

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	15/01/2019
Planning Development Manager authorisation:	AN	17/1/19
Admin checks / despatch completed	W SB	18/1/19 18/01/19

Application: 18/01966/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr M Clark

Address: Land rear of Woodpeckers Clacton Road Weeley

Development: Proposed detached bungalow.

1. Town / Parish Council

Weeley Parish Council objects to this application. The application site is situated outside the settlement boundary and is backland development. The required housing numbers have been reached and there is therefore no valid reason for approving this application.

2. Consultation Responses

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and having regard to the fact that this is an existing access does not wish to raise an objection to the above application subject to the following:

1. Prior to occupation of the development a vehicular parking and turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. 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 in accordance with policy DM1

3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres highway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

5. 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 to ensure accordance with policy DM1

6. All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

7. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle.

Informative 2: Any 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.

Informative 3: 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

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.

UU Open Spaces

Response from Public Realm
Open Space & Play

Application Details

Application No: 18/01966/FUL

Site Address: At rear of Woodpeckers Clacton Road Weeley Clacton on Sea

Description of Development: Proposed detached bungalow

Current Position

There is currently a deficit of -2.18 hectares of equipped play and formal open space in Weeley.

Recommendation

Although there is a deficit of equipped play in Weeley, it is not thought that this development will have an impact on the existing play areas. Therefore no contribution is required on this occasion.

Building Control and
Access Officer

Fire service access to be provided in accordance with B5.

Environmental Protection

I have looked at the application EP have the following comments to make in relation to the above application.

Please note that having looked at the construction method statement, I can see that the applicant has employed methods of controlling smoke and dust on the site however it fails to detail control on construction noise. Due to the proximity of this proposed bungalow to other residential properties I would recommend that the following is also added to the construction method statement:

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 Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Adherence to the above step 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

3. Planning History

00/02054/AGRIC	Steel framed portal building	Determination	17.05.2001
01/01479/FUL	Four new Stables	Approved	26.11.2001
92/00724/FUL	(Land adjacent Lessingham, Clacton Road, Weeley) Proposed single dwellinghouse and garage	Approved	31.05.1994
95/01082/FUL	(Land adjacent Lessingham, Clacton Road, Weeley) Two dwellings	Approved	04.01.1996
97/01284/FUL	(Plot 2 adjacent Lessingham, Clacton Road, Weeley) Proposed house with double garage	Approved	06.01.1998
03/01079/FUL	3 bed bungalow	Refused	28.07.2003
05/01560/FUL	Alterations to form living accommodation at variance to condition of 06 of approval of TEN/95/1082	Approved	27.10.2005
17/00776/OUT	Demolition of stables, garage, store and mobile home and erection of one detached bungalow for self-build or custom built purposes.	Refused	06.07.2017
18/30194/PREAPP	Proposed detached bungalow.		30.10.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential 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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

LP8 Backland Residential Development

HP5 Open Space, Sports & Recreation Facilities

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 213 of the NPPF (2018) 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 48 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 48 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.

In relation to housing supply:

The NPPF requires Councils to 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' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the land to the rear of Woodpeckers, Clacton Road, Weeley Heath. The site measures approximately 0.15 hectares in size and is situated to the west of Clacton Road. Immediately to the rear of the house is a block of stables, double garage, mobile home and storage buildings which are included within the application site. There are no trees or hedgerows within the site. Vehicular access to this land is available via an 8.65m wide roadway to the north side of Woodpeckers. This road only serves the application site and fields beyond, as a separate access and driveway serves the house.

Weeley is a large village split into two sections of built development, known as Weeley and Weeley Heath. This site falls within the Weeley Heath settlement. The site lies outside of the Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and partly within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), this being the access road and part of the front portion of the site.

Description of Proposal

The application seeks full planning permission for the erection of a detached 3 bedroom bungalow with associated parking and private amenity space.

The application has been amended to retain access through to the stables and paddock land to the rear of the site.

Assessment

The main considerations in this instance are;

- Planning History;
- Principle of Development;
- Residential Amenities;

- Highway Considerations and Parking;
- Financial Contributions, and;
- Representations.

Planning History

Application 03/01079/FUL sought full planning permission for the erection of a 3 bed detached bungalow and was refused due to its siting outside of the Settlement Development Boundary and as such would adversely affect the rural character of the area. The application was also refused on the grounds that the development represented backland development being contrary to policy.

More recently application 17/00776/OUT (indicative plan showed the same footprint and position as the above refusal) was refused due to the harm to the character of the area from the backland siting of the dwelling being contrary to policy requirements. The site was considered to be in a sustainable location at a time when the Council were unable to demonstrate a 5 year housing land supply.

Application 17/00776/OUT was allowed on appeal. The Inspector concluded that;

- a dwelling would be no more intrusive than the existing buildings and use;
- whilst a dwelling on the site would represent a change it would not be significant; and,
- the proposal would not have a harmful effect on the character and appearance of the area.

Principle of Development

The principle of residential development on this site has been established by the granting of application 17/00776/OUT allowed on appeal on 23rd July 2018.

Layout, Scale and Appearance

The proposed dwelling is sited to the rear of existing properties fronting Clacton Road being almost fully screened by the property known as Woodpeckers. The property will not be prominent or harmful within the street scene with only glimpses of the building possible between existing dwellings from the access.

The siting of the proposed dwelling and layout of the development allows for sufficient space to the plot boundaries and its footprint is of a similar scale to the properties fronting Clacton Road.

The parking to the southern side of the property being accessed via the narrow throughway to the frontage of the dwelling is not ideal but the 5 metre wide access and ample turning space means that there is no justified reason for refusal.

The appearance of the dwelling is acceptable with different projecting elements, an orangery addition and brick detailing.

Overall, the layout and appearance is considered acceptable.

Residential Amenities

The NPPF, in paragraph 127 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 Tendring District Local Plan (2007) 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'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

Officers consider that sufficient space is available on site to provide the proposed development in the manner suggested. The development would achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Although not clearly shown on the submitted plan, the areas to the rear and side of the dwelling would provide a sufficient private amenity area in line with Saved Policy HG9 of the adopted Local Plan.

Furthermore, the single storey scale of the development further minimises any impact upon residential amenities.

Highway Considerations and Parking

Officers are satisfied that the size of the plot can accommodate access, parking and turning to serve a 3 bedroom dwelling in accordance with current standards.

The use of the existing access for one additional dwelling would not result in harmful intensification of the access.

Essex County Council Highway Authority raise no objection to the development subject to conditions which will be imposed where necessary.

Financial Contributions

The Council's Open Space Team have been consulted on the application as the application falls to be considered against Saved Policy COM6 of the adopted Tendring District Local Plan 2007 and emerging Policy HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

In this instance, the development is not considered to result in a significant impact on the current deficit. Therefore no contribution is required on this occasion.

Representations

Weeley Parish Council object to the application on the following grounds;

- Outside development boundary.
- 5 year housing supply reached and no valid reason to approve the application.
- Backland development.

The principle of the development has been approved at appeal.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

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: amended Drawing No: 3: A and materials details.

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

- 3 The development hereby permitted shall be carried out in accordance with the submitted Construction Method Statement ensuring that the off-loading and storage of all building materials associated with the development are contained within the curtilage of the site clear of the highway during construction.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

- 4 No construction works, deliveries or vehicles movements in connection with the development shall take place outside the hours of 0730 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday. No working or deliveries of any kind are permitted on Sundays or any Public/Bank Holidays.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance and in the interests of residential amenities.

- 5 Prior to occupation of the development the vehicular parking and turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest 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 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the highway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

- 8 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

- 9 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.

- 10 All new parking areas and areas of hardstanding 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 within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 11 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C 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 or alterations to the dwelling or its 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 and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location, to ensure that no harm to neighbouring amenities will occur and to ensure that sufficient private amenity space is retained for the new dwelling.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Building Control Informative

Fire service access to be provided in accordance with B5.

Highways Informatives

Informative 1: Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle.

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