

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	04/11/2020
Planning Development Manager authorisation:	TC	04/11/2020
Admin checks / despatch completed	DB	05/11/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/11/2020

Application: 20/01135/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr R Burrell - Sunny Day Homes Ltd

Address: Plot 6 Land adjacent The Veldt Little Clacton Road

Development: Proposed dwelling - variation to plot 6 approved under 17/02206/OUT and 20/00309/DETAIL on larger plot size.

1. Town / Parish Council

Frinton & Walton Town Council
21.09.2020

Approval.

2. Consultation Responses

ECC Highways Dept
01.10.2020

It is noted that this application concerns a variation to plot 6; the Highway Authority does not object to the proposals as submitted and in accordance with block plan drawing no. Sdh-201.

Informative:

1: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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.

3. Planning History

17/00125/OUT	Outline planning application with all matters reserved for the residential development of 0.18 ha of land to	Refused	11.04.2017
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	create up to three detached bungalows.		
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
20/00309/DETAIL	Approval of reserved matters following outline application 17/02206/OUT (approved at appeal APP/P1560/W/3206263).	Approved	07.08.2020

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
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

The application site measures approximately 0.08 hectares in size and relates to the wider site and development approved under 17/02206/OUT and 20/00309/DETAIL for the erection of 3 detached bungalows (a continuation of the newly constructed properties approved under planning application 18/01001/FUL to the east).

The site is situated on the southern side of Little Clacton Road, to the west of the property known as 'The Veldt' and is the final plot in the row with open fields beyond.

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, the adjoining site and 'The Veldt'.

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 a variation to the size and design of this final plot. The proposed enlargement of the property requires an extension to the plot width therefore extending beyond the boundary of the application site previously approved under 17/02206/OUT and therefore requiring a full application.

The application therefore seeks full planning permission for the erection of a detached 3 bedroom bungalow with a wider width and wider side projection to accommodate larger bedrooms and a larger living area.

The central shared access to the development will remain as approved.

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;
- Financial Contribution – Open Space and Play Space; 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'.

Although this proposal extends beyond the site boundary of the previously approved scheme, the development does not result in an increase in the number of dwellings nor an increase in the number of bedrooms within the property.

The proposal is therefore acceptable in principle subject to relevant detailed considerations as set out below.

Scale, Layout and Appearance

The layout of the scheme is the same as previously approved under 20/00309/DETAIL and allows for the continuation of the linear pattern of development on this side of Little Clacton Road. The enlarged site area results in the rounding off of the built form in line with the existing dwellings directly opposite and does not extend beyond. The enlarged site is not excessive and will not appear out of keeping or harmful to landscape character. The enlarged dwelling on its enlarged plot retains a well-spaced development with 1 metre side isolation to both side boundaries in compliance with the standards set out within saved Policy HG14 of the adopted Local Plan. The slightly staggered positioning of the 3 dwellings is retained as approved as well as the brick finish in contrast to the neighbouring rendered property. The enlargement to the width of the main part of the dwelling is minor having a negligible visual impact in the street scene. The wider side projection and integral garage is well set back from the front elevation and highway. Furthermore, the new front boundary vegetation will soften the appearance of the development.

The overall scale, footprint, design and material finishes 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 amended 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 area.

Residential Amenities

The proposed single storey development with a fully hipped roof arrangement 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. The enlarged parts of the dwelling are to the western elevation adjacent to open fields, away from neighbouring properties therefore resulting in no additional impact upon residential amenities.

The dwelling will be 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

The site has been mostly cleared in preparation for the approved development. The neighbouring plots are almost complete.

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 and new tree planting in line with that previously approved. The proposed new hedge and tree planting will help to soften the appearance of the development when viewed from the highway. The proposed variation to plot 6, as approved under planning permissions 17/02206/FUL and 20/00309/DETAIL will not alter the impact of the development proposal on trees on the land.

A condition will be attached to secure the implementation of hard and soft landscaping proposals shown on the site layout plan.

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 as the access will remain as approved and the enlarged dwelling is served by ample parking.

The development is therefore acceptable in highway safety and parking terms subject to conditions as necessary.

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 (Zoi) being approximately 4200 metres from Hamford Water SAC, SPA and Ramsar. New housing development within the Zoi 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.

Financial Contribution – Open Space and Play 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". 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.

No contribution is being requested from Open Spaces on this occasion.

Representations

Frinton and Walton Town Council recommend approval.

No individual letters of representation have been made.

Conclusion

For the reasons set out above, the revised and enlarged dwelling at variance to the previous approval is considered acceptable in terms of the principle, scale, layout, appearance, access and landscaping. The application is therefore recommended for approval subject to conditions where necessary.

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 plan (including materials details): Drawing No. SDH-201.

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

- 3 The approved amended Construction Method Statement 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.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details on Drawing Number Drawing No. SDH-201 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.

- 5 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 rear southern or side western boundaries of the site or 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 and landscape impact.

- 6 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.

- 7 Prior to occupation of the dwelling hereby approved, the access, internal layout, parking and turning areas shown on the approved Drawing Number SDH-201 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 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 Informatives

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