

Waste Management 28.08.2020	No comments.
Tree & Landscape Officer 20.08.2020	<p>There are no trees or other significant vegetation on the application site.</p> <p>A soft landscaping scheme has been submitted showing hard and soft surfacing.</p> <p>The plan shows areas of planting but the applicant does not appear to have included any details relating to the species or specification for tree, shrub or hedgerow planting in the front gardens of either property.</p> <p>If the scheme were annotated showing plant species to be incorporated into the scheme, including new tree planting in the grassed area to the front of the site, then it will be acceptable.</p>
ECC Highways Dept 24.08.2020	<p>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, google earth image dated April 2009.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.</p>
Essex Wildlife Trust	No comments received
Environment Agency	No comments received

3. Planning History

93/01403/DETAIL	(Dock Cottage Site, Dockfield Avenue, Dovercourt) Proposed 2 No. 4 bedroom detached houses (approval of reserved matters following outline permission TEN/91/0127)	Approved	15.02.1994
91/00127/OUT	Erection of two detached dwellings.	Approved	12.03.1991
20/01001/FUL	Proposed erection of two 4 bedroom detached dwellings and associated hard and soft landscaping.	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

QL9 Design of New Development

- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- COM6 Provision of Recreational Open Space for New Residential Development
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- HG1 Housing Provision
- HG9 Private Amenity Space
- LP1 Housing Supply
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

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

Site Description

The Site extends to 0.0726 ha (726m²) and is located between numbers 71 and 77 Dockfield Avenue, which are situated to the south and north respectively. Dockfield Avenue lies immediately to the east of the Site, and a public right of way (PROW 169) runs along the Site's western boundary with an area of woodland beyond. The Site currently comprises an area of vacant scrubland enclosed by chain link fencing and concrete posts to the eastern boundary, with access via a gate fronting Dockfield Avenue. The existing housing along Dockfield Avenue consists of two main styles of two-storey dwellings built in the 1970s and 1980s.

Description of Proposal

Planning permission is sought for 2 no. 4-bedroom detached residential dwellings; the proposed dwellings are designed to be of a similar size and scale to the neighbouring properties. Both properties comprise two-storeys with integral garages and private amenity space and are 'handed' in their layouts.

The dwellings have north-west to south-east running ridges at a height of 7.7m and a rear gable which have a ridge of 6.7m – the eaves of the rear gable are marginally higher (at 5.5m) than the remainder of the dwelling which are 5.1m. The dwellings have a typically depth of 10.5m – though there is a minor projection forward of 1m which facilitates the integral garage and are 8m wide and internally have four bedrooms.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Financial Contributions - RAMS;
- Financial Contributions - COM6;
- Representations; and,
- Other Considerations.

1. Principle of Development:

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

2. Layout, Scale and Appearance:

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 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 and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed dwellings are set back from the road in a staggered formation, to provide a gradual change between 71 and 77 Dockfield Avenue. Ridge heights of the proposed dwellings are in line with the neighbouring properties, creating a cohesive street scene; the dwellings will be positioned 1.2m from the boundaries of the neighbouring properties and from the boundary created between the new proposed dwellings, providing adequate space for access around the dwellings. The design of the proposed dwellings reflects the 1980s housing at 77 Dockfield Avenue, with integral garages, front porch with roof, uniform window alignment, matching roof pitch, staggered rear elevations and open gable ends.

The landscaping plan shows areas of planting but it does not appear to include any details relating to the species or specification for tree, shrub or hedgerow planting in the front gardens of either property. For this reason it is considered appropriate to attach a condition to the permission requiring further details of the spread, girth and species of all proposed trees, shrubs and hedgerows on the site.

3. Amenities of Existing & Future Occupiers:

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In regards to the site layout, the proposed rear elevation of the new No. 75 ends roughly in line with the rear elevation of No. 77, flank to flank separation distances in the region of 2.7m exist. The proposed rear elevation of the new No. 73 ends approximately 3.7m beyond the rear elevation of No. 71 (to the south-east), flank to flank separation distances in the region of 2.8m exist. Neither of the two existing dwellings have any first floor side facing windows.

Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space. "Private amenity space" comprises a private outdoor sitting area not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It will therefore not necessarily always amount to the entire rear garden. Apart from its private recreation function, private amenity space is also important in achieving well laid out development.

Private amenity space shall be provided to new dwellings in accordance with the following standards:- a three or more bedroom house - a minimum of 100 square metres. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwelling would have more than sufficient private amenity space available.

Overall the proposal is considered to secure a good standard of amenity for future occupants of the proposed dwellings and will not have a materially damaging impact on the privacy, daylight or other amenities of existing occupiers of nearby properties.

4. Highways

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's current Parking Standards require that for dwellings with 3 bedrooms a minimum of 2 parking spaces be provided per unit. The preferred bay size for cars is 5.5 metres by 2.9 metres and the minimum bay size is 5 metres by 2.5 metres; drawing 06-01, revision A indicates that each dwelling can provide 2 off-street parking spaces which are of the minimum bay size for a car.

The Highways Authority comments that 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, google earth image dated April 2009 and the impact of the proposal is acceptable to Highway Authority subject to the mitigation and conditions.

5. Recreational Disturbance Avoidance and Mitigation Strategy (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 contribution is secured by unilateral undertaking.

The application scheme proposes two new dwellings on a site that lies within the Zone of Influence (Zol) being approximately 1300metres from Stour and Orwell Estuaries RAMSAR site. Since the development is for 2 dwellings only, the number of additional recreational visitors would be limited and the likely effects on Stour and Orwell Estuaries RAMSAR from the proposed development alone may not be significant. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Stour and Orwell Estuaries RAMSAR site; 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 unilateral undertaking has been prepared to secure this legal obligation. This will 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.

6. Public Open Space

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is currently a deficit of 12.59 hectares of equipped play in Harwich and Dovercourt.

The closest play area to the development is located at Ray Avenue approximately 0.5miles away this play area is classified as a LEAP and is a well-used facility.

Due to the significant lack of play facilities in the area, a contribution towards play is justified and relevant to the planning application, to cope with any additional development in the area. The play area closest to the development is in need of updating. Any contribution would be used to make improvements at the play area at Ray Avenue play area.

7. Representations

No letters were received as a result of the site notice which was displayed on 12th August 2020 or the consultation with four adjacent dwellings.

Harwich Town Council has no objection to this application.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

6. Recommendation

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: 06-01 A, 06-02, 06-03, 06-04, 06-05, 06-06, 06-07 and 06-08; received 27th July 2020.

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which 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 - This is a publicly visible building where an appropriate landscaping scheme is a visually essential requirement.

- 4 Prior to occupation of each dwelling, each vehicular access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 28 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 5 Prior to occupation of each dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

- 7 Prior to occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

8 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

9 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.

10 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

11 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.

12 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.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

13 The public's rights and ease of passage over public footpath no.3 (Harwich_169) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

14 Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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.

15 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the first-floor window in the north-west elevation (plot 75) and the south-east elevation (plot 73) shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

16 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no additional windows shall be inserted at first floor level in the north west elevation or south east elevations of either plot 73 or plot 75 except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

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 – Public Open Space

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: public open space in accordance with saved Policy COM6.

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.

Demolition & Construction

There is some indication of potential contamination from our contaminated land database. The applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure proposed site is free from contamination.

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, the following should be considered:-

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- 7) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 8) No materials produced as a result of the site development or clearance shall be burned on site.
- 9) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 10) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Failure to follow the above may result in enforcement action under nuisance legislation (Environmental Protection Act 1990) or the imposition of controls on working hours (Control of Pollution Act 1974).

Highways

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO