

3. 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 in accordance with policy DM1.
4. Prior to occupation of the development 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), 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 in accordance with policy DM1.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.
Reason: To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and not causing an obstruction or hindrance to use in the interest of highway safety in accordance with policy DM1.
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 to ensure accordance with policy DM1.
7. As indicated on drawing no. 6745-1202-p2 the proposed double garage will have a minimum internal measurement of 7m x 6m.
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.
8. 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.
9. 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.
10. 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.

2: Steps should be taken to ensure that the Developer provides enough 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.

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:

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653 The Crescent,
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4: 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. 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.

3. Planning History

| | | | |
|--------------|---|-------------------------------|------------|
| 00/00372/FUL | Demolition of existing bungalow and outbuildings and erection of replacement dwelling and detached garage | Withdrawn | 12.04.2000 |
| 01/01289/FUL | Demolition of existing bungalow and erection of replacement bungalow and detached garage | Approval with Legal Agreement | 21.08.2002 |
| 02/01245/FUL | Retention of entrance walls and gate. | Approved | 12.09.2002 |

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

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is land adjacent to Moorlands, Clacton Road, Frating. Whilst there are examples of detached residential dwellings with large curtilages within the immediate vicinity to the east and west, the area is typically rural in character, with large open grassed and agricultural plots of lands to all sides. The site lies outside of a Settlement Boundary, as established within both the saved Tendring Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Proposal

This application seeks planning permission for the erection of a single detached dwelling. The dwelling is to be 1.5 storeys, detached, serving four bedrooms and a detached garage.

History

Under planning permissions 16/01404/OUT and 17/01195/DETAIL, planning permission was previously approved for a single dwelling. Under planning permission 18/00378/FUL planning permission was approved for a 1.5 storey detached four bedroom dwelling.

Assessment

The main considerations for this application are:

- Principle of development
- Layout, Design and Appearance
- Impact upon Neighbouring Amenities
- Highway Safety and Parking Provision
- Trees and Landscaping
- Financial Contribution - Open space and Play Space
- Financial Contribution - Recreational Disturbance
- Other Considerations

1. Principle of Development

The site is not located within a recognised Settlement Development Boundary (SDB), as established within the saved local plan. However, the principle of development for this area has previously been established following the planning permissions 16/01404/OUT and 17/01195/DETAIL and 18/00378/FUL. Therefore the proposal is acceptable subject to the detailed consideration below.

2. Layout, Design and Appearance

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 submitted plans demonstrate that the proposed dwelling is to be sited to the east of Moorlands, with the access off of Clacton Road, maintaining the linear building line in this section of Clacton Road.

The surrounding area of Clacton Road is not well defined, with varying plot widths and a mixture of single storey and 1.5 storey dwellings. Against this backdrop, the proposed dwelling will be relatively in-keeping with the existing street scene. The proposed features of the proposed dwelling are similar to those of the adjacent dwelling Moorlands.

The proposed garage is located to the front of the proposed dwelling, however due to its single storey nature with a hipped roof to match the host dwelling aswell as being set back from the highway, the proposal is considered acceptable in terms of design and appearance.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The plans submitted show that this level of amenity space can comfortably be provided.

3. Impact Upon 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).

In terms of the impact on neighbouring amenities, the proposal will be visible to both, Cedar Lodge, to the east and Moorcrofts to the west, however due to the sufficient distance to neighbouring boundaries, it is considered that the proposal will not cause any significant impact upon neighbouring amenities. Although the dwelling is one and half storeys, the proposal does not incorporate any windows to the first floor to avoid any impact of overlooking.

Therefore, it is considered that the proposed development will not cause any significant impact upon neighbouring amenities.

4. Highway Safety and Parking Provision

Essex County Council Highways have been consulted as part of this application and have stated that at present the highway authority is not making site visits due to the COVID-19 restrictions and the observations below are based on submitted material, google earth photo dated April 2019 and a previous visit to a site in the vicinity. It is noted that the proposed vehicular access is identical to that of planning application 18/00378/FUL that was granted planning permission in May 2018. The Highway Authority therefore have no objection subject to conditions relating to the vehicular turning facilities, visibility splays, no unbound materials, vehicular access to be constructed at right angles, gates inward opening only, no discharge of surface water, measurements of the double garage, cycle parking, residential travel pack and storage of building materials. The cycle parking condition will not be imposed as there is sufficient areas to accommodate cycle parking. This application is for one dwelling only and therefore it would not be considered reasonable to impose the condition for a residential travel pack. The storage of materials will be imposed as an informative only.

The Adopted Essex Council Parking Standards state that where a dwelling comprises of two or more bedrooms, two parking spaces should be provided measuring 5.5m x 2.9m per space or a garage should measure 7m x 3m.

The main dwelling comprises of an attached garage and there is also a double garage proposed to the front of the dwelling house. There is also sufficient room to the front of the property to accommodate at least two parking spaces in line with Essex Parking Standards. .

5. Trees and Landscaping

The information provided by the applicant showing the position of the fencing to protect the trees for the duration of the construction phase of the development is in accordance with BS5837 2012: Trees in Relation to Design, Demolition and Construction: Recommendations and is sufficient to ensure that retained trees are physically protected for the duration of the construction phase during development.

6. Financial Contribution - Open space and Play Space

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

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

7. 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 on a site that lies within the Zone of Influence (Zol) being approximately 3.4 km away from Colne Estuary RAMSAR and SPA and Essex Estuaries SAC.. New housing development within the Zol would be likely to increase the number of recreational visitors to these designated sited 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.

8. Other Considerations

Frating Parish Council do not object to this application.

There have been no other letters of representation received.

6. **Recommendation**

Approval - Full

7. Conditions

- 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:

Drawing No. 6725-1201-P2 - Floor Plans and Elevations

Drawing No. 6725-1103-P3 - Block Plan

Drawing No. 6725-1104-P3 - Tree Protection

Drawing No. 6725-1202-P2 - Double Garage

Drawing No. LS5593/1 - Topographical Survey

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

- 3 Prior to occupation of the dwelling the vehicular turning facilities, as shown in principal on the submitted amended block plan (6745-1103-p3) 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 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. 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 users of the access and the public highway in the interests of highway safety

- 5 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

- 6 Prior to occupation of the development 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), 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

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.

Reason: To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and not causing an obstruction or hindrance to use in the interest 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 As indicated on drawing no. 6745-1202-p2 the proposed double garage will have a minimum internal measurement of 7m x 6m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety

10 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), no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevation of the 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.

11 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

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.

Highways

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 enough 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.

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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? If so please specify: | YES | NO |
| Are there any third parties to be informed of the decision? If so, please specify: | YES | NO |