

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	08/05/2019
Planning Development Manager authorisation:	SCF	08.05.19
Admin checks / despatch completed	EL	08/5/19

**Application:** 18/01773/FUL

**Town / Parish:** Little Oakley Parish Council *ML*

**Applicant:** Mr Liam Boyd

**Address:** Land at rear of 17 Mayes Lane Ramsey Harwich

**Development:** Erect 1 detached bungalow.

### 1. Town / Parish Council

Little Oakley Parish Council

Object - See scanned documents dated 16 November 2018.

Little Oakley Parish Council

**AMENDED COMMENTS**

Little Oakley Parish Council would like to note that they reached a decision of Neutral with regards to the change in the above planning application. This being the change to build one bungalow instead of the original two semi-detached bungalows. However they are still of the opinion that the site is being overdeveloped and this application should be looked at along with 18/01772/FUL.

### 2. Consultation Responses

Natural England

Consultation with Natural England not required as the scale of development falls under the threshold.

ECC Highways Dept

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative

This proposal will only be able to be implemented if the adjacent planning permission is built out.

Tree & Landscape Officer

The development proposal comprises the approved soft landscaping scheme approved under 17/01150/DETAIL.

The addition of 2 further dwellings in the manner proposed would result in a development that would be dominated by hard surfacing and boundary walls with no capacity for soft landscaping.

The proposal therefore is intrinsically unacceptable due to the cramped design and would compromise the previously approved landscaping scheme to the detriment of the scheme and overall appearance of the local environs.

Tree & Landscape Officer  
**AMENDED COMMENTS**

The development proposal will not affect any significant trees or vegetation on the land.

Should planning permission be likely to be granted then details of soft landscaping of the front garden should be secured by a planning condition to secure new planting to soften and enhance the appearance of the development.

#### UU Open Spaces

Response from Public Experience  
Open Space & Play

Application Details

Application No: 18/01773/FUL

Site Address: Land at rear of 17 Mayes Lane

Description of Development: Erect 2 No Semi-detached bungalow at land rear of 17 Mayes Lane

Current Position

There is currently a deficit of -1.08 hectares of equipped play/open space in Little Oakley.

Recommendation

Due to the lack of facilities in Little Oakley it is felt that a contribution towards play and formal open space is justified and relevant to the planning application. The contribution will be used for improvements at Memorial Club, Lt Oakley

### **3. Planning History**

05/00375/FUL	Demolish existing bungalow and replace with house and garage	Refused	22.04.2005
05/00866/FUL	Demolish existing bungalow and replace with house and garage	Approved	05.07.2005

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

LP8 Backland Residential Development

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application relates to 17 Mayes Lane, Ramsey specifically the rear portion of the site which currently forms the rear garden of number 17. This site is situated on the western side of Mayes Lane within the Settlement Development Boundary of Harwich in a built up area predominantly characterised by bungalows.

### Description of Proposal

The application has been amended and now seeks full planning permission for the erection of 1 no. detached bungalow served by a detached garage and parking space.

### Assessment

The main considerations are;

- Principle of Residential Development;
- Design and Appearance;
- Residential Amenities;
- Access and Parking;
- Landscaping;
- Financial Contributions - RAMS;
- Financial Contributions - Open Space/Play Space; and,
- Representations.

### Principle of Residential Development

The site is situated within the Settlement Development Boundary (SDB) for the area. Policy HG3 of the adopted Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, environmental and parking criteria, as appropriate, and can take place without material harm to the character of the local area.

Furthermore, Saved Policy HG13 of the adopted Tendring District Local Plan 2007 and Policy LP8 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 deals with backland residential development. The site sits directly adjacent to the development of 5 bungalows approved under 17/01150/DETAIL.

Due to the locality within the SDB and the approved development adjacent accepting backland residential development in this location, the principle of 1 dwelling to the rear of 17 Mayes Lane is acceptable. The impact is assessed in further detail below.

#### Design and Appearance

Following concerns with the cramped nature of the development for 2 dwellings as originally submitted together with the detrimental impact upon the approved parking and landscaping details in relation to 17/01150/DETAIL, the application has been amended and reduced to 1 dwelling. There is a current application being considered under 18/02057/DETAIL seeking amendments to the previously approved details to allow for the development and amendments to the garage serving the adjacent plot.

The site can satisfactorily accommodate 1 dwelling whilst retaining appropriate spacing to its boundaries, sufficient private amenity space and parking provision.

The detailed design of the dwelling and detached garage include a brick plinth, weatherboarding and a pitched roof porch with timber posts, all being positive features that add interest to the overall design and appearance of the property ensuring it is in keeping with the development currently under construction and the overall character of the area.

The proposed dwelling is therefore of an acceptable scale, design and appearance that will appear in keeping.

#### Residential Amenities

The application proposes 1 no. 3 bed bungalow served by a private amenity area that is in excess of the minimum standards of Saved Policy HG9 of the adopted Tendring District Local Plan 2007.

Due to the single storey scale of the surrounding dwellings and proposed dwelling, the development will result in an acceptable level of amenity for existing and future occupants. Whilst it is recognised that the proposed garage is sited on the boundary, the low eaves height and roof being hipped away from the boundary with number 17 Mayes Lane ensures that no material harm to light or outlook will result.

#### Access and Parking

The dwelling will be served by a garage and parking space of an acceptable size that accord with the adopted parking standards. Essex County Council Highways Authority have been consulted on the application and raise no objections.

#### Landscaping

Details of hard and soft landscaping of the front garden and parking area will be secured by a planning condition to soften and enhance the appearance of the development.

#### Financial Contributions - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### Financial Contributions - Open Space/Play Space

The Council's Open Space Team have been consulted on the application making the following recommendation;

There is currently a deficit of -1.08 hectares of equipped play/open space in Little Oakley. Due to the lack of facilities in Little Oakley it is felt that a contribution towards play and formal open space



is justified and relevant to the planning application. The contribution will be used for improvements at Memorial Club, Lt Oakley.

The application is accompanied by a unilateral undertaking securing a financial contribution toward the above project in accordance with Saved Policy COM6 of the adopted Tendring District Local Plan 2007 and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

#### Representations

A request from Councillor Mike Bush was received referring the application to Planning Committee. The amendments overcame his concerns and his call-in request has therefore been rescinded.

Little Oakley Parish Council raise an objection to the original and amended development. Their comments can be summarised and addressed as follows;

- Overdevelopment of the site.
- Should be considered alongside 18/01772/FUL.

The reduction from 2 dwellings to 1 has resulted in an acceptable scale of development. This current application must be considered on its own merits. The amended design, spacing to the boundaries and provision of sufficient garden and parking demonstrates that the site cannot be considered over development.

No individual letters of objection 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: Drawing No.: 6059/02 Rev A, Drawing No.: 6059/09 Rev D, Drawing No.: 6059/11 Rev D and Drawing No.: 6059/12 Rev C.

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To soften and enhance the development in the interests of visual amenity.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 area.

- 5 No above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling and boundary wall hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

- 6 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting as insufficient details have been provided with the application.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), no provision of fences, walls or other enclosures (other than those on the approved details) shall be erected forward of the front elevation of the dwelling hereby approved.

Reason - In the interests of visual amenity.

- 8 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwelling or its roof shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - To ensure that sufficient private amenity space for the dwelling is retained and in the interests of residential amenities.

- 9 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.

- 10 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors



- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

- 11 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 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.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance.

- 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.

- 13 Prior to first occupation of the dwelling hereby approved, the garage and vehicle parking area indicated on the approved plans shall be hard surfaced, sealed and made available and retained in this form at all times for the parking of vehicles associated with the dwelling.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, 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.

### Highways Informatives

1. There shall be no discharge of surface water onto the Highway.
2. 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](mailto:development.management@essexhighways.org) or by post to:  
SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ.

### Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.



Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Boundary Treatment Informative – Condition 6

The position of the boundary wall and fencing adjacent to 17 Mayes Lane should be positioned to allow for appropriate visibility and access/egress from the parking space serving the new dwelling.