

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	06.08.2020
Planning Development Manager authorisation:	SCE	07.08.2020
Admin checks / despatch completed	CC	07.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07.08.2020

Application: 20/00309/DETAIL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Burrell - Sunny Day Homes Ltd

Address: Land adjacent The Veldt Little Clacton Road Great Holland

Development: Approval of reserved matters following outline application 17/02206/OUT (approved at appeal APP/P1560/W/3206263).

1. Town / Parish Council

Frinton and Walton Town Council No comments received.

2. Consultation Responses

ECC Highways Dept
14.05.2020 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 either dwelling the internal layout shall be provided in principal with drawing number:

- Drawing No. Ssdh-101 Block plan, floor plans and elevations

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. The dwelling shall not be occupied until such time as a car parking and turning area has been provided in principal with proposed drawing no. Ssdh-101. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

3. All single garages 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.

4. 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.

5. 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.

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

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1.

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: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, please contact the Environment Agency as soon as possible to discuss your plans. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start. Once preliminary details have been agreed, you will be asked you to fill in an application form, which must be returned with the appropriate fee.

Please call the Environment Agency on 08708 506 506 and ask for the Essex Development and Flood Risk Team to discuss this requirement further.

2: On the completion of the dwelling, 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.

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:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

4: 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

17/00125/OUT	Outline planning application with all matters reserved for the residential development of 0.18 ha of land to create up to three detached bungalows.	Refused	11.04.2017
17/01557/OUT	Outline planning application with all matters reserved for the residential development of 0.18 ha of land to create up to three detached bungalows.	Approved	09.11.2017
17/02206/OUT	Outline planning application with all matters reserved for the residential development of 0.17 ha of land to create three detached bungalows.	Refused	28.02.2018
18/01001/FUL	Erection of 3 detached bungalows with new vehicular access - layout as approved under 17/01557/OUT.	Approved	13.09.2018

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
HG1	Housing Provision
HG6	Dwelling Size and Type
HG9	Private Amenity Space
HG14	Side Isolation
EN1	Landscape Character
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL1	Managing Growth
SPL3	Sustainable Design
LP1	Housing Supply
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity

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 measures approximately 0.17 hectares and is situated on the southern side of Little Clacton Road, to the west of the property known as 'The Veldt' adjacent to the newly constructed properties approved under planning application 18/01001/FUL.

The site is outside but close to the edge of defined settlement development boundary of Great Holland as set out in the adopted Tendring District Local Plan 2007. Within the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 the settlement development boundary has been extended to incorporate the former Lion's Den Public House, adjoining site and 'The Veldt'.

The property known as the 'The Veldt', to the east of the application site, is a chalet style dwelling with 2 new bungalows beyond and the former Lion's Den Public House on the corner with the junction with Clacton Road. Directly opposite is a ribbon of bungalows; while a sporadically spaced mix of houses and bungalows lie to the west.

Description of Proposal

The application seeks the approval of the reserved matters associated with the outline application 17/02206/OUT allowed on appeal reference APP/P1560/W/3206263.

Application 17/02206/OUT was made with all matters reserved. This application therefore seeks permission for the scale, layout, appearance, access and landscaping associated with the development of the site for the erection of 3 no. detached bungalows.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Safety and Parking;
- Financial Contribution - Recreational Disturbance;
- Requirements of Outline Consent; and,
- Representations.

Principle of Development

The principle of development has been established by the approval of the outline planning application 17/02206/OUT allowed on appeal for 'Outline planning application with all matters reserved for the residential development of 0.17 ha of land to create three detached bungalows'.

Scale, Layout and Appearance

The layout of the scheme allows for the continuation of the linear pattern of development on this side of Little Clacton Road rounding off the built form in line with the existing dwellings opposite. The layout allowed for a well-spaced development with 1 metre side isolation to all boundaries in compliance with the standards set out within saved Policy HG14 of the adopted Local Plan. The 3 dwellings have a slightly staggered positioning with the central plot having a rendered finish and the adjacent plots finished in facing brick. The dwellings retain a good set back from the highway with new front boundary vegetation softening the appearance of the development within the street scene.

The overall scale, footprint, design and material finishes are blend well with the existing new and older residential character.

Long distance views from the adjacent open fields are softened by the boundary vegetation and the property will sit against a backdrop of existing built form fronting Little Clacton Road.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

Residential Amenities

The proposed single storey development with fully hipped roof arrangements achieves an internal layout, separation distances and relationship that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Each property is served by a private amenity area in excess of the 100 square metres required by saved Policy HG9 of the adopted Tendring District local Plan.

Trees and Landscaping

There are no trees or other significant vegetation in the main body of the land.

In terms of soft landscaping the applicant has shown details relating to the planting of a new hedge of the boundary of the application site with the highway. They have also shown new tree planting in the rear gardens of the proposed dwellings.

The proposed new hedge will help to soften the appearance of the development when viewed from the highway however taking into account the rural location of the application site it was considered that additional soft landscaping is required. Officers considered that the appearance of the development would be improved if five additional trees were to be planted in the grassed areas between the new hedge and the drive serving the dwellings.

An amended planting scheme has been received incorporating the suggested additional planting.

The amended soft landscaping proposals showing additional tree planting are acceptable and sufficient to enhance the appearance of the development.

Highway Safety and Parking

Essex County Council as the Highway Authority has been consulted on the application (see above for full details). They raise no objection to the development subject to conditions which will be imposed where necessary.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

Each 3 bedroom property is served by an attached garage and parking space to the front both meeting the minimum dimensions with the internal access road providing turning areas.

The development is therefore acceptable in highway safety and parking terms.

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 contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zol) being approximately 4200 metres from Hamford Water SAC, SPA and Ramsar. New housing development within the Zol would be likely to increase the number of recreational visitors to 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 proportionate financial contribution has been secured through a completed unilateral undertaking in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements and the application therefore complies 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.

Requirements of Outline Consent

The application was allowed on appeal subject to the following conditions;

- 1 - 3 Standard reserved matters time limit and submission of details conditions.
- 4 Submission and approval of a Construction Method Statement.

The application meets the requirements of the outline consent and is also accompanied by a Construction Method Statement (CMS) which satisfies condition 4. The CMS and accompanying plan have been assessed by ECC Highway Authority and the Council's Environmental Protection Team (EP). A small amendment has been made at the request of EP and the CMS is now considered acceptable.

Representations

No comments have been received from Frinton and Walton Town Council.

No individual letters of representation have been made.

Conclusion

For the reasons set out above, the scale, layout, appearance, access and landscaping are considered acceptable and meet the requirements of the outline consent. The application is therefore recommended for approval subject to conditions where necessary.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number SDH-101 Revision B.

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

- 2 The approved amended Construction Method Statement received on 6th August 2020 and accompanying plan Drawing Number SDH-102 shall be adhered to throughout the construction period for the development.

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details on Drawing Number SDH-101 Revision B 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 and maintenance of the approved landscaping scheme for a period of five years in the interests of the visual amenity and the character and quality of the development.

- 4 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), other than those shown on the approved drawings, no provision of fences, walls or other enclosures shall be erected along the northern or eastern boundaries of the site or forward of the front elevation of the dwellings 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 and landscape impact.

- 5 All new parking areas and areas of hardstanding 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 within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 6 Prior to occupation of the dwellings hereby approved, the access, internal layout, parking and turning areas shown on the approved Drawing Number SDH-101 Revision B shall be constructed, surfaced and maintained free from obstruction at all times for that sole purpose.

Reason - To ensure adequate parking and turning is provided and retained for the development, in the interests of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, 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.

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 Informatives

1: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

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