

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	30/07/2020
Planning Development Manager authorisation:	AN	30/07/2020
Admin checks / despatch completed	CC	30/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	30/07/2020

Application: 20/00476/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Anthony Neale

Address: 26 Vista Avenue Kirby Le Soken Frinton On Sea

Development: Proposed removal of garage and outbuildings and construction of new detached two bedroom dwelling.

1. Town / Parish Council

Frinton and Walton Town Council have not commented on this application.

2. Consultation Responses

ECC Highways Dept
04.06.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and Google Maps dated April 2009. The proposal is situated within a private road and retains adequate room and provision for off street parking and turning, for the host and proposed dwelling therefore:

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 for the host and proposed dwelling shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs), shall be retained at that width for 6 metres within the site.

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.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of private road.

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

3. The existing access for the host dwelling situated on Vista

Avenue and at the corner of Percival Road shown on Google Maps shall be suitably and permanently closed immediately the proposed new access is brought into first beneficial use for the host dwelling.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

4. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. As per the design and access statement the proposed single garage should have a minimum internal measurement of 7m x 3m.

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.

6. 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.

7. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway 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: 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.

3. Planning History

20/00476/FUL	Proposed removal of garage and outbuildings and construction of new detached two bedroom dwelling.	Current
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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

HG3 Residential Development Within Defined Settlements

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

EN6A Protected Species

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)

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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 relates to 26 Vista Avenue which is located on the eastern side of Vista Avenue. It is a corner-plot whose side garden is visible in the streetscene of Percival Road. Properties are typically single storey or chalet bungalows along the length of Percival Road, which is a private road.

Description of Proposal

This application seeks planning permission for the proposed removal of garage and outbuildings and construction of new detached two bedroom dwelling.

Assessment

The main considerations for this application are:

- Principle of development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping
- Highway Considerations and Parking Provision
- Legal Obligation
- Habitat Regulations Assessment
- Other Representations

1. Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Clacton on Sea, as established within the emerging local plan. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm

to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

2. Scale, Layout and Appearance

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The submitted plans demonstrate that the proposed dwelling is sited to the east of number 26 Vista Avenue with the access off of Percival Road.

In terms of the design and appearance, the dwelling is single storey with features such as a porch, a bay window and garage. The surrounding area of Percival Road is typically single storey or chalet bungalows along the length of Percival Road, which is a private road. Against this backdrop, the proposed dwelling will be relatively in keeping with the existing streetscene.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75 square metres. The plans submitted show that this level of amenity space can comfortably be provided and at least 75 square metres are retained for number 26 Vista Avenue.

3. Residential Amenities

The proposed dwelling will be visible to number 24 Vista Avenue, number 26 Vista Avenue and number 1 Percival Road.

Although there will be views of the proposed dwelling from number 24 Vista Avenue, due to the distance as well as the single storey nature of the dwelling and the boundary treatment, it is considered that the proposal will not cause any significant impact upon the neighbouring amenities.

The proposal is located in the existing amenity of number 26 Vista Avenue. However the dwelling will maintain at least 1 metre to the neighbouring boundary in line with Policy HG14 of the Tendring District Local Plan 2007. Due to the distance as well as the single storey nature of the dwelling, it is considered that the proposed dwelling will not cause any impact upon the neighbouring amenities.

The proposal will be visible to number 1 Percival Road. There is an existing garage which is sited adjacent to the neighbouring boundary and this garage will be replaced with a garage with a dual pitched roof. The roof of the proposed garage will slope away from the neighbouring amenities to reduce any loss of light. In terms of the dwelling, this will be located at least 1 metre away from the neighbouring boundary shared with number 1 Percival Road which is in line with Policy HG14 of the Tendring District Local Plan 2007. It is therefore considered that the proposed development will not cause any significant harm on the neighbouring amenities.

4. Trees and Landscaping

The site currently forms part of the garden of the host property. There are no trees or other significant vegetation on the application site. Whilst some new planting may improve the

appearance of the completed development there is little public benefit to be gained by new soft landscaping.

5. Highway Consideration and Parking Provision

Essex Highway Authority have been consulted on this application and have stated that due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and Google Maps dated April 2009. The proposal is situated within a private road and retains adequate room and provision for off street parking and turning, for the host and proposed dwelling. The highway authority have no objection subject to conditions relating to the vehicular access, no unbound materials, existing access, tandem parking, garage measurements, cycle parking and storage of materials. The parking and garage measurements conditions will not be imposed as the plans demonstrate that the proposal can comply with the Essex Parking Standards measurements. The cycle parking condition will not be imposed as there is sufficient room to the rear of the dwelling to accommodate cycle parking. The storage of materials will be imposed as an informative only.

Further, Essex Parking Standards state that there should be minimum parking provision for a dwelling with two or more bedrooms for parking spaces measuring 5.5m x 2.9m and garages should measure 7 metres by 3 metres. The plans submitted demonstrate that the proposed garage measures 7 metres by 3 metres and can accommodate one parking space and to the front there is room for another parking space which complies with the Essex Parking Standards. The plans provided demonstrate that Number 26 Vista Avenue will have parking which will be accessed via Vista Avenue. The parking spaces will be tandem however there is sufficient space to be able to accommodate two parking spaces in line with Essex Parking Standards. It is therefore considered that parking is acceptable.

6. 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".

No contribution is requested from the public realm.

7. Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influence around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influence (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

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 new dwelling on a site that lies within the Zone of Influence (Zol) being is approximately 0.2km away from Hamford Water RAMSAR and SPA.

In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Hamford Water 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 received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling 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

Frinton and Walton Town Council have not commented on this application.

No letters of representation have been received.

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 plan:

-Drawing No. 2009/10 – Location, Site Plan and Streetview
-Drawing No. 2009/11 – Floor Plans and Elevations

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

- 3 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.

- 4 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.

- 5 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;

- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 6 Prior to occupation of the dwelling the vehicular access for the host and proposed dwelling shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs), shall be retained at that width for 6 metres within the site.

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

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of private road.

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

- 8 The existing access for the host dwelling situated on Vista Avenue and at the corner of Percival Road shall be suitably and permanently closed immediately the proposed new access is brought into first beneficial use for the host dwelling.

Reason - To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in 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 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.

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.

Highways

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.

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.

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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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