

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	06/11/2019
Planning Development Manager authorisation:	TF	7/11/2019
Admin checks / despatch completed	CC	7/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EN	7/11/19

**Application:** 19/00892/DETAIL                      **Town / Parish:** Clacton Non Parished  
**Applicant:** Mr Luke Milleare  
**Address:** 48 Colchester Road Holland On Sea Essex  
**Development:** Reserved matters application for 1no. detached dwelling including discharge of condition 4 (Construction Method Statement) of 18/00734/OUT.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

Building Control and Access Officer                      No comments at this stage

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 first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority. Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2        No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout. Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3        The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 01 Rev A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter. Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

4 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

5 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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

ECC Highways Dept

The Highway Authority confirms that the document annotated Construction Method Statement is sufficient to enable the Discharge of Condition 4 (Construction Method Statement) only.

Tree & Landscape Officer

In terms of soft landscaping the retention of existing trees in the rear garden is desirable and will soften and partially obscure views of the dwelling from that aspect.

The Hard and Soft Landscaping plan shows a Laurel hedge to be planted on part of the front boundary and a return on the boundary with the adjacent dwelling to the right hand side when facing from the highway. The soft landscaping scheme should be augmented by the inclusion of a tree within the row of hedging plants. Acceptable species are: Mountain Ash (*Sorbus aucuparia*) or Silver Birch (*Betula pendula*) and should be planted with a girth of 10-12cm. Many other tree species would be equally acceptable.

In other respects the soft landscaping proposals are acceptable.

Tree & Landscape Officer      The information provided in relation to tree retention and protection; as well as the soft landscaping proposals are acceptable.

### **3. Planning History**

18/00734/OUT	1 detached dwelling	Approved
19/00892/DETAIL	Reserved matters application for 1no. detached dwelling including discharge of condition 4 (Construction Method Statement) of 18/00734/OUT.	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  
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  
EN6 Biodiversity  
EN11A Protection of International Sites European Sites and RAMSAR Sites

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  
LP1 Housing Supply  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout  
CP1 Sustainable Transport and Accessibility  
CP2 Improving the Transport Network  
PPL4 Biodiversity and Geodiversity

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**

### **Site Description**

The application relates to land located on the southern side of Colchester Road in Holland on Sea and extends approximately 0.04 hectares in size. The application site was previously part of the area of public open space to the south west, formerly in the ownership of Tendring District Council. The site is located within the Settlement Development Boundary for Holland on Sea in the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### **Description of Proposal**

The application seeks approval of the reserved matters, namely access, appearance, landscaping, layout and scale following outline permission for the erection of 1 dwelling under application reference 18/00734/OUT.

### **Assessment**

#### **Scale, Layout and Appearance**

The reserved matters application complies with the indicative layout of the outline application albeit the proposed dwelling will be single storey resulting in the footprint of the dwelling being greater, although the size and shape of the application site easily allows for this modification. The site was

originally an overgrown section of the public open space and offered no through access due to this. Much of the vegetation will be removed to facilitate the construction of the dwelling; however this is not significantly detrimental to visual amenity in this location. The siting of the dwelling also allows for the necessary vehicular access, parking and turning facilities to the front. Policy HG9 of the Tendring District Local Plan 2007 states that the private amenity space for a dwelling with three bedrooms or more should be a minimum of 100 square metres. The plan demonstrates that this level of private amenity space can be comfortably accommodated.

The mix of semi-detached and detached bungalows in the immediate area reveals a strong linear pattern of development which the proposed dwelling would adhere to. The proposed dwelling will be finished in red brick, the front and rear gables clad with Cream Eternite weatherboarding, white UPVC windows, doors and fascias with a roof of terracotta concrete roof tiles. The materials proposed and the style of the bungalow observes the existing local character.

#### Residential Amenity

Policy QL11 of the Tendring District Local Plan 2007 states that 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers or 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 separation distances between the proposed dwelling and the existing properties of 46 and 50 Colchester Road are considered acceptable; there is a distance of 1 metre to each side boundary. 46 and 50 Colchester Road have existing fencing along the side boundaries of the application site and these will remain. Due to the single storey nature of the proposed dwelling there is not a significant risk of overlooking or loss of privacy to the neighbouring properties.

#### Trees and Landscaping

The application site will in the main be cleared of vegetation and immature trees which are overgrown with Ivy. One small tree will be retained in the back garden which will be protected during the course of construction. The necessary tree protection measures will form part of the permission controlled by condition. New closed board fencing is proposed to the rear along which a hawthorn hedge will be planted. In front of the proposed dwelling a Laurel hedge and Wild Cherry Tree will bound the north and west edges which will help mitigate the loss of vegetation on the site and assimilate the proposal into the street scene. In terms of soft landscaping, the applicant has submitted sufficient information relating to species and specification of new planting which is acceptable.

Further ecological mitigation measures and enhancements have been shown on Drawing No. 02 Revision C to ensure compliance with condition 5 of permission 18/00734/OUT. The measures and enhancements proposed are acceptable and will result in a net gain for biodiversity, as is encouraged by the National Planning Policy Framework.

A natural stone patio at the rear of the bungalow provides for a private area for sitting outside while the block paving to the front offers the space required for car parking and vehicle turning. The proposed hard landscaping is acceptable in this location.

#### Highway Safety

Essex County Council as the Highway Authority have been consulted on the application and has stated that they have no objections subject to a number of conditions relating to access width, the use of no unbound materials and the parking/turning area.

A condition was also requested for cycle parking; however given the site is of a sufficient size to accommodate bicycle storage, this condition is not considered reasonable or necessary on this occasion.

In addition, Tendring District Local Plan 2007 requires that for dwellings with 2 or more bedrooms that a minimum of 2 off road car parking spaces are provided. The parking spaces should meet the Essex County Council Parking Standards where one space should measure 5.5 metres x 2.9 metres and garages, if being relied upon to provide a parking space, should measure 7 metres x 3 metres internally. The proposed garages do not meet the above requirements however there is

sufficient space in front of the dwelling to accommodate the necessary parking and turning requirements.

#### Financial Contributions

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### Other Considerations

The Tendring District Council Building Control and Access Officer has no comments at this time.

No other letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to necessary conditions.

### **6. Recommendation**

Approval - Reserved Matters/Detailed

### **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01 Revision B, Drawing No. 02 Revision C and the Construction Method Statement.

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

- 2 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in the interests of visual and residential amenities.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved 'Hard and Soft Landscaping' Drawing No. 02 Revision C 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 development.

- 4 The protective fencing detailed on Drawing No. 02 Revision C shall be retained throughout the construction phase of the development.

Reason - In the interests of safeguarding the retained tree in the interests of the character of the area.

- 5 Prior to the first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

- 6 Prior to the occupation of the proposed development, the car parking and turning area shall be provided in accordance with the details shown in Drawing No. 01 Revision B. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

- 7 No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason - To avoid displacement of loose material onto the carriageway in the interests of highway safety.

## **8. Informatives**

### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **Conditions Precedent**

The applicant is reminded that this detailed planning consent is subject to conditions attached to the outline permission for this development reference 18/00734/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

### **Legal Agreement Informative - Recreational Impact Mitigation**

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### **Highways Informative**

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.

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