

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	7 th January
Planning Development Manager authorisation:	TF	08/01/2020
Admin checks / despatch completed	CC	08/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	8/1/2020

Application: 19/01255/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr Harris

Address: Land adjacent Paddocks Gutteridge Hall Lane Weeley

Development: Proposed detached chalet bungalow.

1. Town / Parish Council

Mrs Nicola Baker Weeley Parish Council notes that this new application for a bungalow is on an enlarged site but it still constitutes backland development and there remain concerns about access via the long narrow driveway which would now serve two properties.

2. Consultation Responses

UU Open Spaces No contribution is being requested from Open Spaces on this occasion.

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

Building Control and Access Officer Fire service access may be an issue.

3. Planning History

01/01601/FUL	Proposed erection of 2 x 3 bedroom bungalows and garages	Approved	15.11.2001
02/00122/FUL	Proposed erection of 2 x 3 bedroom bungalow and garage thereto. Design variation to include conservatory to plot one.	Approved	18.03.2002
02/00737/FUL	Proposed design variation plot 2, 3 bedroom detached bungalow and garage variation of original permission 01/01601/FUL	Approved	28.05.2002
02/01456/FUL	Resubmission with design alterations. 3 bedroom detached bungalow to include double garage and widened lounge/kitchen.	Approved	03.09.2002

97/01485/OUT	Proposed bungalow and double garage	Refused	17.02.1998
18/00340/FUL	Proposed detached bungalow	Refused	27.04.2018
19/01255/FUL	Proposed detached chalet bungalow.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN11A Protection of International Sites European Sites and RAMSAR Sites

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

HP5 Open Space, Sports & Recreation Facilities

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 Paddocks is a two-storey dwelling that is larger than other properties in this area; it has a garage to the side, separated from the main dwelling with a covered walkway. The property, along with its associated garden is positioned behind the existing road frontage dwellings; all of which are sited in spacious plots with long rear gardens. These spacious plots form the character of the residential development within this locality.

History

In 2002 planning permission was granted (02/00122/FUL) for two new dwellings on east of The Paddocks, fronting Clacton Road; these properties have been constructed and are known as 1 and 2 Paddock View. In 2018 planning permission was refused (18/00340/FUL) for a new chalet bungalow separated from the north-west boundary of the Paddocks by the width of a parking space. The officer commented that, in this instance, the limited size of the plot and its proximity to the property to the south (Paddock) meant that the proposed chalet bungalow would appear at odds with the pattern of built form in the locality which comprises of properties set on larger more spacious plots. The dwelling would encroach into the undeveloped space between the rear of Lynden Glen and to the side of Paddock. This area currently has an open and spacious character which would be harmfully eroded by the proposed development. Furthermore, the proposed dwelling would have an uncharacteristically small plot size with a shallow depth. This would result in the scheme having a harmfully cramped and incongruous appearance in localised views. The applicants appealed the decision to refuse and, in dismissing the appeal the Inspector concluded that:-

- The proposed development would encroach into the undeveloped garden space to the side of Paddocks.
- By creating built development within the side garden this would erode the spacious character of the area.
- Being constructed close to the site boundaries and to Paddocks, the proposed dwelling would appear constrained within the site.
- Walls or fences placed around the site would compound the cramped appearance of the dwelling within this small site.

Consequently, the proposed development would not reflect the existing spacious pattern of development in this area and its cramped layout would be significantly harmful to the character and appearance of both the appeal site and the area. The visual harm that would arise from the proposed development would be readily apparent to adjoining occupiers of properties fronting Gutteridge Hall Lane.

Noting that the appeal site lies within the identified settlement development boundary of Weeley. The proposed chalet style dwelling would be acceptable when taken on its own design merit and its scale would reflect that of other properties in the area. The proposal would not give raise to parking, highway, wildlife or private amenity space concerns. Its location and orientation would not cause harm to the living conditions of existing neighbouring occupiers. Furthermore, it would not result in the loss of buildings of architecture interest or land of ecological or landscape value and the existing trees and hedgerow at the proposed eastern boundary would be retained.

Description of Proposal

The proposal would create a dwelling within the side garden of the existing property. The dwelling would have a perpendicular orientation when compared to the donor dwelling, have a dual-pitched roof with part-hipped ends and dormer windows in the south facing roofslopes. Externally the dwelling would be constructed in facing brickwork with a concrete roof-tiled roof.

The bungalow would be accessed via the narrow drive situated along the western side of Lyndon Glen off Gutteridge Hall Lane and the submitted plans show parking for two cars. 2m high close boarded fencing is to be installed to divide off the existing garden to Paddock.

Principle

The site is included within the defined settlement boundary serving Weeley in the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) and outside the settlement boundary in the saved Tendring District Local Plan (2007).

Having regard to the 3 strands of sustainability as outlined in paragraph 49 of NPPF, the proposed dwelling would generate economic activity during its construction so would meet the economic dimension of sustainable development.

In respect of the social dimension, the application site would be located within the settlement of Weeley which is classed as Rural Service Centre in the emerging local plan's settlement hierarchy outlined in policy SPL1. This policy confirms that Rural Service Centres can accommodate small scale growth. In this instance the development would be located with direct access onto a pedestrian footpath that leads to the nearby Weeley Train Station, primary school and local shop. All these facilities are within walking distance of the site. It is therefore considered that the application site performs well in regard to the social element of the NPPF's definition of sustainable development and future residents would not be solely reliant on private motor car to access their everyday needs.

The environmental role is about contributing to protecting and enhancing the natural, built and historic environment which is considered below.

Appearance, Layout and Scale

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.

Subsequent to the dismissal of the appeal against refused scheme 18/00340/FUL, the circumstances of the site have changed. In dismissing the appeal, the Inspector concluded that the proposed development would not reflect the existing spacious pattern of development in this area and its cramped layout would be significantly harmful to the character and appearance of both the appeal site and the area. The dwelling known as Soller Spinney has given over approximately one third of its rear garden which has now allowed the provision of a much larger amenity space, in addition to changes to the siting of the proposed dwelling.

In regards to amenity space, the resulting garden of Soller Spinney would maintain in the region of 330sqm, the donor dwelling would have around 300sqm and the new dwelling around 250sqm.

The proposed chalet style dwelling would be acceptable when taken on its own design merit and its scale would reflect that of other properties in the area.

Landscaping

Presently the site is cleared and offers little ecological value. A suitably-worded condition will be attached to any permission requiring further details to be submitted in regards to indicative soft landscaping and tree retention within the site as insufficient information accompanies the application in this regard.

Highways/Access

The hardstanding to the south of the dwelling is of ample size to adequately accommodate the required level of off-street parking and no objection has been received from the Highways Authority.

Residential Amenities

The NPPF, at paragraph 17 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 Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The location and orientation of the proposed dwelling, retaining ample separation to the boundaries of adjacent properties, would not cause harm to the living conditions of existing neighbouring occupiers. In regards to the proposed rooflights in the north elevation, these have a lower-cill height of 1.7m. In regards to the south-facing dormer to the east side of the dwelling; this is inset from the edge of the roof by approximately 2m – the outside edge of this proposed window aligns with the external face of the rear elevation of the Paddocks. For these reasons the proposal would not have a materially damaging impact on the privacy of occupiers of nearby properties.

Legal Obligation

No contribution is requested in regards to Public Realm on this occasion.

Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the 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.

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:- HPW-102, revision C received 20th August 2019.

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

- 3 Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan 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.

- 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.

- 5 The new property shall be provided with 2 parking spaces 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.

- 6 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.

- 7 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 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 - This is a publicly visible building where an appropriate landscaping scheme is a visually essential requirement.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

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.

On the completion of the Development, all roads, footways/paths, verges, 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.

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.

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.

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.

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