

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	14/06/2019
Planning Development Manager authorisation:	SCE	14.06.19
Admin checks / despatch completed	SB	17/06/19.

Application: 18/01977/DETAIL **Town / Parish:** St Osyth Parish Council

Applicant: Mr Michael Mestre

Address: Land adjacent to 2 Martins Gate Cottage Colchester Road St Osyth

Development: Proposed 3 bedroom detached house - Reserved Matters application following 17/00547/OUT allowed on appeal.

1. Town / Parish Council

Mr Parish Clerk St Osyth Parish Council No objections.

2. Consultation Responses

ECC Highways Dept

The information that has been submitted in association with the application has been fully considered by the Highway Authority. The Highway Authority did forward comments on the original application under 17/00547/OUT that was allowed on appeal.

In relation to the access, turning and parking facilities proposed it retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

1. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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. Prior to occupation of the 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 not be less than 3.6 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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.

4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the verge.

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 carriageway in the interest of highway safety in accordance with policy DM1.

5. 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

6. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

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/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) 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: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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: On the completion of the development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 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 or by post to:

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

3. Planning History

17/00547/OUT	Erection of one detached dwelling.	Refused	21.06.2017
		Allowed on Appeal	16.05.2018
17/01833/OUT	Erection of one detached dwelling.	Refused	19.01.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM19 Contaminated Land

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

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)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 the land to the north of number 2 Martins Gate Cottage on the western side of Colchester Road within the Parish of St. Osyth. The application site measures approximately 0.1 hectares in size and was originally part of the side garden to No. 2 Martins Gate Cottage, which was sold in 2005. It has a direct road frontage of 13m and contains a vehicular access and gate into the land alongside the boundary with No.2, one half of a pair of semi-detached cottages. Immediately to the north is a detached bungalow that was erected during the 1980's. Directly opposite the site is an extensive caravan park. To the rear is a former landfill site.

Description of Proposal

The application seeks approval of the reserved matters (originally submitted as a full application) following outline permission for the erection of one detached dwelling under application reference 17/00547/OUT allowed on appeal under appeal reference APP/P1560/W/17/3187802.

Application 17/00547/OUT sought outline planning permission with all matters reserved. This application therefore seeks permission for scale, layout, appearance, landscaping and access.

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;
- Financial Contributions - Open Space;
- Financial Contributions -RAMS; and,
- Representations.

Principle of Development

The principle of development has been secured through the approval of 17/00547/OUT.

Scale, Layout and Appearance

The proposed development comprises a detached dwelling accommodating 3 bedrooms and a bathroom at first floor and a kitchen/diner, lounge and WC and ground floor being 10m in depth and 7m in width with an overall ridge height of 6.1m (4.3 to the eaves). To the rear of the site is a proposed detached garage 7m x 5m with an overall ridge height of 3.2m (2.1m to the eaves). Both the dwelling and garage are to be finished in Hanson Ecostock Atherstone red facing brick work and Marley Eternit reconstituted slate roof tiles.

The dwelling to be positioned closer to the northern side boundary of the plot to allow for tandem parking for 2 vehicles to the southern side and access to the rear garage.

The application has been greatly amended to reduce the scale of the property and to improve the spacing and layout having regard to the modest cottages and bungalow adjacent to the site.

The dwelling is now of an appropriate size with a good set back from the highway ensuring that it does not appear overly large or prominent in its context. The design is simple but acceptable including brick detailing above the ground floor windows and a canopy over the front entrance with suitable materials. The siting of the property retains approximately 3 metres to the southern side boundary (parking area) and 1 metre to the northern side boundary. The proposed garage is quite large in relation to the footprint of the dwelling but the set back siting, low height and pitched roof means that it will not be visually prominent either publically or in landscape terms.

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

Residential Amenities

The distance to the boundaries with both immediate neighbours is considered sufficient being in line or exceeding the requirements of saved Policy HG14 of the adopted Tendring District Local Plan. Furthermore, the adjacent bungalow is sited a generous distance from its side boundary further improving the relationship between the properties. The existing planting along the northern boundary with the adjacent bungalow helps to screen and soften the impact of the development.

The dwelling is to be served by a private amenity area that complies with policy requirements although this is reduced by the siting of the garage. However, a garage of the same footprint but lower height could be erected under permitted development rights. The garden area is sufficient and useable and this does not warrant refusal of this application.

The garage itself is sited 1m away from the boundary with the closest neighbour to the south. This distance, together with the 2.1m eaves height and 3.2m ridge height with the roof being hipped away from the boundary ensures a suitable relationship that will not result in any material harm to the amenities of the occupiers of 2 Martins Gate Cottage.

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

Trees and Landscaping

The proposal incorporates 1.8m high closeboarded fencing to the side and rear boundaries, a lawned rear garden, with hedge planting and flower beds to the front and Marshalls Pennant grey drivesett tegula to the parking and turning areas.

Officers are 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.

The hard and soft landscaping is therefore considered acceptable.

Highway Considerations and Parking Provision

The dwelling will be served by an existing access with tandem parking, a large garage and turning to the front. The access can achieve the required visibility splays and the level of parking on site exceeds that required by standards.

Essex County Council Highway Authority raise no objection to the development subject to conditions relating to the following;

1. Parking and turning details to be provided.
Sufficient parking and turning is shown on the plans which will be secured by the approved plans condition.
2. No unbound materials.
The hardsurfacing is shown on the approved plans. However this condition is considered necessary to avoid any changes to the hardsurfacing that may comprise loose materials.
3. Construction of access at right angles with the highway.
The development is served by an existing access.
4. Gates 6 metres back.
The existing access is enclosed by a gate. To the front of the site is a highway verge deep enough to allow a vehicle to stand clear of the highway. However, as the red lined site area includes the access up to the back edge of the highway, and ownership of the verge is unknown, this condition will be added for the avoidance of doubt.
5. Any new planting 1 metre back.
The site frontage and landscaping do not encroach into the adjacent highway verge. This area does not form part of the red lined area (access only). A condition securing the landscaping will be added. This condition is therefore not considered necessary.
6. Vehicular parking spaces sizes.
Although the tandem parking spaces fall short of the dimensions request within this condition, the site frontage, space to the dwelling and garage provide sufficient parking to serve the dwelling. This condition is not considered necessary.
7. Cycle storage.
Secure cycle storage is available within the proposed garage. This condition is not considered necessary.
8. Residential Travel Pack.
This is not considered necessary for a development of this scale.
9. Reception and storage of building materials.
This will be added as an informative along with the other requested informatives.

Requirements of Outline Conditions

The outline permission was subject to the standard reserved matters conditions 1 to 3. Condition 4 requires a site investigation for contaminants.

Financial Contributions - Open Space

The application was originally submitted as a full application but was later amended to reserved matters. The outline permission was approved at a time when open space contributions were not being sought on minor applications.

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.

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, hard and soft landscaping and materials hereby permitted shall be carried out in accordance with the following approved plans: Drawing no MM/01A Site Layout and Ground Floor Plans, Drawing no MM/01A Elevations and First Floor Plan and Drawing no MM/01A Garage Elevations.

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 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 out of settlement location and to ensure that sufficient garden and parking/turning space is retained in the interests of visual and residential amenities and highway safety.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved plans 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 surrounding area.

- 4 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 as the site is within close proximity to existing dwellings.

- 5 The development shall not be occupied until such time as the car parking and turning areas have been provided in accordance with the approved plans. The car parking and turning areas shall be retained in this approved form at all times and shall not be used for any purpose other than the parking of vehicles related to the development.

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

- 6 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the verge.

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 carriageway in the interest of highway safety.

- 7 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.

Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development reference 17/00574/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions prior to the commencement of any works.

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 Informatives

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Informative 5: 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.