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Please ask for: Amy Lang
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Website: www.tendringdc.gov.uk

9 August 2023

Dear Nikki,

PRE-APPLICATION ENQUIRY

REFERENCE NUMBER:	23/30124/PREAPP
ENQUIRY:	PROPOSED REPLACEMENT SINGLE PRIVATE DWELLING WITH NEW RESIDENTIAL BUILDING CONTAINING 2 NO. FLATS (3 CONCEPT OPTIONS SUBMITTED).
LOCATION:	139 MARINE PARADE EAST, CLACTON ON SEA, ESSEX, CO15 5AD

Thank you for your pre-application enquiry as detailed above. Please accept my apologies for the delay with our written response.

Your pre-application enquiry seeks the Local Planning Authority's (LPA) view on the demolition of the existing bungalow and the erection of a new building to accommodate 2 no. 2 or 3-bedroom flats. Your pre-application enquiry is accompanied by:

- Pre-application Enquiry Form
- Building Survey
- Pre-App Statement
- 01 3 Site Plan, Aerial Plan, Existing and Proposed Block Plans
- 02 1 Concept A - Proposed Elevations
- 03 1 Concept B - Proposed Elevations
- 04 1 Concept C - Proposed Elevations
- 05 2 Existing Massing South
- 06 2 Proposed Massing South
- 07 2 Proposed Massing East/West

The information provides three possible schemes for the redevelopment of the site, all of a contemporary design approach. You advise that, detailed floor plans (and other relevant proposed plans) are to be fully worked up at the full application stage. Therefore, the LPA's advice will be site-specific where possible, but provide general advice in relation to other matters not covered by your submission.

Having assessed the proposed development based upon the information provided, I have outlined the main relevant planning policies, detailed the main planning considerations and noted the information required to support a planning application, should you wish to proceed with a formal application for the proposed development.

The LPA's pre-application response sets out the following:

1. Status of the Local Plan
2. Neighbourhood Plans
3. Relevant National and Local Policies and Guidance
4. Relevant Planning History
5. Site Constraints
6. Officer Assessment and Advice
7. Summary and Conclusions
8. Validation Requirements & Supporting Information

1. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

2. 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>

At the time of writing, there is no draft or adopted neighbourhood plan relevant to this site.

3. Relevant Policies

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1

- 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
- SP6 Infrastructure and Connectivity
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility
- DI1 Infrastructure Delivery and Impact Mitigation

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

4. Planning History

No site-specific planning history.

5. Site Constraints

- Clacton on Sea Settlement Development Boundary
- Article 4 Direction (District wide) removing permitted development rights for C4 uses (HMO)

6. Officer Assessment and Advice

Site Description and Context

The site is located within the Clacton-on-Sea Settlement Development Boundary as defined within the adopted Local Plan 2013-2033 and Beyond. The existing bungalow is south-east facing, fronting onto the Marine Parade East with the seafront promenade beyond. The front boundary of the property is enclosed by a low-level wall. Existing parking is to the rear of the property accessed via a shared drive with number 2 Third Avenue.

The material considerations relevant to an application of this nature can be summarised and addressed as follows:

- 6.1 Principle of Development
- 6.2 Layout, Scale and Appearance
- 6.3 Residential Amenity
- 6.4 Highway Safety and Parking
- 6.5 Sustainable Construction & Design
- 6.6 Drainage and Foul Sewage Disposal
- 6.7 Planning Obligation – Open Space and Play Space
- 6.8 Planning Obligation – Recreational Disturbance
- 6.9 Environmental Protection

6.1 Principle of Development

As addressed above (Status of the Local Plan), in line with Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning law requires that planning application decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force. The site is not located within an area subject of any adopted Neighbourhood Plans.

The site is located within the Settlement Development Boundary (SDB) of Clacton-on-Sea as defined within the adopted Local Plan, where the principle of residential development is established by various strategic local policies.

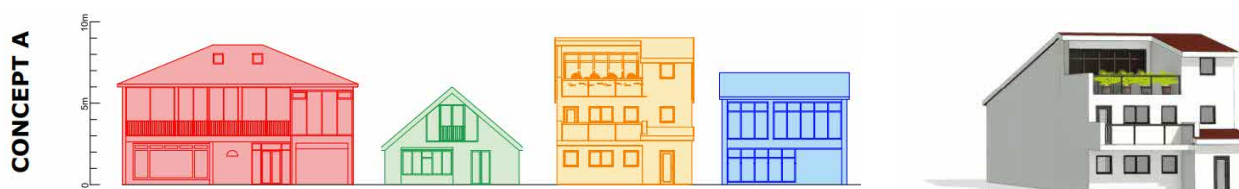
Therefore, the principle of development involving the creation of additional dwellings on the site is acceptable, subject to the relevant detailed considerations discussed below. Furthermore, the existing dwelling is of no architectural or historical significance and there would be no objection to its demolition.

6.2 Layout, Scale and Appearance

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 130 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

Local Plan Policy SP7 seeks high standards of urban and architectural design, which respond to local character and context. Local Plan Policies SPL3 and LP4 also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings.

As mentioned above, you have provided 3 options and basic streetscene comparisons as set out below:





Whilst officers recognise that the residential character in the locality is mixed, with examples of dwellings of differing scales and designs, there are concerns with the footprint, height and overall bulk of all 3 concepts for the following reasons:

The footprint and position of the building would sit forward of both immediate neighbouring buildings, and beyond the rear elevation of the neighbouring property at no. 137 Marine Parade East (shown in green in the street scene plans above).

The prevailing character in this locality is that of single, 1.5 and 2 storey dwellings. All 3 concepts would result in a 3-storey building in place of a modest single storey property with a fully hipped roof arrangement.

All 3 concepts are higher than the immediate buildings, including the highest example at 135 Marine Parade (shown in green in the street scene plans above). All the options will therefore dominate the neighbouring buildings in a harmful way.

For these reasons, having regard to the adjacent built form and prevailing character, the height, bulk, scale and massing of all 3 design concepts presented would be out of keeping. The development would result in an excessively prominent and visually intrusive development being harmful to the character and appearance of the area.

Without prejudice and to be collaborative, Concept B (albeit a reduced version) would be considered the most appropriate design as a starting point for further negotiations. However, in the absence of any information in relation to how the site would accommodate the parking, amenity space, bin storage and other necessary amenity provisions for the occupants of 2 dwellings it should not be taken that the re-development of the site for 2 dwellings is achievable.

6.3 Residential Amenity

Paragraph 130 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive, accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

Local Plan Policy SP7 requires that the amenity of existing and future residents is protected. Policy SPL3 (part c) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of nearby properties.

Furthermore, Policy LP4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

Insufficient information has been provided with your submission to fully assess the potential impact of the development on existing neighbours and the residential amenities of future occupants of the proposed dwellings. The footprint, scale and massing concerns highlighted above are likely to result in an overbearing relationship with neighbouring dwellings, potentially resulting in overshadowing, loss of light, loss of outlook and loss of privacy. Furthermore, it has not been demonstrated that amenity space provision in compliance with Policy LP4 is achievable.

6.4 Highway Safety and Parking

Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B 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.

The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces be provided. Parking spaces should measure 5.5 metres by 2.9 metres and garages should have internal dimensions of 7 metres by 3 metres (if being relied upon as a parking space).

A full assessment of the access, parking and highway safety would be carried out as part of any formal planning application. However, officers are not convinced that access and parking for 2 dwellings is achievable here.

Please note that the Council have not consulted with Essex County Council Highways as part of this pre application enquiry. Essex County Council (ECC) has taken the decision to start charging developers for formal advice provided to them at the pre planning application ('pre app') stage of the planning permission process. Such advice includes attendance at meetings and written responses by Strategic Development team members regarding highways & transportation issues.

The new charges for different levels of service, and how developers contact ECC for such advice, are set out on our web site: <https://www.essex.gov.uk/planning-advice-guidance/highways-planning-advice>

6.5 Sustainable Construction & Design

Policy PPL10 of the Local Plan states that 'all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations'.

The use of electric vehicle charging points, green/brown roofs, PV panels and SuDS to aid the sustainability of the development should be an integral part of the design, for both the existing and proposed dwelling. Full details must be provided within a 'Renewable Energy Generation Plan' as required by Local Plan Policy PPL10.

6.6 Drainage and Foul Sewage Disposal

Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements. An application will need to

confirm how foul sewage disposal will be dealt with in compliance with the building regulations and Environment Agency drainage hierarchy.

6.7 Planning Obligation – Open Space and Play Space

Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

TDLP Section 2 Policy HP 5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. For the purposes of this policy, the widest reasonable definition of infrastructure and infrastructure providers will be applied. Section 106 will remain the appropriate mechanism for securing financial contributions.

At the time of a formal planning application, consultation with the Council's Public Realm Team will be undertaken. If a contribution is sought, where relevant, this would be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities to serve the residents of Elmstead.

Please refer to the scale of contributions associated with the completion of planning obligations in respect of financial contributions for open space, sport and recreational facilities set out within the 'Guidance on Unilateral Undertakings' by following the link below:

<https://www.tendringdc.gov.uk/planning/planning-applications/what-are-section-106-legal-agreements>

6.8 Planning Obligation – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation.

This residential development lies within the Zone of Influence. In order to ensure that the development would not adversely affect the integrity of Habitats sites in line with TDLP Section 2 Policy PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 a proportionate financial contribution in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) will be required, secured via a completed Unilateral Undertaking accompanying a planning application. From 1st April 2023, this contribution is **£156.76 per dwelling**.

For further information, please refer to:

6.9 Environmental Protection

In order to minimise potential nuisance to the new occupiers of the adjacent dwellings caused by construction works, a formal planning application should be accompanied by a full construction method statement. The statement shall include the following:

- 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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays
- The use of barriers to mitigate the impact of noisy operations will be used where possible.
- 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.
- 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 5228:2014.
- Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 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.
- 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.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- All waste arising from the 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.
- 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.
- All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

7. Summary and Conclusions

Due to the issues identified above, an application for any of the 3 concepts presented would likely receive a recommendation for refusal. The height, bulk, scale and massing of all 3 design concepts presented would result in an excessively prominent and visually intrusive development, harmful to the character and appearance of the area.

Whilst the site is located within the SDB where the principle of residential development is supported in policy terms, in the absence of any information as to how the site would accommodate the parking,

amenity space, bin storage and other necessary amenity provisions for the occupants of 2 dwellings, officers cannot support the principle of the re-development of the site for 2 dwellings.

Furthermore, the footprint, scale and massing concerns are likely to result in an unacceptable relationship with existing neighbouring residents and it is unlikely that the site will be able to achieve a good standard of amenity space for future residents.

As mentioned, there may be scope to explore options from Concept B, but regardless of whether an acceptable design can be achieved, officers cannot see how the re-development of the site for 2 dwellings would be acceptable in all other respects.

8. Validation Requirements & Supporting Information

Despite the advice set out above, should you wish to proceed with a formal application, in addition to the application form and relevant fee, you will need to submit:

- 1:1250 Site Location Plan outlined in red, including connection to the public highway
- 1:500 Existing and Proposed Block Plan / Site Layout Plans (including details of vehicular parking, cycle parking and bin storage locations)
- 1:100/1:50 Existing and Proposed Elevations and Floor Plans
- Hard and soft landscaping proposals
- Boundary treatment details
- Legal Agreement to secure any necessary planning obligations (i.e. RAMS and Open Space)
- Foul sewage disposal details (connection to the mains is the most appropriate and should be possible in this location)
- Construction Method Statement
- Renewable Energy Generation Plan (i.e. EV charging, solar panels, air source heat pumps)

Informatives

Please note that this letter is not binding on the Council. Any final decision on a planning application will rest with authorised officers under the Council's delegation scheme or elected members on the Planning Committee. However, if an application is received within 12 months of this letter and there has been no material change in planning policy or site specific circumstances then the advice in the letter is unlikely to change.

We will not transfer plans and documents submitted with your pre-application enquiry across to a formal planning application. Any plans or documents will need to be resubmitted when the formal planning application is submitted.

We hope that the information contained within this letter proves useful. The pre-application enquiry file has now been closed, therefore if you have any further queries a fresh pre-application enquiry will need to be submitted.

Any views or opinions presented in this correspondence are solely those of the author and do not necessarily represent those of Tendring District Council. Any such communication is informal and is based exclusively on the information that has been provided. The informal views expressed are not binding in any way and the Council will not accept any liability in respect of such communication.

I hope you find the information above helpful, however if you have any queries please contact me.

Yours sincerely

Amy Lang

SENIOR PLANNING OFFICER