

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	28/06/18
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AP	18/7/18

ER

Application: 18/00819/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mrs L Gunary

Address: Land to The rear of 26 Colchester Road Woodlands Rise Weeley

Development: Development of part garden to provide detached 2 bedroom bungalow, new vehicular access onto Woodlands Rise and parking thereto.
(Renewal of an Expired Planning Permission 11/00038/FUL)

1. Town / Parish Council

Weeley Parish Council Weeley Parish Council has no comment to make on this application

2. Consultation Responses

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

1. The vehicular access, vehicular parking spaces and the vehicular and pedestrian visibility splays shall be provided in precise accordance with Drawing Numbered 1846-01.

Reason: To ensure that vehicles using the site access do so in a controlled manner, and to ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. No occupation of the proposed development shall be permitted until such time the 2.0m wide kerbed footway, being constructed in accordance with the Highway Authority's specifications, across the entire sites frontage with an appropriate connection to the existing footway to the east of the site, has been provided entirely at the Applicant / Developer's expense.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's

Development Management Policies February 2011.

4. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

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.

Tree & Landscape Officer

The application site currently forms part of the rear garden of 26 Colchester Road, Weeley and contains only two trees of any significance; a Flowering Cherry in the main body of the garden and a Myrobalan Plum close to the boundary with woodlands rise.

Neither tree merits retention or protection by means of a tree preservation order.

The proposed site layout shows new tree planting at both the front and rear of the proposed property. The tree planting at the rear will help to screen the development from 26 Colchester Road and the planting at the front will enhance the appearance of the development and the public realm.

The Site and Location Plans, drawing No. 1846-01 provides adequate information relating to tree species and specification.

3. Planning History

95/00788/FUL	(Rear of 26 Colchester Road, Weeley) Chalet bungalow and garage	Approved	10.10.1995
11/00038/FUL	Development of part garden to	Approved	11.03.2011

	provide detached 2 bedroom bungalow, new vehicular access onto Woodlands Rise and parking thereto.		
97/00737/FUL	(London House, 26 Colchester Road, Weeley) Extension and alterations	Approved	15.07.1997
07/00391/FUL	Division of site to construct detached bungalow and garage.	Refused	18.05.2007
07/01217/FUL	Erection of detached bungalow and garage. Construction of vehicular access.	Refused	27.09.2007

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP3 Housing Density and Standards

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

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. 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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

Site Description

The application site comprises part of the rear garden of 26 Colchester Road and is accessed from Woodlands Rise to the south. The character of the surrounding area is dominated by urban built form, with predominantly residential properties to all sides, however to the north-west is an ambulance station. The site falls within the Settlement Development Boundary for Clacton-on-Sea within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Description of Proposal

This application seeks planning permission for the erection of a detached bungalow.

History

Under planning reference 11/00038/FUL, planning permission has previously been granted for the erection of a detached bungalow. The design and layout was the same as currently being applied for.

Assessment

1. Principle of development

The site is situated within the defined settlement limits of Weeley as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017) and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

2. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal is for a single detached bungalow, serving two bedrooms. It is to be located within the rear garden of 26 Colchester Road, but will be accessed via Woodlands rise to the south-east corner of the site. The site is highly prominent along Woodlands Rise, however the dwelling has been designed to ensure it will be sited in line with the existing strong and linear pattern of development running west to east.

In terms of the design of the dwelling itself, whilst the predominant character sees a number of two storey properties, to the south of the site is an example of a bungalow. Against this backdrop, the proposal for a bungalow will not appear incongruous within the location. Further, the bungalow has been designed to include two front gable elements, which help to break up the overall bulk, whilst the red brick and plain tile roofing are considered to be acceptable.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that this will comfortably be achieved for both the proposed dwelling and the existing dwelling, Number 26 Colchester Road.

Therefore, it is considered that the siting and design of the proposed bungalow is acceptable within this location.

3. Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Given that there is significant separation distances to all neighbouring properties, and the single storey nature of the proposed dwelling, there is not considered to be any harmful impacts to existing amenities in respect of the dwelling appearing imposing, a loss of light or overlooking.

4. Highways Impacts

Essex County Council Highways have confirmed that they do not object to the application subject to conditions relating to visibility splays, a kerbed footway and the use of no unbound materials.

Furthermore, Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. There is sufficient space to the front and side of the dwelling to accommodate the necessary two parking spaces.

5. Tree and Landscape Impacts

The Council's Tree and Landscapes Officer has been consulted and states the site contains only two trees of any significance, both of which do not merit protection by means of a tree preservation order, and further states the proposed plans show sufficient soft landscaping to help screen the development and enhance the appearance of the public realm.

Other Considerations

Weeley Parish Council has no comment to make on this application.

There have been no other letters of representation received.

6. Recommendation

Approval.

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, drawing numbers 1846-01 and 1846-02.

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

- 3 The vehicular access, vehicular parking spaces and the vehicular and pedestrian visibility splays shall be provided in precise accordance with Drawing Numbered 1846-01.

Reason: To ensure that vehicles using the site access do so in a controlled manner, and to ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 No occupation of the proposed development shall be permitted until the 2.0m wide kerbed footway, constructed in accordance with the Highway Authority's specifications, across the entire sites frontage with an appropriate connection to the existing footway to the east of the site, has been provided.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

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.