

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	14/10/2020
Planning Development Manager authorisation:	TF	14/10/2020
Admin checks / despatch completed	CC	14/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	14/10/2020

Application: 20/00861/FUL **Town / Parish:** Beaumont Parish Council

Applicant: Mr and Mrs Smith

Address: Mulberry Harwich Road Beaumont

Development: Proposed three bed dwelling (repositioning of dwelling as approved under planning permission 19/00909/FUL).

1. Town / Parish Council

Beaumont Parish Council Not commented on this application

2. Consultation Responses

ECC Highways Dept
18.08.2020

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

1. 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 access is first used by vehicular traffic for the three residential dwellings 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 in accordance with policy DM1.

2. Prior to the occupation of either dwelling the internal layout shall be provided in principal with drawing number:
o Bhr-101 c Block plan, proposed floor plan 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.

3. As indicated on drawing no. Bhr-101 c and prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

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

the existing 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.

5. Prior to the occupation of the proposed dwellings, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

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 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: As per the information contained in The Planning Statement, under item 2.5 it will be necessary to undertake some maintenance to the existing hedgerow and cut back any overhanging trees adjacent to Harwich Road to ensure that a 2.4 metres parallel band visibility splay will be provided for the entire site frontage.

Informative 2: 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.

Informative 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

Building Control and
Access Officer
17.07.2020

No adverse comments at this time.

3. Planning History

18/01144/FUL	Alterations and extension.	Approved	06.09.2018
19/00358/COUNOT	Proposed conversion of agricultural buildings to three x 1 bedroom residential dwelling houses.	Prior Approval Not Required	23.04.2019
19/00909/FUL	Proposed replacement of three poultry units with 1 x three bed dwelling (in lieu of prior approval 19/00358/COUNOT).	Approved	12.12.2019

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

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

LP1	Housing Supply
LP2	Housing Choice
LP4	Housing Layout
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
PPL3	The Rural Landscape
CP1	Sustainable Transport and Accessibility

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

'Mulberry' is a detached bungalow set at the rear of the site. Towards the road frontage are a number of agricultural buildings which are now redundant following the cessation of the use of the site for poultry rearing purposes and sale of the land in 2017. In each case these buildings are permanent structures constructed with a substantial timber and with the exception of either a lean-to or shed, are in a sound condition. Building 1 lies closest to Harwich Road. This comprises two conjoined barns together with two sheds, the latter of which are to be removed due to their lightweight nature and poor condition. It has a floor space of 35m². Building 2 is located along the western boundary. It is the largest of the buildings with a floor area of 54m². Building 3 is located closest to the existing dwelling with a floor area of 52m². The buildings have a combined floor area of approximately 141m².

Proposal

This application seeks full planning permission for a three bed dwelling (repositioning of dwelling as approved under planning permission 19/00909/FUL).

The current application is for the relocation of the approved dwelling closer to Harwich Road, in the position of Building No.1.

Planning and Appeal History

Site Specific History

In September 2017, a formal notification was submitted pursuant to Part Q of the Town & Country Planning (General Permitted development) (England) Order 2015 for the conversion of the three agricultural buildings on the site into three dwellings.

Following consideration of the issues involved, the Council accepted by letter dated 23rd April 2019 that Prior Approval was not required (reference 19/00358/COUNOT). This approval was subject to the conversion of the building with a gross floor area of approximately 139 sqm with a height of 3.7 metres.

Planning permission was granted under planning reference 19/00909/FUL for the proposed replacement of three poultry units with 1 x three bed dwelling (in lieu of prior approval 19/00358/COUNOT).

Principle of Development

Having regard to the above approval of reference 19/00909/COUNOT and 18/00358/COUNOT the principle of a new dwelling to replace existing building subject of a Class Q approval is accepted. The principle of a new dwelling in a different location subject of a Class Q is also accepted.

Layout and Appearance

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

The application proposes the erection of a single storey dwelling with a hipped roof. The proposed dwelling is located to the north east corner of the application site. The new dwelling would be identical in all other respects to the building as previously approved, with a gross floor area of 140m² and a maximum height of 5.5m. A condition will be imposed to ensure that prior to occupation of the proposed dwelling the farm related buildings will be removed in the interests of protecting and enhancing the rural character and appearance of the area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling with three bedrooms or more should be a minimum of 100 square metres. This is achieved comfortably.

Residential Amenities

The NPPF, in paragraph 127 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 Tendring District Local Plan (2007) 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 (2017).

To the east of the application site is 'The Horseshoes'. Due to the proposed location moving to the north west of the application site it is considered that the proposed dwelling will be situated a significant distance to not cause any harm to the neighbouring amenities.

The proposed dwelling will be located to the north of the existing bungalow 'Mulberry', however due to the sufficient distance to the neighbouring boundary it is considered that the proposed dwelling will not cause any impact upon the neighbouring amenities.

To the west of the application site is 'Backwaters', however due to the distance to the neighbouring dwelling, as well as the single storey nature and the existing vegetation, it is considered that the proposed dwelling will not cause any significant impact upon neighbouring amenities.

Conditions removing permitted development rights are considered necessary in this instance due to the potential impact and harm from extensions and outbuildings to the character and appearance of the area, and given the fact that the proposal represents effectively an alternative permission the already approved Prior Notification application which does not benefit from permitted development rights due to the countryside location.

Highway Safety/Parking

Essex Highways Authority have been consulted on this application and have stated that there are no objections subject to conditions relating to visibility splays, internal layout, vehicular turning facility, no unbound materials, private drive, cycle parking and storage of building materials. The cycle parking condition will not be imposed as there is sufficient space on the site to accommodate cycle parking and the storage of building materials will be imposed as an informative only.

The plans provided demonstrate that there are two parking spaces proposed to serve the dwelling which are in line with Essex Parking Standards requirements of parking spaces measuring 5.5 metres by 2.9 metres. The proposed dwelling will not have any adverse impact on traffic generation, the existing highway network or noise generation when compared with the former agricultural use.

Trees and Landscaping

The application site is well populated with trees, mainly culinary varieties of edible fruit such as Apples, Pears and Plums. The site also contains decorative species with the most prominent being a large willow on the eastern boundary.

Taking into account the density of the vegetation on the boundary with the highway and the limited extent to which the application site can be seen by the public any trees on the site have low amenity value.

The erection of the dwelling in the proposed revised position will not result in harm being caused to any trees on the land.

A soft landscaping condition will be imposed to secure details of soft landscaping to partially obscure views of the site from the Public Right of Way network to the south-west of the application site.

Financial Contributions - RAMS

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 1.8 km away from Hamford Water RAMSAR site and SAC. 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 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.

Financial Contributions - Open 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".

There is currently a deficit of 0.49 hectares of play and formal open space in Beaumont. Although there is a current deficit of play facilities in Beaumont it is unlikely due to the size and location that this development will impact on the current facilities.

Legal Obligation

A completed unilateral undertaking has been provided to secure a legal obligation to ensure that only one dwelling is built on the application site.

Other Considerations

Beaumont Parish Council haven't provided any comments on this application.

One letter of support has been provided stating;

- As the owner occupier of the neighbouring property to the east of Mulberry, I support the application of the revised siting of the dwelling. The application to site the dwelling further to the north and west reduces the visual impact of the dwelling as viewed from my property. I take this opportunity to remind the council officers of the comment made by the chairman at the council planning meeting during which the application 19/00909/FUL was discussed that, to quote, "no further development be allowed on this site" (over and beyond 19/00909/FUL)

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 plans and documents:

Drawing No. BHR-101 Revision C

Demolition Plan scanned 6th August as approved under 19/00909/FUL

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

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To obscure views of the site from the Public Right of Way Network to the south west of the application site.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 that the landscaping scheme is suitably implemented within an appropriate timescale.

- 5 Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwelling shown on drawing no. BHR-101 Revision C hereby permitted shall not be extended or ancillary buildings or structures shall be erected within the curtilage, without the prior written approval of the Local Planning Authority.

Reason - In the interests of protecting and enhancing the rural character and appearance of the area.

- 6 The proposed dwelling shown on drawing no. BHR-101 Revision C hereby permitted shall not be occupied until all of the existing agricultural buildings as shown on the Demolition Plan scanned 6th August as approved under 19/00909/FUL, have been demolished and the resulting demolition materials removed from the site.

Reason - In the interests of protecting and enhancing the rural character and appearance of the area.

- 7 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 access is first used by vehicular traffic for the three residential dwellings 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

- 8 Prior to the occupation of the dwelling the site layout shall be provided in principal with drawing number:

BHR-101 Revision C

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

- 9 As indicated on drawing no. BHR-101 Revision C and prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety

- 10 No unbound material shall be used in the surface treatment of the existing 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

- 11 Prior to the occupation of the proposed dwellings, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of 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.

Highways

As per the information contained in The Planning Statement, under item 2.5 it will be necessary to undertake some maintenance to the existing hedgerow and cut back any overhanging trees adjacent to Harwich Road to ensure that a 2.4 metres parallel band visibility splay will be provided for the entire site frontage.

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.

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

Essex Highway Authority have been consulted on this application and have stated that there is no objection subject to conditions relating to visibility splays, internal layout, vehicular turning facility, no unbound materials, width of private drive, cycle parking and storage of building materials. All conditions will be imposed however the condition relating to cycle parking will not be as there is sufficient storage on the site to accommodate bicycles and the storage of building materials which will be imposed as an informative.

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