

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	31.07.19
Planning Development Manager authorisation:	AN	5/8/19
Admin checks / despatch completed	SB	05/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	5/8/19

**Application:** 19/00860/DETAIL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr Eddie Blake

**Address:** Crackstakes Farm Tan Lane Little Clacton

**Development:** Details of access, appearance, landscaping, layout and scale for approval 15/01150/OUT allowed at appeal (APP/P1560/W/15/3138).

### 1. Town / Parish Council

Mrs Ginette Loach (Clerk) Little Clacton Parish Council recommend approval of this planning application.

### 2. Consultation Responses

None received

### 3. Planning History

15/00497/OUT	Outline planning application with all matters reserved for the erection of one detached dwelling.	Refused	29.05.2015
15/01150/OUT	Outline planning application with all matters reserved for demolition of existing buildings and erection of one detached dwelling.	Refused	23.09.2015
17/00307/FUL	Vehicular Access.	Withdrawn	13.09.2017
19/00860/DETAIL	Details of access, appearance, landscaping, layout and scale for approval 15/01150/OUT allowed at appeal (APP/P1560/W/15/3138).	Current	

### 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  
HG9 Private Amenity Space  
EN1 Landscape Character  
EN6 Biodiversity  
EN6A Protected Species  
EN11A Protection of International Sites European Sites and RAMSAR Sites  
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  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
Local Planning Guidance  
Essex Design Guide  
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 eastern side of Tan Lane in the parish of Little Clacton. The area is outside of any development boundary in both the Saved and Draft Local Plans and is rural in character. Part of the land is occupied by a static caravan. The site also accommodates a large detached garage/storage building. To the north of the site is a neighbouring detached two-storey dwelling. To the west, east and south are open agricultural fields. The frontage of the site is marked by a 2 metre high timber fence. The northern boundary is marked by 1.8m close boarded fencing and a 2m high fern hedge. The rest of the site is laid to lawn with small ornamental fruit trees.

The extent of the site within the applicant's ownership is an inverted L-shape, to the right hand side and extending across the rear of Twin Waters. The application site does not encompass all of the land; a strip of around 7m between the two sites would remain along with an irregular T-shape across the rear of both the application site and Twin Waters.

### Description of Proposal

The applications seeks approval for the details of the proposed access, the appearance of the dwelling, provision for landscaping, the site layout and the scale of the development proposed; all these matters were reserved for consideration at the point of submission of 15/01150/OUT, which was allowed at appeal (APP/P1560/W/15/3138).

It is proposed to erect a detached chalet-bungalow approximately sited approximately 13.5m back from the road-edge, hard against the left hand newly-created left hand boundary with separation distances between 2.5m and 5m to the right hand boundary. To the rear of the new dwelling would be a private amenity space with depths between 5m and 8m. To the front of the dwelling would be a large expanse of lawns, a stone area for parking and block paving accessing the main entrance. All of the existing soft landscaping is to remain. New Oak trees are to be planted at the front right hand corner and roughly central along the left hand boundary of the plot; two new Silver Birch trees are to be planted within the left hand lawned area at the front of the plot.

The dwelling itself is approximately 30m wide and 17m deep, have three front dormers, two rear dormers and a two-storey gable feature to the rear to the left hand side. The entrance comprises a covered, open porch. Externally the dwelling would sit on a brickwork plinth with part weatherboard, part rendered walls and have a plain-tiled roof.

### Principle

The application site lies outside of any defined settlement development boundary of both the 2007 adopted plan and emerging plan. Notwithstanding this, whilst the proposal was considered to conflict with Policy QL1 and the Outline application was refused in 2015, the Appeal Inspector concluded that other considerations outweighed the objection and deemed that the site would be suitable for housing.

### Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 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 and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The height, width, design and external materials of the proposed dwelling would respect the character of the area in general.

### Scale

The replacement of the buildings would place a dwelling adjacent to the existing property 'Twin Waters', a substantial two storey property; thereby creating a pair of dwellings facing Tan Lane. The subservient nature of the chalet-bungalow proposed, set deeply within the plot would be no more intrusive than the existing buildings and use.

### Landscaping

This is a single plot sited deeply within the plot where it is unlikely to be publicly visible from outside the site. The hard and soft landscaping proposed is acceptable.

### Layout

The siting of the dwelling, being roughly in line with the adjacent neighbour and separated by a strip of land outside the application site is such to prevent any material loss of light, outlook or privacy to neighbouring dwellings.

Parking is not overly dominant to enable soft landscaping to the frontage.

The private garden complies with the standards under saved policy HG9.

### Impact on Neighbours Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 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'.

Due to the separation distances to the neighbour at Twin Waters and the proposed siting of window openings being obscurely glazed (which will be the subject of a condition) there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

## RAMS

There has been a recent change to Natural England's 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 above 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) and that this also applies to reserved matters applications where this was not considered at outline permission stage. 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.

## **6. Recommendation**

Approval - Reserved Matters/Detailed

## **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Site Plan P05 and Construction Method Statement P04 received 10<sup>th</sup> June 2019, Block Plan and Proposed Elevations P01b, Proposed Floor Plans P02b, Landscaping And Access Plan P03b received 29<sup>th</sup> July 2019.

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

- 2 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor windows in the north elevation shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 3 Prior to the occupation of the proposed dwelling the internal private access shall be provided in accord with drawing numbers: P01b Site plan and block plan and P03b Landscaping and access plan.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 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.

- 5 Prior to occupation of the development a vehicular turning facility, of a design to be previously 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 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.

- 7 No new boundary planting shall be planted within 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.

- 8 Prior to first occupation of the dwelling the off street parking shown on drawing number Landscaping/Access P03 revision b, shall be provided and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that on street parking of vehicles does not occur in the interest of highway safety.

## **8. Informatives**

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.

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.

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.

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.

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

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO