

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20 <sup>th</sup> Jan
Planning Development Manager authorisation:	AN	21/01/2020
Admin checks / despatch completed	CC	21/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	21/1/2020

**Application:** 19/01512/FUL **Town / Parish:** Little Oakley Parish Council

**Applicant:** Tocia Properties

**Address:** 21 Mayes Lane Ramsey Harwich

**Development:** Variation of condition 9 (refuse collection) 18/01657/OUT.

### 1. Town / Parish Council

Mrs Jeanette Sands                      Little Oakley Parish Council have made the decision to support this application

### 2. Consultation Responses

Environmental Protection      No comments received

Building Control and  
Access Officer                      Insufficient information to comment upon.

ECC Highways Dept                No comments received

Essex Wildlife Trust                No comments received

Natural England                    Natural England currently has no comment to make on the variation of condition 9.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Tree & Landscape Officer      The removal or retention of the store for refuse collection will not adversely affect any trees or other existing vegetation.

### 3. Planning History

00/01177/FUL	Proposed single storey rear extension and alterations	Approved	14.08.2000
03/00637/FUL	Convert existing garage to residential and retention of rear conservatory and detached double garage.	Approved	27.05.2003
16/00223/OUT	Demolition of one dwelling and erection of residential development of up to 13 houses and bungalows.	Refused	17.06.2016

16/02084/OUT	Alteration of one dwelling and erection of 5 no. bungalows.	Approved	04.04.2017
17/01150/DETAIL	Reserved matters application following outline approval 16/02084/OUT - Alteration of one dwelling and erection of 5 no. bungalows.	Approved	06.10.2017
17/01913/DISCON	Discharge of condition 2 (construction method statement) of planning permission 17/01150/DETAIL.	Approved	07.11.2017
18/01612/NMA	Change of boundary materials from brick to timber fencing for Plot 3 (Approved Under 17/01150/Detail).	Approved	
18/01657/OUT	Variation of condition 9 (Access Road) and 10 (Vehicle Visibility) of approved Planning Application 16/02084/OUT.	Approved	22.11.2018
18/02057/DETAIL	Amended Reserved Matters application for Landscaping, Appearance, Layout and Access following approval of 17/01150/DETAIL: Plot 2 single garage replaced with double garage, extend vehicular access to new double garage, reposition adjacent visitor parking, amend soft and hard landscaping and timber fencing works to accommodate amendments and alteration to soft and hard landscaping along the boundary adjacent to the land.	Approved	12.06.2019
19/01512/OUT	Variation of condition 9 (refuse collection) 18/01657/OUT.	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

TR1A Development Affecting Highways

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

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is situated on the eastern side of Mayes Lane, within the Parish of Little Oakley.

To the north of the site are residential properties that front onto Mayes Lane. These are a mixture of detached and semi-detached properties with long rear gardens. On the other side of the road are dwellings of a similar character. To the south of the site is the remaining garden and property to No. 17 Mayes Lane which is a detached bungalow and properties which front Bay View Crescent, which are also bungalows. To the west of the site is an area of open space at the Two Villages Primary School.

### Proposal

This application seeks permission for the removal of Condition 9 of previously approved 18/01657/OUT. The original condition is listed below:

*Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 25m of the highway or proposed highway and additionally clear of all visibility splays at accesses.*

*Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.*

### Assessment

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 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 in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The amendments proposed are minor in relation to that previously agreed within planning permission 16/02084/OUT and will result in a neutral impact to the street scene. Utilising refuse/recycling facilities to the rear of the individual properties, the omission of a (communal) recycling/bin/refuse collection point will not be noticeable and the character of the surrounding area would be unaffected.

Essex County Council as the Highways Authority have been consulted on the proposed amendments and have raised no objections.

### Other Considerations

Little Oakley Parish Council supports the proposal.

## **6. Recommendation**

Approval - Outline

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

- 1 Details of the external facing and roofing materials shall be in accordance with those approved within planning permission 17/01150/DETAIL.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 2 Details of the provision, siting, design and materials of screen walls and fences shall be in accordance with those approved within planning permission 17/01150/DETAIL. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - To protect the amenities and privacy of occupiers of the adjoining properties and in the interests of visual amenity.

- 3 Hard and soft landscaping works for the site shall be in accordance with the details as approved under planning permission 17/01150/DETAIL.

Reason - In the interests of visual amenity and the character of the area.

- 4 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 - In the interests of visual amenity and the character of the area.

- 5 Prior to the first occupation of the development, the proposed access road shall be constructed as a 6 metre wide shared use route with 6 metre radii kerbs at the bellmouth junction with Mayes Lane.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner, in the interests of highway safety.

- 6 Prior to the proposed access being brought into use, minimum vehicular visibility splays of 2.4 metres by 42 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 8 All parking and turning facilities, including garages and parking space dimensions, shall be in precise accordance with the details contained within the current Parking Standards.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur and vehicles can enter and leave the site in a forward gear, in the interests of highway safety.

- 9 The development hereby permitted shall be carried out in accordance with the recommendations and conclusions of the Extended Phase 1 Habitat Survey dated 29th September 2015 and the Bat Survey dated 7th October 2015 produced by DF Clark Bionomique Ltd, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of biodiversity and to ensure the development does not result in a harmful impact on protected species.

- 10 Details of external lighting shall be in accordance with those details approved within planning permission 17/01150/DETAIL.

Reason - To ensure that new external lighting of the development is not harmful to local amenity.

11 Details of the surface water strategy shall be in accordance with that approved under planning permission 17/01150/DETAIL.

Reason - To minimise the risk of flooding.

## 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.

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