

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	26/11/2019
Planning Development Manager authorisation:	AN	26/11/19
Admin checks / despatch completed	CC	27.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AK	27/11/19

Application: 19/00795/DETAIL **Town / Parish:** Little Oakley Parish Council

Applicant: Mr & Mrs Cullen

Address: Land East of 78 Harwich Road Little Oakley

Development: Erection of 3no. dwellings (submission of details following outline planning permission 16/01310/OUT).

1. Town / Parish Council

Little Oakley Parish
Council

Little Oakley support the application.

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 any of the proposed development the internal road layout shall be provided in accord and based on drawing numbers:

- PI01 b Site plan and block plan
- PI04 b Proposed landscaping plan

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.

2 Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the north and 2.4 metres by 56 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

3. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

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 to ensure accordance with policy DM1.

5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator 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.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: 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 2: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

Informative 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.

Essex County Council
Archaeology

An archaeological evaluation has been completed for application (16/01310/OUT) which revealed evidence for Middle Bronze Age activity which was not represented at the adjacent multi-period site at Seaview Estate. This adds to the evidence for prehistoric continuity of human occupation and activity in the vicinity and there is likely to be further evidence which will be impacted upon by the proposed development. A further phase of archaeological investigation is recommended which will involve monitoring of groundworks for the access road, houses and any other significant groundworks within the proposed development.

A WSI will need to be submitted before any development can proceed which identifies the areas for archaeological monitoring.

The following recommendation is made in line with NPPF:

'No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority'

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. The District Council should inform the applicant of the recommendation and its financial implications.

3. Planning History

15/00646/OUT	Erection of eight dwellings.	Refused	22.06.2015
16/01310/OUT	Residential development of 0.16ha of land to provide up to three dwellings.	Approved	06.12.2016
17/00835/OUT	Outline planning application with all matters reserved for the development of up to five dwellings with associated access and landscaping.	Refused	13.07.2017

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

EN3 Coastal Protection Belt

EN4 Protection of the Best and Most Versatile Agricultural Land

EN23 Development Within the Proximity of a Listed Building

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

SP2 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL9 Listed Buildings

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 (including Site Description and Proposal)

Site Description

The site is located at on the south-eastern side of Harwich Road and is adjacent to but outside of the Settlement Development Boundary for Little Oakley as established in the saved and draft local plans. The site consists of an agricultural arable field with a hedgerow and trees on the front boundary with the highway. To the east is Foulton Hall Farmhouse, a Grade II Listed Building.

Description of Proposal

The application seeks approval of all reserved matters following the outline approval (with all matters reserved) under planning reference 16/01310/OUT.

This application therefore seeks the approval for the layout, scale, appearance, landscaping and access for the 3 dwellings approved under application 16/01310/OUT.

Condition 3 of the outline permission relating to the submission of the reserved matters also required the submission of a Tree Survey and Report which is included with the application.

Assessment

The main consideration are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations and Parking Provision;
- Financial Contribution - RAMS;
- Requirements of Outline Conditions; and,
- Representations.

Principle of Development

The principle of development has been established by the granting of outline planning application 16/01310/OUT.

The detailed considerations are set out below.

Scale, Layout and Appearance

The layout of the development allows for well-spaced properties retaining appropriate spacing to their respective boundaries; being well set back from the highway and providing rear gardens in excess of the minimum standards required by saved Policy HG9 of the adopted Local Plan.

Amended plans have been received incorporating a rendered finish to Plots 1 and 2 being in keeping with the immediately adjacent properties. There is sufficient variation in the house type, detailed design and materials to result in a visually varied but harmonious street scene.

The layout shows the retention of a soft landscaped buffer at the front of the site and a relatively low density of dwellings, consisting of a pair of semi-detached properties and one detached dwelling which would be appropriate for the site having regard to the existing character directly adjacent and on the northern side of Harwich Road.

A visual break considered important in landscape terms and ample distance is retained to the Listed Building to the east.

The dwellings are served by tandem parking to the side of each property contributing to both the spacious appearance of the scheme but also helping to break up the appearance of the dwellings within the street scene.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

Residential Amenities

The layout, fenestration and accommodation layout, and spacing between dwellings ensures a satisfactory development in terms of residential amenities for both existing and future occupants.

Each dwelling is served by a private amenity area in excess of policy requirements.

Trees and Landscaping

There are three trees on the boundary of the application site with the highway; an Oak, and Elm and an Elder.

The Oak is shown as retained and information has been provided to show how the Root Protection Area (RPA) will be physically protected for the duration of the construction phase of the development. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations

The Elm has died since the grant of outline planning permission and the Elder has only low amenity value and will be removed to facilitate access. The removal of both trees is acceptable and will not have a significant adverse impact on the public realm

The applicant has provided details of soft landscaping showing new tree and hedgerow planting. This information relates to the land to the front of the proposed new dwellings and is considered sufficient to enhance the appearance of the development.

Highway Considerations and Parking Provision

The dwellings are served by a central access with appropriate visibility splays and a size 3 turning area leading to the driveways/parking for each dwellings.

Essex County Council Highway Authority raise no objection to the development subject to conditions. Some of these conditions duplicate those on the outline permission or are not required for a development of this scale. Any necessary highway conditions will be imposed.

Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential development on a site that lies within the Zone of Influence (Zoi) being approximately 1400 metres from Hamford Water Ramsar, SPA and SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure 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.

Requirements of Outline Conditions

The outline application was also subject to the following conditions;

- Condition 4 – Submission of Boundary Treatment Details
The plans detail proposed 1.8m close boarded fencing throughout satisfying condition 4 of the outline consent. The fencing to the rear boundary is not wholly appropriate on this edge of settlement location, however, the visual impact is mitigated by new hedgerow planting to the frontage and the established trees and vegetation along the full road frontage of Harwich Road. The landscape impact will be minimal given the close proximity to the built up area

with the proposed and existing 2 storey dwellings forming the backdrop when viewed from the south east.

- Condition 5 – Visibility Splays 2.4 x 90m to the east
The layout plan provided shows the required visibility splays in accordance with this condition.
- Condition 6 – No Unbound Materials
The landscaping plan shows bound surfacing in accordance with the requirements of this condition.
- Condition 7 – Parking in accordance with Standards
The plans show tandem parking in accordance with parking standard dimensions.
- Condition 8 – Garages should be set back 6m from highway
No garages are proposed.
- Condition 9 – Porous or Permeable Hardsurfacing
The hardsurfacing shown on the landscaping details will need to comply with the requirements of this condition when laid.
- Conditions 10 – 12 Archaeological trenching and investigation requirements
An archaeological evaluation has been completed and submitted with this reserved matters application. However, comments from Essex County Council Place Services Specialist Archaeological Advice require a further phase of archaeological investigation which will involve monitoring of groundworks for the access road, houses and any other significant groundworks within the proposed development. A WSI will need to be submitted before any development can proceed which identifies the areas for archaeological monitoring.

The evaluation provided does not satisfy conditions 10 – 12 and this will require a separate discharge of condition application.

Representations

Little Oakley Parish Council support the application.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the reserved matters associated with the approved development, the application is recommended for approval subject to the appropriate 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 and materials:

Drawing 160 PL01 Rev B
Drawing 160 PL02 DL
Drawing 160 PL03

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on approved plan Drawing 160 PL04 Rev B 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 and quality of the development.

- 3 The development hereby approved shall be carried out in strict accordance with the Tree Survey, Arboricultural Implication Assessment and Arboricultural Method Statement Proj. No 7460 dated 14/05/2019 and the tree protection details shown on Drawing Number 7460-D-AIA unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 4 The development shall not be occupied until such time as the road, turning, driveways and parking bays have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), other than those shown on approved drawings no provision of fences, walls or other enclosures shall be erected forward of the front elevation of each dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 6 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.

- 7 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

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.

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.

Conditions Precedent

As this is a reserved matters application any decision will need to be read in conjunction with the outline consent 16/01310/OUT which contains a number of conditions that remain relevant to the development.

Highways Informatives

Informative 1: 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 2: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

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Archaeological Informative

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from Essex County Council Place Services on request.