



highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

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

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

5. 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. 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.

7. 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.

8. 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 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 2:

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. No vehicles associated with the development shall affect the ease of passage along the footway leading to and past the double garage.

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](mailto:development.management@essexhighways.org) or by post to:

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

**3. Planning History**

91/01107/FUL	Additions to house.	Approved	31.10.1991
93/00450/FUL	Rear extension single storey. For disabled person bathroom and kitchen	Approved	25.05.1993
95/00584/FUL	Greenhouse Conservatory	Approved	28.06.1995
17/00486/FUL	Construction of a two storey side extension to create a garage, study, two bedrooms, one en-suite and a cloakroom.	Approved	23.05.2017
17/01994/FUL	Construction of a detached two storey, three bedroom house.	Approved	10.01.2018

**4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN6A Protected Species

HG1 Housing Provision

- HG3 Residential Development Within Defined Settlements
  - HG9 Private Amenity Space
  - EN11A Protection of International Sites: European Sites and RAMSAR Sites
  - 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
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- HP5 Open Space, Sports & Recreation Facilities
  - LP1 Housing Supply
  - LP3 Housing Density and Standards
  - LP4 Housing Layout
  - PPL4 Biodiversity and Geodiversity
  - SPL1 Managing Growth
  - SPL2 Settlement Development Boundaries
  - SPL3 Sustainable Design
- 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**

### Site Description

The application site is land adjacent to the south of 17 Seafields Road, within the parish of Holland-on-Sea. The character of the surrounding area is largely urban, with examples of residential development to all sides. This development sees a range of detached and semi-detached properties, predominantly all single storey, however Numbers 17 and 24 are two storeys. The site falls within the Settlement Development Boundary for Holland-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Proposal

This application seeks planning permission for the erection of one residential dwelling, which is to be single storey and serving two bedrooms, which will measure 5.7 metres in height, 10 metres in width and 13 metres in depth.

The proposed dwelling will utilise the existing garage arrangement to the rear of the site, and will be accessed via the existing access to the south-west corner of the site off Seafields Road.

### History

Under planning reference 17/01994/FUL, permission was granted on this site for the erection of one two storey dwelling. This is an extant permission and can be implemented up until 10 January 2021. This application differs in that the design has been amended to single storey.

### Assessment

#### 1. Principle of development

The site is located within the Settlement Development Boundary (SDB) for Holland-on-Sea, as established in the saved and draft local plans. Further, under planning reference 17/01994/FUL

there is an extant planning permission for one residential dwelling on this site. Given this, the principle for residential development is acceptable subject to the detailed considerations below.

## 2. Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 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 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the character of the surrounding area includes some two storey development, notably the adjacent property Number 17, it is typically dominated by single storey development. There is therefore no principle objection to the single storey design in this location. There is considered to be good spacing between the properties, ensuring the proposed dwelling does not appear cramped in the street scene, whilst it will be sited in accordance with the strong existing building line to the north and south.

The character of the surrounding area currently is of no special visual merit that would need to be adhered to, whilst the previously approved dwelling was also not of an exceptional design. Against this backdrop, while the single storey structure incorporates a slightly bland appearance, there is not considered to be significant visual harm to warrant a refusal reason. Further, features including a front gable element have been included to soften the overall bulk, while a condition will be attached to this decision to request external material details at a later date.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling with two bedrooms should be a minimum of 75 square metres and for a dwelling with three bedrooms or more should be a minimum of 100 square metres. The submitted plans demonstrate approximately 75 square metres for the proposed two bedroom dwelling and there is significantly in excess of 100 square metres for 17 Seafields Road.

## 3. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The new dwelling has been sited and orientated in such a way to ensure that there are no significant adverse impacts to neighbouring properties. For example there is a minimum separation distance of 6.5 metres to each adjacent property, which will ensure there will no loss of light, whilst its single storey design ensures no overlooking concerns.

Furthermore, to the east of the site are residential properties along Turpins Avenue, namely numbers 47 and 49, which will be to the rear of the proposed dwelling. It was previously considered under planning permission 17/01994/FUL that despite some potential overlooking concerns the harm was not significant to warrant a refusal reason. The main difference with the application being determined is the proposal is now to be single storey, and therefore the proposal will result in no overlooking concerns, while an approximate separation distance of 25 metres will ensure no loss of light or the dwelling appearing imposing.

## 4. Highway Considerations

Essex County Council Highways have been consulted as part of the process of the application and state that they do not wish to raise any objections subject to conditions relating to the use of no unbound materials, the upgrading of the existing access point, no discharge of surface water and boundary planting being sited 1m from the highway boundary.

Further conditions requesting cycle parking provision and the submission of a Residential Travel Information Pack were requested; however given the site is of sufficient size to accommodate cycle facilities and the scheme is a minor development, it would not be reasonable to add these as conditions to this decision.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with two or more bedrooms that a minimum of two parking spaces is required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans show that while the existing double garage to the rear of the property does not meet the above requirements, the parking provision to the front is sufficient. Furthermore, the existing dwelling, Number 17, retains sufficient parking to the front and side of the property and therefore meets the above standards.

## 5. Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of -17.68 hectares of equipped play/open space in Holland/Clacton and the development will increase demand on play facilities further. The nearest play areas are located at Hereford Road, Holland-on-Sea, and the money would be spent to update these facilities.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure compliance with saved policy COM6.

## 6. Habitats Regulation 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 the RAMS level 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. The contribution is secured by unilateral undertaking. There is therefore certainty 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.

### Other Considerations

Clacton is non-parished so no comments are required.

There has been two letters of objection received; with the following concerns;

1. Concerns regarding the adjacent alleyway and whether it will be block paved; and
2. Impacts to highway network/public realm.

In answer to point 1, the alleyway in question does not form part of the application site and therefore it is not possible to request this be block paved. With regards to point 2, the proposal includes sufficient off-street parking provision and therefore is not considered to increase the harm to the highway network.

## 6. Recommendation

Approval.

## 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 number 01 and the document titled 'Planning Statement'.

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

- 3 Prior to occupation of the dwelling the existing vehicular access shall be upgraded and 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 metres (3 metres minimum - 6 metres maximum), 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 footway/highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 4 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.

- 5 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 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.

- 7 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include 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 enhance the visual impact of the proposed works.

- 8 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 enhance the visual impact of the proposed works.

- 9 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - In the interests of visual amenity.

## **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.

### Reception and Storage of Building Materials

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.