

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	14/02/2019
Planning Development Manager authorisation:	AN	14/2/19
Admin checks / despatch completed	Wne SB	15/02/19 15/02/19

**Application:** 18/02105/DETAIL

**Town / Parish:** St Osyth Parish Council

**Applicant:** Footings Direct Developments Ltd

**Address:** Land to The rear of 104 and 106 Point Clear Road St Osyth

**Development:** Reserved matters application following the outline planning approval of 16/01479/OUT - Erection of two detached single storey dwellings with associated garaging and parking.

### **1. Town / Parish Council**

St Osyth Parish Council      No objections.

### **2. Consultation Responses**

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposed dwellings are situated off a private road via Point Clear Road off an existing vehicle access and retains adequate room and provision for off street parking and turning, for the proposed dwellings therefore:

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

Prior to first occupation of the development the vehicular parking facilities, as shown on the submitted plan 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 controlled manner in the interest of highway safety in accordance with policy DM1

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.

Any double garages should have a minimum internal measurement of 7m x 6m

All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is



provided in the interest of highway safety in accordance with Policy DM8.

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.

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.

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 reduce 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. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

Informative 2:

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

Informative 3:

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.

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.

Tree & Landscape Officer The application site is set to mown grass and contains no trees or other significant vegetation.

The site is 'tucked away' and the development will have little impact on the public realm.

Landscaping is not required to screen the development or to enhance its setting in the public realm.

### 3. Planning History

16/01479/OUT	Erection of two detached single storey dwellings with associated garaging and parking.	Approved	16.11.2016
--------------	--	----------	------------

### 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

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design



- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape
- CP2 Improving the Transport Network

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 site measures approximately 0.1 hectares in size and is situated to the north of No's 104-106 Point Clear Road, on land between a continuous ribbon of housing fronting Point Clear Road and the development at Linley Farm immediately to the north of the site.

Residential development is characterised by a mixture of detached dwellings and bungalows. The street scene appears relaxed with grass verges in front of properties with a scattering of trees.

The site itself is flat, open and laid to grass bounded by the fencing to the rear of the properties adjacent fronting Point Clear Road.

### Description of Proposal

The application seeks approved of the reserved matters following outline approval for the erection of 2 no. detached single storey dwellings.

### Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations and Parking Provision;
- Requirements of Outline Conditions; and,
- Representations.

### Principle of Development

The principle of development has been secured through the approval of 16/01479/OUT.

### Scale, Layout and Appearance

The layout of the development allows for well-spaced properties with sufficient rear gardens and space to the frontage and side boundaries. The properties are served by setback garages and parking spaces helping to break up the street scene and allow for a more spacious appearance. The development consists of one house type but the plots are handed. The design incorporates brick detailing adding visual interest with a materials schedule included on the plans showing a blend of College Blend and Light Red brickwork with a natural slate roof.

The single storey scale of the development ensures that there would be no longer distance views of the development and therefore no adverse impact upon the wider setting of locality.

Overall the development is considered to represent an acceptable scale, layout and appearance.

### Residential Amenities

The site shares a boundary with numbers 102 to 106 Point Clear Road with plot 2 being the closest to these dwellings. Plot 1 is located to the northern part of the site adjacent to the track road accessing the holiday let development beyond.

The separation distances, general juxtaposition and single storey height of the dwellings ensure that no material harm to neighbouring amenities will result.

Each dwelling is served by a private amenity area that accord with policy requirements.

The proposal is considered acceptable in terms of neighbouring impact and residential amenities.



### Trees and Landscaping

The proposal incorporates low level fencing to the front and most of the northern side boundary, (1.8m to private garden areas) grassed areas, box hedging and natural grey block paving to the front portion of the driveways.

The Council's Principle Tree and Landscaping Officer has been consulted on the application and is satisfied that the development does not require any additional planting or landscaping due its 'tucked away' siting where landscaping is not required to screen the development or to enhance its setting in the public realm.

### Highway Considerations and Parking Provision

The dwelling will be served by a central access with driveways leading to their set back garages served by appropriate pedestrian visibility splays. The garage and driveways provide parking in accordance with current policy standards.

Essex County Council Highway Authority raise no objection to the development subject to conditions. Some of these conditions duplicate those on the outline permission or are not required for a development of this scale. Any necessary highway conditions will be imposed.

### Requirements of Outline Conditions

The outline permission was subject to the standard reserved matters conditions 1 to 3. Condition 4 requires that no unbound materials be used on the access and condition 5 requires a Construction Method Statement to be submitted and agreed.

The application incorporates block paving to the front portion of the site and a Construction Method Statement also forms part of this application both being acceptable.

### Other Considerations

St Osyth Parish Council raise no objection to the application.

No individual letters of representation have been received.

### Conclusion

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

## **6. Recommendation**

Approval - Reserved Matters/Detailed

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 104/106/PCR/1, 104/106/PCR/2, 104/106/PCR/3, 104/106/PCR/4 and 104/106/PCR/5.

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

- 2 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 any of the dwellings or their roofs, 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 and to ensure that no harm to neighbouring amenities will occur.



- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on drawing Drg no 104/106/PCR/5 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 implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the surrounding area.

- 4 The development hereby approved shall be carried out in accordance with the accompanying Construction Method Statement.

Reason - To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, in the interests of highway safety and to protect the local amenity and reduce the likelihood of complaints of statutory nuisance as the site is within close proximity to existing dwellings.

- 5 The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

## **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.

### Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development ref 16/01479/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

### Highways Informatives

1. 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 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.

2. 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 reduce 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. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

3. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

4. 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.

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

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