees (addressed in the report and the amendments secure retention of the Hornbeam and additional soft landscaping to the north).

Principle of development

- The site lies within the settlement development boundary of both the Saved and Draft Local Plans where the principle of residential development is accepted under Saved Policy HG3 subject to the detail of the proposal being in accordance with national and local planning policy.

Loss of community facility

- The existing use as a church represents a local community facility which is protected by saved Policy COM3 of the adopted 2007 Local Plan. The Policy states that:
 - In order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless:
 - It provides replacement facilities within reasonable walking distance of an equal benefit, which are readily accessible to local people and served by viable public transport; or
 - There is adequate provision of similar facilities within reasonable walking distance (800m); or
 - It has been demonstrated that there is no longer a local need for the facility or it is no longer viable, and that where appropriate reasonable attempts have been made to sell or let the premises for continued operation in its existing or last use without success.
 - The partial redevelopment or change of use of a facility will only be permitted providing that it will not prejudice the viability or future operation of that facility.

Holland on Sea Baptist Church is located at 145 Frinton Road a short walk of around 480 metres away so there is adequate provision of similar facilities within reasonable walking distance in accordance with saved Policy COM3. There is therefore no objection to the loss of the church and the redevelopment for housing can be considered below.

Design

- The 5 detached bungalows have generous footprints but their fully hipped roofs ensure that the height and bulk of the dwellings is not excessive or out of scale with neighbouring development.

They retain adequate separation to all internal and external boundaries to prevent any cramped appearance.

- The detailed design and footprint varies across the plots comprising front gables, hips and bay windows to add variety to the development and is acceptable in relation to the character of surrounding development.
- A materials schedule is provided which includes three brick types, three roof tiles and three block paving colours for the buildings, parking areas and access drive. This ensures variety across the development and reflects the variety of construction materials in the immediate locality.
- Each property has in excess of the minimum 100 sq m private amenity space required by saved Policy HG9, and also all have ample front gardens in addition to side parking areas to secure sufficient soft landscaping to the development.
- There are two semi-mature Hornbeams and three young Maple trees on the site. The amended plans ensure retention of all these trees. A detailed soft landscaping plan is included with the application which also shows new planting to compensate for the loss of some Flowering Cherries and suckering Elm.
- The Council's Tree Officer considered that the original proposal on balance would result in a net gain in the local tree population and that the harm caused by the removal of some of the trees will be adequately mitigated by new planting. At the present time it is not considered necessary to make any of the trees the subject of a new Tree Preservation Order although if planning permission were to be granted then it may be expedient to protect trees, on completion of the development, in order to manage post development pressures. He added that in terms of the layout of the development it appears that the need to remove one of the Hornbeams in order to create the new vehicular access could be avoided if the access to Plot 1 and the shared access to the remaining plots were to be rationalised so that only one point of access were to be created. This change has been made and the Hornbeam is now retained, there is also an improvement to the northern boundary through relocation of the garage and reduction of the access drive allowing more soft landscaping in this prominent corner location. A condition will be imposed to secure the proposed landscaping.

Residential amenity

- Plans are provided showing 1.8m high close boarded fencing to all internal and external boundaries with neighbouring dwellings. The bungalows proposed are all single storey ensuring no overlooking of neighbouring properties.
- The ridge height of the bungalows also prevents any future conversion so permitted development rights for dormer windows or roof lights do not need to be removed. The low ridge heights also ensures impact on outlook and light to neighbouring properties would not be significant.
- Number 57 to the immediate southern boundary is a chalet bungalow which is separated from the boundary by its driveway. It has one ground floor window on the facing flank, stated by the neighbour to serve a living room. Due to the hipped roof and low ridge height of the front projection there would be no material loss of light in accordance with the calculations specified in the Essex Design Guide. Impact on outlook would also be minor given the fully hipped roof resulting in a low ridge height.
- The rear boundaries of all five plots abut the rear boundaries of properties at 1a, 1, 3 and 5 Edison Road which are all hipped roof bungalows. As stated above there would be no material loss of light, privacy or outlook to these properties.
- At the northern corner the side boundary of 198 Frinton Road abuts the rear boundary to Plot 5. This is a two storey building which appears to accommodate a pair of semi detached dwellings. Plot 5 and this building are sited at an angle to each other with adequate separation to prevent any material loss of light, privacy or outlook..
- The previous use as a Church would have generated significant vehicular and pedestrian movements and activity at peak times. The redevelopment for 5 bungalows is not therefore considered likely to result in any significant impact upon amenity in terms of noise or other disturbance.
- TDC Pollution have requested that prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement for written approval. This is to minimise potential nuisance to nearby existing residents caused by construction and demolition works given the close proximity of the existing Church to neighbouring occupiers. A condition will therefore be imposed to secure this in the interests of residential amenity. An informative will also be added providing guidance on what is required.

Highway safety

- The site benefits from two vehicular accesses currently with the southern car park access retained to serve the development and the northern access redundant in the proposals. A condition will therefore be imposed to secure details of how this northern access will be permanently closed in the interests of highway safety.
- The Highway Authority commented on the original proposal and raised an objection for the following reasons: Whilst it is recognised the church would have generated a certain level of traffic, it is currently served through one point of access. The proposal as submitted shows the introduction of a second access adjacent to the existing. This Authority aims to limit unnecessary points of conflict with highway users and this second access will just lead to uncertainty and an increased risk of collisions within the highway. On receipt of an amended plan showing plots 1 and 2 sharing an access taken from the proposed private drive, this Authority would submit a favourable recommendation.
- Amended plans have been received fully addressing this objection. The proposal also involves the existing northern access becoming redundant therefore removing an existing point of access onto the highway. The five bungalows now share the existing main car park access and the level of traffic associated with five bungalows is clearly less than that associated with the Church and its associated peak times. There can therefore be no objection on highway safety grounds.
- Each property is provided with two off street parking spaces in accordance with the dimensions specified in the adopted parking standards. Plots 1, 2, 3 and 4 all have attached garages measuring 2.8mx5.2m which are below the adopted parking standards sizes but are in addition to the two off street parking spaces so there is no objection to the undersized garages. Plot 5 has a garage in accordance with the minimum 7mx3m parking standards so this represents a usable parking space.
- Cycle storage can be accommodated within the garages on each plot.
- The application is accompanied by a Method Statement Plan to ensure all parking, loading and wheel cleaning of construction traffic can take place within the confines of the site. A condition will be imposed to secure these details in the interests of highway safety.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans/information: Location Plan, Materials Schedule, Proposed Site Layout received 07/06/18, Proposed Fence Layout received 07/06/18, Landscaping Scheme received 07/06/18, Method Statement Plan received 07/06/18, Floor Plan for Plots 1 and 3, Floor Plan for Plot 2, Floor Plan for Plot 4, Floor Plan for Plot 5 received 07/06/18, Elevations for Plots 1 and 3, Elevations for Plot 2, Elevations for Plot 4, and Elevations for Plot 5 received 07/06/18.

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

- 3 The construction materials to be used shall be as detailed on the submitted Materials Schedule, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure a satisfactory appearance to the development in the interests of visual amenity.

- 4 The garage to Plot 5 and parking spaces to all plots, as shown on Proposed Site Layout received 07/06/18, shall be provided prior to occupation of the hereby approved dwellings and shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 5 The existing northern access to the site as shown on the Location Plan shall be permanently closed, in a manner to have been previously approved in writing by the Local Planning Authority prior to occupation of any of the hereby approved dwellings.

Reason - To remove unnecessary points of access to the public highway in the interests of highway safety.

- 6 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.

- 7 The parking, loading, unloading, wheel cleaning and material storage areas shown on the Method Statement Plan received 07/06/18 shall be provided prior to commencement of development including demolition and shall be retained for the duration of the demolition and construction periods.

Reason - In the interests of highway safety and convenience.

- 8 Prior to the commencement of any site clearance, demolition or construction works, a full method statement shall have been submitted to and approved in writing by the Local Planning Authority. The method statement shall include hours of demolition/construction; noise, vibration, and dust suppression measures; waste disposal; and lighting. All works shall be undertaken in compliance with the approved details.

Reason - To minimise potential nuisance to existing residents caused by construction and demolition works given the close proximity of the site to neighbouring occupiers.

- 9 The approved boundary treatments as shown on Proposed Fence Layout received 07/06/18 shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

- 10 All hard landscaping, planting, seeding or turfing shown on the approved Landscaping Scheme received 07/06/18 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 adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 11 Prior to occupation of the hereby approved dwellings a bin store shall be provided in close proximity to the vehicular access, in accordance with details to have been previously approved in writing by the Local Planning Authority. The bin store shall be retained as approved thereafter.

Reason - To ensure a satisfactory appearance to the development and in the interests of highway safety.

- 12 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Reason: In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

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.

Informative relating to full method statement:

- Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

- 1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose
- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Lighting control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. This gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Highways informatives

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - 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.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.