

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	13/07/2020
Planning Development Manager authorisation:	TF	22/07/2020
Admin checks / despatch completed	CC	22.07.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	22/07/2020

Application: 20/00460/DETAIL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr Jason Drane

Address: Land West of Edward Street Parkeston Essex

Development: Reserved matters application (details of appearance, landscaping, layout and scale) for approval 16/02128/OUT.

1. Town / Parish Council

Ramsey & Parkeston Parish Council No comments received

2. Consultation Responses

Tree & Landscape Officer The information provided in respect of soft landscaping proposals for both the developed element of the site and the public open space and surface water attenuation area show an adequate amount of soft landscaping supported by sufficient detail in relation to species and specification.

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 the occupation of any of the proposed development the internal road and footway layout shall be provided in principle with Drawing Number:

- 5195-B/C-1/1/100 Rev. C - Revised Block Plan.

2. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

3. 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.

4. No unbound material shall be used in the surface treatment of the vehicular access throughout.

5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

7. 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.

8. 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.

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Informative:

1: The area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

2: 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

3: 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

16/01267/OUT	Construction of eight houses with associated parking, access and landscaping.	Approved	04.10.2016
16/02128/OUT	Construction of twelve houses with associated parking, access and landscaping (alternative scheme to application ref 16/01267/OUT).	Approved	28.06.2017
19/00406/DETAIL	Construction of thirty houses with associated parking, access and landscaping.	Approved	28.08.2019
20/00460/DETAIL	Reserved matters application (details of appearance, landscaping, layout and scale) for approval 16/02128/OUT.	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

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

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 located at the western end of Edward Street in the village of Parkeston. The site previously contained a brick works but is now unused and covered by vegetation. Access to the site is gained via Edward Street. To the south of the site is undeveloped land which has planning permission for 30 dwellings. To the north is Harwich Port and further to the west is Carless Refinery. The site slopes down to the south.

Proposal

This application seeks approval of Reserved Matters following granting of Outline Consent (16/02128/OUT) on 28/06/2016 for construction of 12 dwellings with associated parking, access and landscaping.

Condition 1 states; : Details of the appearance, layout, landscaping, and scale shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

The application proposes 12 x 3 bedroom dwellings. The proposed access is from Edward Street to the east. The access point was approved at outline stage.

Planning History

The site is part of a larger parcel of land on which there has been several planning permissions over recent years. In September 2008 planning permission was granted for 30 houses on the whole parcel of land and in Jan 2014 planning application 11/01172/OUT (30 dwellings) was allowed on appeal following the Council's refusal. The 2011 permission, within the illustrative layout, showed the provision of 8 dwellings at the northern end of the site in a similar arrangement to that being shown indicatively in the current application.

Planning permission (15/01792/OUT) has now been granted for 30 houses on the land to the south. The application site itself was the subject of an outline planning application (16/01267/OUT) for 8 dwellings that was approved in 2016. 16/02128/OUT then approved 12 dwellings on the site.

Principle

The site is located within the Settlement Development Boundary of both the Saved and Draft Local Plans where national and local planning policy directs new development as it is a sustainable location in close proximity to local services and facilities.

Furthermore, this site benefits from outline planning permission for 12 houses which was granted in 2016.

Given the planning history of the site and its location within the Settlement Development Boundary there is no objection in principle to residential development on the site. However, the acceptability of this Reserved Matters application will depend upon an assessment of its individual merits, including meeting the detailed criteria set out below.

Design/Appearance

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The Framework as stated in paragraph 17 is to always seek to secure high quality design.

Policy QL9, QL10 and QL11 of the Saved Plan aims 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.

Policy SD9 of the Draft Plan carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The detailed design of the dwellings is varied with different roof forms, height and use of window detailing which adds a contemporary element to the design and provides visual interest along with consistency with the development approved to the south of the site.

The surrounding area comprises of a mixture of type and styles of dwellings, using a range of materials all fairly traditional in appearance, it is therefore considered that the design of the proposed dwellings are an appropriate response to the character of the area.

In conclusion there is no objection to the proposals on design/appearance grounds.

Landscaping

As part of the application detailed landscaping plans have been submitted; the soft landscaping proposals are comprehensive and sufficiently detailed to enhance the appearance of the development.

The Council's Trees and Landscape Officer advises that the information provided showing tree, shrub and hedge planting is sufficient to secure an adequate level of soft landscaping for the application site.

A condition will be applied to ensure the satisfactory implementation of the landscaping scheme. A further condition will be applied to outline details of the intended maintenance of the area of open space.

No objection is raised therefore to the development on grounds of landscaping.

Scale

The properties will be two-storey in scale but due to the use of steep pitched roofs they will be approximately 2m higher than the two-storey properties occupying Edward Street to the east. However, a gap of 9m is being retained between the proposed development and the existing two-storey properties present on the northern side of Edward Street. This gap within the street scene, along with the contemporary design approach, will provide a clear distinction between the new development and the existing and ensure that any impact upon visual amenity would be acceptable.

Layout

Policy HG9 of the Saved Local Plan requires 100 sqm private garden areas for dwellings with 3 or more beds. All the dwellings are provided with garden areas which meet or exceed this standard.

All of the proposed dwellings address the street and create an active street frontage. Parking is provided to the front of the dwellings but is softened by the use of block paving and the planting of

dividing hedgerows. Frontage parking is also characteristic of the vicinity and is consistent with the approach taken on parts of the development approved to the south.

A wildlife corridor has been retained to the west and north of the housing in response to ecological/protected species requirements. The wildlife corridor in conjunction with the large area of open space to the south will ensure the development has an open and spacious feel when viewed from Edward Street and the proposed access road.

Each property will be provided with cycle storage and bin store ensuring that resident's functional needs are met.

In conclusion there is no objection to the layout of the proposed development.

Residential Amenities

The property proposed on plot 1 sits at the same level as the adjacent existing house in Edward Street and since the street level is similar for both houses the impact of the development upon the existing residents would be minimal. The developer is not artificially lowering or raising the garden levels and the adjacent house has a similar stepped garden to what is proposed on plot 1, using a red brick retaining wall, which will match in height and position to avoid loss privacy. In addition the adjacent house sits in a wider plot than is found elsewhere in the street and the house itself is located at the furthest point and so the separation between the two adjacent properties will equate to 9m.

In conclusion, therefore the impact upon existing residents in Edward Street, in terms of loss of light, privacy and outlook would fall within acceptable tolerances.

Conditions/Legal Obligations

Conditions included on the original outline permission secured the submission of a detailed SUDs scheme and land contamination report. These will need to be provided prior to the commencement of work. Further conditions secured ecological mitigation measures and highway requirements including the submission of a CMS.

Conditions to secure the landscaping and its maintenance along with the parking and turning areas will be applied at this stage.

In respect of legal obligations, the outline permission was accompanied by a unilateral undertaking to secure the payment of a public open space enhancement contribution. This remains in force. A further unilateral undertaking has been completed as part of this reserved matters application to secure the necessary RAMS payment which was not in force at the time of the outline approval.

Carless

The housing are located solely within the middle zone of the catchment area for the Carless Refinery. Previous applications for residential development have been granted on the site where the relationship between the refinery and residential development was considered acceptable.

The Health and Safety Executive does not advise on safety grounds, against the granting of planning permission in this case and on this basis the development is considered acceptable.

Other Considerations

The Council's Building Control Team have no adverse comments to make.

Ramsey & Parkeston Parish Council has not commented upon the application. No letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans;

- 5195-B/C-1/1/100 C
- 5195-B/C-1/1/102 C
- 5195-B/C-1/1/105 B
- WWA_2018_LP_301 P03
- 5195-B/C-1/1/106 B
- 5195-B/C-1/1/220
- 5195-B/C-1/1/221
- 5195-B/C-1/1/222
- 5195-B/C-1/1/223 A
- 5195-B/C-1/1/223 B
- 5195-B/C-1/1/224
- 5195-B/C-1/1/225
- 5195-B/C-1/1/226
- 5195-B/C-1/1/227
- 5195/B/C-1/1/110 B

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. WWA_2018_LP_301 P03 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 implementation of the approved scheme of the landscaping for a period of five years in the interests of visual amenity.

- 3 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

- 4 Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principle with Drawing Number:

- 5195-B/C-1/1/100 Rev. C - Revised Block Plan

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 5 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests 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 highway in the interests of highway safety.

- 7 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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.

- 8 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, have been hard surfaced and marked out in parking bays. The vehicle parking areas and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur 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 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.

Highway Informatives

The area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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