

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	12/08/19
Planning Development Manager authorisation:	AN	12/8/19
Admin checks / despatch completed	SB	13/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	gl	13/8/19

Application: 19/00444/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr & Mrs Matthew Heard

Address: Land rear of 9 Fronks Road Dovercourt

Development: Proposed residential dwelling.

1. Town / Parish Council

Harwich Town Council Harwich Town Council objects this application on the grounds of overdevelopment and inappropriate development.

2. Consultation Responses

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

1. Prior to the occupation of the proposed dwelling, the proposed private drive shall be constructed to a minimum width of 5.4 metres (four low kerbs at a width of 3.6 metres) for at least the first 6 metres from the back of Footway and provided with an appropriate dropped kerb crossing of the footway.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

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 in accordance with policy DM1.

5. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the proposed construction site plan, drawing no.12 has been hard surfaced and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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 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 free of charge.

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. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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.

10. Any new boundary planting shall be planted a minimum of 1 metre back from the back of footway 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.

The above condition is 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: 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 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

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.

3. Planning History

03/01662/OUT	One new dwelling	Approved	08.10.2003
13/00663/FUL	Proposed residential dwelling house.	Approved	15.08.2013
16/00611/FUL	Proposed residential dwelling house.	Approved	30.06.2016
17/01473/FUL	Proposed residential dwelling.	Approved	24.10.2017
19/00444/FUL	Proposed residential 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

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

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)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

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 (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 refers to a plot of land on Lower Marine Parade, adjacent to Minesweepers memorial, and within the defined settlement boundary of Dovercourt, Harwich. The frontage is approximately 10.5 metres wide and approximately 24 metres in depth. The site falls north west to south east towards the seafront.

The site is an overspill of the formal garden to No.9 Fronks Road and is laid to grass with garden paraphernalia present. A service track which runs behind those properties on Fronks Road, exists between the formal garden and the overspill.

A 1.5 m timber fence forms the boundary with the application site and the vacant site next door to the south west. The site to the south west has an extant planning permission for a one bedroom detached part two storey (due to the slope of the site) dwelling, with vehicular access off Lower Marine Parade (Ref 15/00233/FUL). The site is currently under construction following the granting

of planning permission 18/00180/FUL for the erection of a single dwelling of a more contemporary appearance.

Proposal

The application seeks planning permission for the erection of a two bedroom detached part two storey (due to slope of the site) dwelling. Two off street parking spaces are located at the front of the property, with vehicular access off Lower Marine Parade.

Planning History

Outline application 03/01662/OUT was approved on 8 October 2003. Following the lapse of this permission, outline application 06/01523/OUT was submitted and refused permission on 10 January 2007 on the grounds of highway safety, as vehicles would be required to reverse out onto the highway as no turning could be accommodated within the site, and unacceptable levels of useable amenity space being provided to future occupiers. Planning permission was then granted under planning references; 13/00663/FUL, 16/00611/FUL and 17/01473/FUL, for a two bed property on the site consisting of part two storey and part single storey elements due to the slope of the site.

Assessment

The main considerations when assessing this application are:

- Principle of development
- Design, Layout and Appearance
- Residential Amenities
- Highway Safety and Parking Provision
- Trees and Landscaping
- Legal Obligations - Open Space
- Habitat Regulations Assessment
- Other Considerations

Principle of Development

The site is situated within the defined settlement limits of Harwich as defined by both the adopted Tendring District Local Plan (2007) and Emerging Publication Draft (2017) and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

Design, Layout and Appearance

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward within Policy SPL3 of the emerging Local Plan.

The plans submitted show that a two bedroom dwelling will be detached with two storeys to Lower Marine Parade and one storey to Fronk's Road. The site will be accessed via Lower Marine Parade. The dwelling is set back within the plot and the site is considered to be of a sufficient size to accommodate a dwelling of this size. Previous officer/appeal decisions relating to the application site and the adjacent site established that dwellings in this location would not be harmful to the street scene of Lower Marine Parade as their separation from other properties would lessen the likelihood of comparisons with those nearby properties and reinforce their impression as dwellings of individual design and appearance. In this instance, the contemporary design is in keeping with

the neighbouring dwelling currently under construction, Land adjacent Valen, approved under planning reference 18/00180/FUL.

The materials proposed; white render, horizontal cedar boarding, cadeby red multi brick, natural slate roof tiles with grey aluminium windows and doors are considered to be acceptable in terms of design and appearance.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75sqm. The submitted plans demonstrate that this is achievable for the proposed dwelling. It is also noted that a previous appeal inspector when allowing the appeal next door considered the provision of frontage balcony amenity space to be adequate, bearing in mind the property is in close proximity to the beach and several open spaces.

Residential Amenities

The NPPF, in 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 of the Tendring District Local Plan (2007) 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 (2017).

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

There is sufficient distance to the dwellings to the rear of Fronks Road not to cause loss of outlook or light. The change in ground levels to the rear and the dual pitched roof of the building also means that the property would only sit 4.6 metres above the ground level. In terms of the approved and proposed properties to the adjoining plot, the approved property has a window facing the site which will serve a bathroom which will be obscure glazed. The proposed dwelling shows two openings on its elevation facing the neighbouring site. The windows will serve a bathroom and bedroom however both windows will be obscure glazed to reduce any impact upon neighbouring amenities. In terms of the balcony area at first floor, an obscure glazed end panel to the balcony has been provided to reduce any overlooking onto neighbouring amenities and to provide privacy to the host dwelling. A condition will be imposed to ensure that this is retained.

Highway Safety and Parking Provision

Essex Highways Authority have been consulted on this application and do not raise any objections subject to the applicant complying with the following conditions;

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions: width of drive, pedestrian visibility splay, discharge of surface water, no unbound materials, vehicle parking area, parking space measurements, cycle parking, Residential Travel Information Pack, reception and storage of building materials and boundary planting. The following conditions will not be imposed; the reception and storage of building materials, this will be imposed as an informative only. Residential Travel Information Pack is only imposed for major developments and there is sufficient space on site to accommodate cycle parking.

The site will be accessed from Lower Marine Parade which is the same as access as the previously approved planning application. Two parking spaces are demonstrated to serve the proposed dwelling to the front of the application site. The parking spaces are in line with Essex Parking Spaces requirements measuring 5.5 metres by 2.9 metres. It is therefore considered that the proposed dwelling is acceptable in terms of highway safety and parking provision.

Trees and Landscaping

The site contains a small poorly formed Cedar that makes some contribution to the appearance of the area but does not merit retention or protection by means of a Tree Preservation Order. The application shows that the tree is to be retained. It would not be unreasonable for the tree to be removed and replaced with a tree which has a significantly lower ultimate height.

The boundary of the application site with Lower Marine Parade is marked by a Euonymus hedge which is an attractive feature in the street scene. A condition will be imposed to secure soft landscaping on the application site.

Legal Obligations - Open Space

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 12.59 hectares of equipped play in Harwich and Dovercourt. The closest play area to the development is located at Dovercourt Pool approximately 0.5 miles away this play area is classified as a LEAP and is a well-used facility.

Due to the significant lack of play facilities in the area, a contribution towards play is justified and relevant to the planning application. To cope with any additional development in the area. The play area closest to the development is in need of updating, any contribution would be used to upgrade the fence at the play area at Dovercourt Pool Play Area. The contribution is secured by unilateral undertaking.

Habitat Regulations Assessment

Following recent Natural England advice and the introduction of Zones of Influences (Zoi) around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation), within these 'zones' Natural England are now 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 RAMS strategy.

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

Harwich Town Council have objected to this application on the grounds of overdevelopment and inappropriate development.

Two letters of representation have been received raising the following concerns;

1. Concerns with drainage
2. Concerns over use of materials - in particular the roof
3. Concerns about the right to a view
4. Concerns with the distraction of dwelling to road users

The application form states that in terms of drainage the dwelling will have a connection to the sewer of 9 Fronks Road and the drainage is shown on the plans. The application site falls below the threshold to consult ECC SUDS.

Concern number 2 has been addressed within the report.

Concern number 3 is not a material planning consideration and therefore this has not been taken into consideration when determining this planning application.

In response to concern number 4, the dwelling is set back from the highway by approximately 8 metres and therefore it is considered that the proposed dwelling will not cause any significant impact upon highway safety.

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. 8 Revision A, Drawing No. 5 Revision F, Drawing No. 6 Revision D, Drawing No.3 Revision F, Drawing No.7 Revision D, Drawing No.4 Revision C, Drawing No. 12

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

- 3 Prior to the occupation of the proposed dwelling, the proposed private drive shall be constructed to a minimum width of 5.4 metres (four low kerbs at a width of 3.6 metres) for at least the first 6 metres from the back of Footway and provided with an appropriate dropped kerb crossing of the footway.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety

- 4 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining 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 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

- 7 The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the proposed construction site plan, drawing no.12 has been hard surfaced and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

- 8 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.

- 9 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 effective implementation of the approved landscaping in the interest of visual amenity.

- 10 Prior to first use of the hereby approved balcony, the glazed screen as shown on drawing number 6 Revision D, must be provided and maintained in perpetuity.

Reason - In order to protect neighbouring amenities.

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.

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.

Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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