

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	18/06/2019
Planning Development Manager authorisation:	SCE	19.06.19
Admin checks / despatch completed	ER	20/6/19

Application: 19/00391/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Lars & Judi Knutsen

Address: Land adjacent Stonechat Edith Road Kirby Le Soken

Development: Proposed dwelling.

1. Town / Parish Council

Frinton and Walton Town Council Recommend the application for approval.

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority. The site is located at the very end of the cul-de-sac. The proposal 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 the vehicular access shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4 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 verge/ carriageway.

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. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the existing carriageway. 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 a vehicular turning facility, as indicated on block plan drawing no. 08 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

4. 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/carrageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carrageway (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

5. 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.

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.

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:

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 2:

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

14/00793/OUT	Outline for new dwelling	Approved	07.08.2014
16/00484/DETAIL	New dwelling.	Approved	26.05.2016
19/00391/FUL	Proposed dwelling.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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 a plot of land approximately 0.06 hectares in size and it is situated to the south of Edith Road, Kirby-Le-Soken. Edith Road is characterised by mainly single storey residential dwellings, although there are also some examples of two storey residential dwellings as well. The site is located within the development boundary of Kirby Le Soken.

Proposal

This application seeks planning permission for the erection of one detached dwelling. The dwelling will be set back from the highway with two tandem parking spaces to the north of the application site.

Assessment

The main considerations for this application are;

- Principle of development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping
- Highway Considerations and Parking Provision
- Legal Obligation
- Habitat Regulations Assessment
- Representations

Principle of Development

The site lies within the Settlement Boundary for Kirby-le-Soken where the principle of residential development is accepted and the acceptability of the erection of a detached dwelling has also be established through the granting of 14/00793/OUT and 16/00484/DETAIL.

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 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The plans submitted show that a three bedroom dwelling will be detached, one a half storey and accessed via Edith Road. The dwelling is set back within the plot and it is considered that the site is of a sufficient size to accommodate a dwelling of this size.

The dwelling will follow the established line of development throughout Edith Road and as the character of Edith Road is typically one and two storey detached dwellings, the proposal will be in keeping with the character of the area.

In terms of design and appearance, the front elevation incorporates a green oak framed porch to the ground floor with roof lights serving the first floor with a dormer and solar panels to the rear

elevation. It is considered that the features are all positive and contribute positively to the overall design and appearance of the proposed dwelling.

The materials proposed; interlocking clay pantile roofing to nature grey galvanised steel gutters and down pipes, Old Essex Red Brick Plinth, Horizontal and Vertical Timber stained boarding and timber Alu Clad Triple glazed windows and doors are considered to be acceptable in terms of design and appearance.

The proposed dwelling would occupy a footprint similar to that of surrounding dwellings. As a result the proposed building would not represent a cramped form of development detrimental to the street scene, as it would provide important gaps to both sides in excess of the minimum standards set out within saved Policy HG14.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100sqm. The submitted plans demonstrate that this is achieved for the proposed dwelling.

Residential 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 application retains 6.8 metres to the neighbouring boundary to the north. There is sufficient space between the dwellings to ensure that there will not be a materially damaging impact upon the privacy or daylight of neighbouring dwellings and therefore will also be sufficient open space to neighbouring boundaries, therefore meeting the requirements of Policy HG14 of the Tendring District Local Plan 2007. The dwelling incorporates four roof lights on the northern elevation. The roof lights are high level meaning that there will be no overlooking or loss of privacy to neighbouring properties from these windows and are for light purposes only.

To the south of the application site are open fields and therefore the proposal is not considered to cause any impact.

To the west of the application site is 'Pine Lodge'. Although there may be some views of the proposal to the neighbouring dwelling, due to the approximate distance of 21 metres to the neighbouring boundary as well as the mature vegetation which is planted along the boundary, it is considered that the proposed dwelling will not cause any impact upon the neighbouring amenities.

Trees and Landscaping

The eastern boundary of the application site adjacent to Edith Road is demarcated by an established hedge comprising Blackthorn, Elm and Elder. The hedge has a positive softening impact on the street scene and it would be desirable if it were to be retained. There are small trees at the western end of the application site comprising Hawthorn Maple and Blackthorn. None of these trees merit retention or protection by means of a tree preservation order although they are not threatened by the development proposal and could be retained as garden features.

A condition will be imposed to secure details of the indicative soft landscaping and fencing proposals as indicated on the proposed landscape plan. It will also include the retention of the hedge on the eastern boundary or details of replacement planting if it were considered for it to be removed in order to facilitate the development of the land.

Highway Considerations and Parking Provision

Essex Highway Authority have been consulted on this application and do not raise any objections to the application subject to conditions; vehicular access to be constructed at right angles, no unbound materials, prior to occupation a vehicular turning facility to be approved by LPA, reception

and storage of building materials, Residential Travel Information pack and cycle parking. The following conditions will not be imposed; the reception and storage of building materials will be imposed as an informative, Residential Travel Information Pack is only imposed for major developments and there is sufficient space on site to accommodate cycle parking.

Further, Adopted Car Parking Standards state that there should be minimum parking provision for a dwelling with two or more bedrooms for two parking spaces measuring 5.5m x 2.9m or, if being relied upon for one of the parking spaces,. The plans submitted demonstrate this is achievable for the proposed dwelling.

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 14.12 hectares of equipped play in Frinton, Walton & Kirby. However, there is more than adequate formal open space across the area.

Although there is a lack of play facilities in Frinton, Walton & Kirby it is not thought there will be a significant impact on the current facilities.

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 Representations

Frinton and Walton Town Council recommend the application for approval.

Two letters of support have been received stating the following:

- Building looks attractive and it will compliment Edith Road
- it will considerably enhance the street scene.

Conclusion

The proposal does not result in any material harm and therefore it is recommended for approval.

6. **Recommendation**

Approval - Full

7. Conditions / Reasons for Refusal

- 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 plan: Drawing No. 08, Drawing No. 04, Drawing No.05, Drawing: 06, Drawing No. 07 and Drawing No. 09

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

- 3 Prior to occupation the vehicular access shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4 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 verge/ carriageway.

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 existing carriageway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

- 5 Prior to occupation of the dwelling a vehicular turning facility, as indicated on block plan drawing no. 08 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

- 6 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 ensure that the development is appropriate within its conservation area and special character area setting.

- 7 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.

- 8 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual and residential amenities.

1. 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.

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.

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.

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Colchester Highways Depot,
653 The Crescent,
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CO4 9YQ.

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.