

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	31/05/2019
Planning Development Manager authorisation:	AN	3/6/19
Admin checks / despatch completed	SB	03/06/19.

Application: 18/02107/DETAIL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr Nunn

Address: 5 Folkards Lane Brightlingsea Colchester

Development: Proposed new four bedroom dwelling and two bay cartlodge.

1. Town / Parish Council

Brightlingsea Town
Council

The applicant must abide by the conditions laid down by the Inspector, following Appeal.

2. Consultation Responses

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

1. Prior to first occupation of the new dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres, shall be retained at that width for at least the first 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

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

2. Prior to first occupation of the dwelling the vehicular parking and turning facility, as shown on the block plan; Drawing no. L02 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/site in forward gear in the interest of highway safety in accordance with policy DM1.

3. 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.

4. 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

5. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

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

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

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 first occupation of the proposed development, 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 carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway 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.

Informative1: 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.

Informative2: 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

3. Planning History

15/00326/FUL	Erection of rear conservatory.	Approved	27.04.2015
17/00696/OUT	Proposed new four bedroom dwelling and two bay cartlodge.	Allowed at Appeal	21.06.2017
18/02107/DETAIL	Proposed new four bedroom dwelling and two bay cartlodge.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN3 Coastal Protection Belt

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

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

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

PPL4 Biodiversity and Geodiversity

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 site is located on the western side of Folkards Lane to the north of the settlement of Brightlingsea. The site forms land associated with the use of no. 5 Folkards Lane to the south. The site is predominantly laid to grass aside for several ornamental trees. To the Folkards Lane frontage is a tall conifer hedgerow. The boundary to no. 5 is marked by a timber gate. The application site includes existing access which serves no.5 and a gravelled parking/driveway area. On the northern and western boundaries of the plot is mature vegetation. Folkards Lane maintains a rural character due to the presence of roadside vegetation and a sparse scattering of properties. The site is located outside of any defined development boundary as contained in the saved and emerging local plans. The site also forms part of a Coastal Protection Belt.

Planning History

The application was refused by officers under planning reference 17/00696/OUT but it was allowed at Appeal, at a time when the Council were unable to demonstrate a 5 year housing land supply.

Proposal

This application seeks planning approval for the reserved matters following the allowed appeal decision by the Planning Inspectorate under reference 17/00074/REFUSE for the erection of a four bedroom dwelling and two bay cartlodge.

The proposal solely relates to the appearance, layout and scale of the development. Access was previously approved under Appeal Reference APP/P1560/W/17/3182967.

Assessment

The main considerations are;

- Principle of Development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping

- Highway Considerations and Parking Provision
- Habitat Regulations Assessment
- Representations

Principle of Development

The principle of development has already been established through the granting of outline planning permission by the Planning Inspectorate on 22nd January 2018.

Scale, Layout and Appearance

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 Emerging Plan.

The site is enclosed by mature vegetation on its perimeters and is used as amenity space associated with the occupation of Number 5 to the south. Consequently, the site is not open countryside and does not take on the appearance of undeveloped coastal land, which saved Policy EN3 seeks to protect. The screen nature of the site and its current use therefore ensures that views of the property would be limited and the overall impact upon the wider landscape would be minimal.

The dwelling is for a detached four bedroom house with a cart lodge. The mass of the house is split into two and linked by a single storey structure with a balcony. To the south of the site is one and a half storey structure which comprises of the kitchen/dining area. The proposal comprises of three matching roof pitches with the mass of the dwelling being to the north of the site. The two storey element to the north protrudes in front of the first floor structure which adds depth to the scheme and breaks up the overall vertical mass. The north section comprises of a lounge, utility, bedroom 3 and 4 to the ground floor and a master bedroom, dressing room and bedroom 2 to the first floor. The master bedroom is served by a balcony which is above the single storey link. The materials proposed; natural timber weatherboarding, traditional clay pantiles, mixed red stock brick with dark shades, combination of grey coated aluminium and grey uPVC windows and a green roof above the entrance are all considered to be contemporary materials which will be in keeping with the street scene of Folkards Lane.

The dwelling is to be sited broadly in line with number 5 Folkards Lane to the south west of the site where it will share access with number 5 Folkards Lane. The layout of the development allows for a well-spaced property with a sufficient garden to the front and side of the property. Policy HG9 of the Saved Tendring District Local Plan 2007 states that private amenity space for a dwelling with three or more bedrooms should be a minimum of 100sqm. The plans demonstrate that this level of private amenity space can be comfortably accommodated and screened by the presence of the mature conifer hedging.

In terms of parking arrangements the property is served by a cart lodge to the rear of the site and two parking spaces which allows for a more spacious appearance. The cart lodge mirrors the form of the main house with the dual pitched roof and the use of matching materials.

Overall the development would relate acceptably to the character of the area in terms of its layout, spacing and design, the development would represent an appropriate response to its surroundings.

Residential Amenities

The proposed dwelling will be located to the north of number 5 Folkards Lane, however due to the separation distance to the neighbouring dwelling, as well as the proposed pitched roof which will slope away from the neighbouring amenities, it is considered that the proposal will not cause any harm upon neighbouring amenities. There are no immediate neighbouring dwellings to the north of the application site.

Trees and Landscaping

The application site currently forms part of the curtilage of the host property and is well planted with established trees and shrubs. The boundary adjacent to Folkard's Lane is planted with an established conifer hedge that forms a dense screen for the site.

Due to the location of the application site and the extent to which the land, and the trees contained thereon, can be seen from a public place, none of them have such amenity value that they merit protection by means of a tree preservation order.

The application site is self-contained and the existing landscaping on the perimeter of the site provides adequate screening.

Highway Considerations and Parking Provision

Essex Highways Authority, following consultation, have stated they have no objections subject to conditions relating to the vehicular access, vehicular parking and turning, no unbound materials, no discharge of surface water onto the highway, parking space dimensions, new boundary planting, cycle parking, residential travel pack and storage of building materials. Access was previously approved under Appeal Reference APP/P1560/W/17/3182967 and the Planning Inspectorate attached conditions stating that the access should be provided before the development is first occupied and that no unbound material is displaced from the access onto the highway. The conditions in relation to parking dimensions will not be imposed as the parking is in line with Essex Parking Standards, new boundary planting is not needed as there is existing planting, residential travel packs are only required on major applications and the storage of building materials will be an informative. The only highway conditions to be imposed will be vehicular parking and turning and no unbound materials.

Adopted Parking Standards state a dwelling with two or more bedrooms should have provision for two parking spaces with minimum measurements of 5.5m x 2.9m or a garage, if being relied upon as one of the parking spaces, minimum internal dimensions of 7m x 3m. The submitted plans demonstrate this is achieved by the proposed cart lodge and the two parking spaces.

Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings. Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be a proportionate financial contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy

PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

Brightlingsea Town Council has made observations that the applicant must abide by the conditions laid down by the Inspector following the Appeal.

This is a reserved matters application and therefore all conditions imposed by the inspector on the outline consent still need to be complied with.

No letters of representation have been received.

Conclusion

The proposed development is considered to comply with policy contained within the NPPF, the adopted Local Plan and emerging Local Plan policy contained within the Publication Draft document and is therefore recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

1. The development hereby permitted shall be carried out in accordance with the following approved plans; Drawing No. L03, Drawing No. L01 and Drawing No. L02

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

2. Prior to first occupation of the dwelling the vehicular parking and turning facility, as shown on the site plan; Drawing no. L03 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/ site in forward gear in the interest of highway safety.

3. 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.

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

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.

Highways

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway. To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO