

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	29/01/2020
Planning Development Manager authorisation:	TF	29/01/2020
Admin checks / despatch completed	CC	29/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	29/1/2020

**Application:** 19/01413/DETAIL                      **Town / Parish:** Weeley Parish Council  
**Applicant:** Mr G Syrett  
**Address:** Site adjacent The Little Chapel Clacton Road Weeley Heath  
**Development:** Proposed dwelling.

### **1. Town / Parish Council**

Weeley Parish Council              No comment to make on this application

### **2. Consultation Responses**

Tree & Landscape Officer              There are no trees or other significant vegetation on the application site.

Although there is only limited opportunity for new soft landscaping associated with the development proposal the site layout plan indicates that new planting will be carried out on the boundary with the highway.

Prior to the determination of the application the applicant should provide details of the species to be planted. The planting could comprise of a selection of mid-height range of shrubs or a single species planted as a hedge on the boundary with the highway. In either case a specimen tree should be planted either side of the proposed access

Tree & Landscape Officer              Notwithstanding previous comments: the applicant has now provided additional soft landscaping details including plant species for the planting area on the boundary with the highway.

The applicant has not provided details of tree planting however on balance it is considered that the proposed planting will satisfactorily enhance the appearance of the development.

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 the following mitigation and conditions:

1. Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the

highway shall not be more than 4.5 metres (5 low kerbs) and shall be provided with an appropriate dropped kerb vehicular 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 DM1.

2. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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 in accordance with policy DM1

3. No unbound material shall be used in the surface treatment of the vehicular access or driveway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

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. The dwelling shall not be occupied until such time as the car parking area, indicated on the plans, has been hard surfaced and sealed. 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 dwelling 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 DM1.

6. Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

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

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. 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: 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: o 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](mailto: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.

Building Control and  
Access Officer

No adverse comments at this time.

### 3. Planning History

05/00987/FUL	Residential development	Refused	27.07.2005
05/01908/OUT	Erection of one detached dwelling	Refused	22.12.2005
16/01294/OUT	Proposed dwelling.	Approved	06.10.2016
19/01413/DETAIL	Proposed dwelling.	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
- HG6 Dwelling Size and Type
- HG9 Private Amenity Space
- HG14 Side Isolation
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- 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
- 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  
Essex Design Guide

#### **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 adjacent to The Little Chapel along Clacton Road in Weeley Heath and extends approximately 0.04 hectares in size. The application site was previously part of the land attached to The Little Chapel but was later subdivided to create an individual plot. The site is located on the north eastern side of Clacton Road within the Parish of Weeley but outside of any Settlement Development Boundary.

### 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 16/01294/OUT.

### Assessment

#### Scale, Layout and Appearance

The site is currently clear of any buildings and is made up of uncut grass and weeds. The application site is a rectangular shape which allows for the siting of one dwelling and 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. There is a mix of dwellings on both sides of Clacton Road and in the immediate area, although the proposed design does connect with the street scene in that the properties of Gransden Lodge and Poppy Fields take on a similar style. The proposed dwelling will be finished with a red brick plinth, with all external walls and dormers finished in render apart from the gable which will be finished in timber weatherboarding painted in battleship grey barn paint. The windows and doors will be jeldwen softwood finished in window grey. A solid timber front door and side casement window will provide the entrance to the dwelling. The guttering will be a black finish.

The materials proposed and the style of the bungalow observes the existing local character. The one and half storey detached house with a 2 storey gable is considered to be appropriate in this location and will assimilate well with the addition of the proposed soft landscaping.

### 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 The Little Chapel and The Old Post Office are considered acceptable; there is a distance of 6.8 metres to the north western side boundary shared with The Little Chapel and a distance of 1.6 metres to the south eastern side boundary shared with The Old Post Office. New fencing will be erected along both side boundaries which will be 1 metre in height at the front of the property to allow visibility where it meets the highway. The fencing will be 2 metres in height where it encloses the side and rear gardens to maintain privacy for the residents of the new dwelling and the neighbouring properties.

Due to the siting and considered design of the proposed dwelling there is not a significant risk of overlooking or loss of privacy to the neighbouring properties.

#### Trees and Landscaping

New timber feather-edged fence panels and concrete posts are proposed to both side boundaries and the rear. In front of the proposed dwelling an evergreen hedge of two species will bound the south western edge, with additional planting to each side boundary to help 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.

Autumn gold coloured concrete porous pavers are proposed for the turning and parking area in front of the dwelling, while red concrete porous pavers will be used for access paths immediately adjacent to the dwelling. 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, vehicular turning and parking and boundary planting.

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. 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

Weeley Parish Council has no comments to make on the planning application.

The Tendring District Council Building Control and Access Officer have 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 number 19061/LS1, 19061/3A Rev A, 19061/4A Rev A, 19061/2A Rev A and 19061/1A Rev A.

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 'Proposed Landscaping Plan' drawing number 19061/LS1 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 Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (5 low kerbs) and shall be provided with an appropriate dropped kerb vehicular 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.

- 5 Prior to occupation of the dwelling the vehicular turning facility and car parking shall be provided in accordance with details shown in drawing number 19061/2A Rev A and 19061/1A Rev A and shall be retained in this form at all times and shall not be used for any purpose other than for the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 6 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.

- 7 Any new or proposed boundary hedge shall be planted a minimum of 1 metre back from the highway boundary and 1 metre behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason - To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, 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 16/01294/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.

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.

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.

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



**If so, please specify:**

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