

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13 th Feb 2020
Planning Development Manager authorisation:	GRG	17/02/2020
Admin checks / despatch completed	CC	17/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	17/02/2020

Application: 19/01506/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Earlwood Limited

Address: 98 Point Clear Road St Osyth Clacton On Sea

Development: Proposed demolition of existing bungalow, and erection of 2 No. two storey dwellings.

1. Town / Parish Council

Mr Parish Clerk St Osyth Parish Council

Whilst the Parish Council has no objections in respect of the housing, there are serious concerns as to the proposed addition of another driveway exiting onto Point Clear Road. Furthermore, there are already concerns as to the narrowness of the footway, which is deemed to be dangerous for pedestrians. The addition of a further entrance/exit will only exacerbate the situation further.

2. Consultation Responses

ECC Highways Dept

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

UU Open Spaces

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear.

Due to the limited provision in the village it is felt a contribution towards play and is justified and relevant to this planning application. The pre application has made provision for open space but no play facilities are being provided on site. The contribution would be used to provide additional facilities at Priory Meadow.

3. Planning History

01/00513/FUL	Single storey rear extension to form games room with bathroom	Approved	08.06.2001
01/01491/FUL	Subdivision of existing bungalow to form a pair of 2 bedroom semi detached bungalows	Refused	12.10.2001
95/00527/FUL	Demolition of existing bungalow, erection of two detached chalet style dwellings - (renewal of planning approval TEN/1835/89)	Approved	13.06.1995

02/02045/FUL	Demolition of existing bungalow and erection of a pair of detached 3 bedroomed chalet bungalows	Refused	10.12.2002
17/00979/DISCON	Discharge of conditions 03 (landscaping) and 10 (construction method statement) of planning permission 16/01869/FUL.	Approved	16.08.2017
17/01079/OUT	Proposed erection of 3 no. detached single storey bungalows with associated garaging and parking, following demolition of existing dwelling.	Refused	25.08.2017
19/01506/FUL	Proposed demolition of existing bungalow, and erection of 2 No. two storey dwellings.	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
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN3 Coastal Protection Belt
- HG1 Housing Provision
- HG9 Private Amenity Space
- LP1 Housing Supply
- TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft
- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

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 property was, for some time, the last property before exiting the predominantly residential area prior to reaching open fields. Properties are typically sited around 20m back from the pavement edge and comprise a wide variety of bungalows and houses of all ages and building styles and designs, with no pre-dominant character.

The existing site is an irregular 'L' shape having an area in excess of 2,500sqm. It is occupied by a detached single-storey bungalow which is sited relatively centrally within the plot. The west boundary comprises part vertical feather-edge plank, part conifer. The north and east boundaries are both evergreen hedges. There is a small collection of outbuildings which will remain but be contained within the separated-off parcel of land.

Proposal

The application proposes sub-dividing the site at the point of other rear boundaries in the vicinity. The front half of the newly separated land would then be used to site two detached four-bedroom dwellings that would have a similar scale to the pair approved in 2016 to the east boundary.

Externally the dwellings would have a modern appearance inasmuch as the external construction materials comprising black/blue brickwork plinth, pale rendered walls with grey-coloured HardiePlank cladding.

The dwellings would have a footprint of 6.2m wide x 14.2m deep, eaves of 5.4m and an overall ridge of 8.5m.

The left hand flank wall of plot 1 and the right hand flank wall of Plot 2 would be separated from the boundary a little over 1.5m and, at the front of the properties, the facades between the two plots would be separated by 4m – increasing to 5m at the rear elevation. Boundary treatment between the two new dwellings is proposed at 1.8m high close-boarded fencing, which drops to a 0.4m high post and rail fence from the façade to the planting at the front of the site boundary. Detached cycle stores/sheds are proposed in the rear gardens that have a footprint of just under 5sqm and a maximum ridge height of 2.5m. Paths and patios would be laid with paving slabs and the driveways would be tarmac. A small amount of hedge-planting is proposed to the side boundaries and to create a barrier between the parking area and the entrance to the dwelling. Two new trees are proposed but the species is unknown.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Assessment

1. Layout, Design & Appearance:-

The National Planning Policy Framework 2018 (NPPF) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history including the surrounding built environment and landscaping setting. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

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.

The design is a contemporary one, but given the lack of readily defined character to the surrounding development, and the sites edge of village location, the design is appropriate for its surroundings. The dwellings have an appropriately sized rear private garden and will not cause a terracing effect due to a side gap exceeding the minimum required under Policy HG14.

2. Impact to Neighbouring 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 proposed dwellings would have four bedrooms and require a private space of 100sqm or more; this is adequately shown on the plans. Overall the proposal is considered to secure a good standard of amenity for all future occupants of land and buildings.

Plot 1 would share its boundaries with 100 Point Clear Road and Plot 2. Plot 2 would share its boundaries with Plot 1 and the two recently-constructed but as of yet unoccupied dwellings approved under application 16/01869/FUL.

3.5m separation distances would exist between the left hand flank of the proposed Plot 1 and the right hand flank of 100 Point Clear Road; there are no first floor side facing windows proposed. In regards to 100 Point Clear Road, existing ground floor fenestration serves kitchen/diner and a secondary window to the lounge. Rooflights in the east slope serve a bathroom and main bedroom. 5.8m separation distances would exist between the right hand flank of the proposed Plot 2 and the existing Plot 1 of 16/01869/FUL and there are no first floor side facing windows proposed.

Overall the development would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

3. Highways

The National Planning Policy Framework 2019 (NPPF) at paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area. Furthermore, Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.

Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Furthermore, the adopted Essex County Council Parking Standards 2009 set out the requirements for residential development. A property of 2 or more bedrooms require 2 parking spaces. The preferred vehicle parking bay sizes are set out in paragraph 3.2.1 of the standards stating that each space should be 5.5m x 2.9m.

Policy TR7 of the Adopted Local Plan 2007 states that the adopted car parking standards will be applied. Outside town centres, variations to the adopted standards for residential development will be considered where local circumstances suggest this to be appropriate.

Policy TR1a of the Adopted Local Plan 2007 states proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. The sentiments of this are carried forward within Policy SPL3 within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Essex County Council were consulted and comment that, from a highway and transportation perspective, the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

4. Landscaping

The new dwellings include features that can typically be found along the street, including car parking to the front behind a landscaped boundary and private gardens hidden from view that enjoy an open aspect towards the creek. The existing bungalow has a wide frontage, but to make good use of a deep site and the amount of land available for development, two narrow-fronted homes are proposed as the replacement, intensifying the use of land without altering the character of the surrounding area. Private amenity space is hidden to the rear, whilst each front garden is designed to accommodate two cars (in line with the district council's parking standards) and space for them to be turned, in addition to leaving room for a new buffer of soft landscaping against the edge of the road. The site layout confirms that landscaping will continue to mark the edge of the street, creating a strong edge to the main road and partially hiding parked cars from view.

5. Legal Obligation

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear.

Due to the limited provision in the village it is felt a contribution towards play and is justified and relevant to this planning application. The pre application has made provision for open space but no play facilities are being provided on site. The contribution would be used to provide additional facilities at Priory Meadow.

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

6. 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.

Other Considerations

St Osyth Parish Council have serious concerns as to the proposed addition of another driveway exiting onto Point Clear Road, concerns as to the narrowness of the footway, and consider that the addition of a further entrance/exit will only exacerbate the situation further. The Highways Authority consider that, subject to conditions and mitigation the proposal has an acceptable impact on the highway network.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

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 plans: 1545/P/01 (Proposed Block Plan), 1545/P/02 (Proposed Street Scene and Elevations), 1545/P/03 (Plot 1 Floor Plans and Elevations), 1545/P/04 (Plot 2 Floor Plans and Elevations) Received 8th October 2019 and 1545/P/04 (Shed - Proposed Elevations And Floor Plans) received 28th October 2019.

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

- 3 Prior to occupation of the development, each vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before each vehicular 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.

- 4 Prior to occupation of the development 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.

- 5 Prior to occupation of the development each 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 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 6 The gradient of the proposed vehicular access shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter. To ensure that vehicles can enter and leave the highway in a controlled manner.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety

- 7 No loose or unbound materials used in the surface treatment of the access within 6m of the highway boundary.

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

- 8 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.

- 9 The existing/ proposed new boundary planting shall be cut back/ planted a minimum of 1 metre back from the highway boundary and any visibility splay. To ensure that the future outward growth of the planting does not encroach upon the highway or affect the visibility splays.

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.

- 10 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.

- 11 The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

- 12 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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.

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.

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.

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.

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