

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	22/06/2021
Planning Development Manager authorisation:	JJ	22/06/2021
Admin checks / despatch completed	<u>CC</u>	<u>25.06.2021</u>
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<u>ER</u>	<u>25/06/2021</u>

Application: 21/00201/OUT **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Thomas Dormant

Address: Land adjacent Trees Edith Road Kirby Le Soken

Development: Erection of a domestic dwelling (resubmission of 15/00477/OUT).

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
26.04.2021

Recommends: APPROVAL

2. Consultation Responses

ECC Highways Dept
14.05.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that this is a resubmission of previous planning application: 15/00477/OUT, at the time the Highway Authority did not object to the proposals as submitted as it was observed that Edith Road is classified as a Private Road.

The site is at the end of a cul-de-sac and retains adequate room and provision for off-street parking therefore:

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

1. 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 in accordance with policy DM1.

2. The proposed development shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining

streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

3. Prior to occupation of the development the vehicular access shall be constructed at right angles to the private road and to the existing carriageway. The width of the access at its junction with the private access road 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.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

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.

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.

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: Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

Tree & Landscape Officer
21.04.2021

There are no trees or other significant vegetation on the application site.

There appears to be little scope for new soft landscaping associated with the development proposal and little potential benefit to character or appearance of the public realm however it may be possible to plant a single specimen tree to the front of the property.

UU Open Spaces
13.05.2021

Current Position

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby. However, there is more than adequate formal open space across the area.

Recommendation

No contribution is being requested by open spaces on this occasion.

3. Planning History

15/00477/OUT	Erection of a domestic dwelling.	Approved	19.05.2015
15/00699/FUL	Erection of two storey side extension to create new double garage, workshop, lobby and hobby room, following removal of existing detached garage.	Approved	23.07.2015
21/00201/OUT	Erection of a domestic dwelling (resubmission of 15/00477/OUT).	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The application site is located within the defined settlement limits of Kirby-le-Soken as set out within the saved Tendring District Local Plan (2007) and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The plot is situated on the eastern side of Edith Road, which is a private road and laid to gravel.

The site measures 0.06 hectares, and is generally level. The site forms part of the side garden of Trees and has been cleared. The northern boundary of the site is marked by 1.8m close boarded timber fencing. The southern boundary is currently open in nature. The site is void of any trees or vegetation. The site frontage is open in character.

Proposal

This outline application proposes the erection of a single dwelling with all matters reserved.

Issues arising include the principle of the site's development for residential purposes and, in turn, if the principle of development is acceptable, whether a detached house is likewise an acceptable form of development and, if it is, whether the site is likely to be able to accommodate a single property in terms of the likelihood of the standards applied by the Local Planning Authority in relation to parking and amenity-space provision being satisfied. Residential amenity and highway impact need to be considered.

Principle

The site lies within the Settlement Boundary for Kirby-le-Soken, as outlined in both the saved and emerging local plans. The principle of residential development is, therefore, acceptable. Neither can there any objection in principle to the erection of a detached house in terms of the character of the location, which is in this section of this side of the road comprises of a mix of detached and semi-detached family dwellings.

Rather, the acceptability of what is proposed depends upon impact, having regard to, as set out under adopted policy SP7, the character of the area, amenity and environmental considerations and the various detailed requirements of other local plan policies, standards and guidance designed to ensure that new development relates satisfactorily to its surroundings, without harming amenity or raising highway concerns.

That said, it needs to be emphasised that this is an outline application, where all matters of detail are reserved for subsequent approval. This means that most of the issues will only fall to be given full and proper consideration under any subsequent application for approval of reserved matters.

Character/Layout

The site is in a section of the road that is characterised by detached and semi-detached family dwellings. Against this background and given the character of the development around the site, there is no reason why development of the application site for a single dwelling should not be acceptable.

Plot width is roughly the same as that enjoyed by other comparable properties in the immediate area and there can be little doubt that the site could be developed satisfactorily for a detached dwelling that would sit comfortably in its surroundings, without appearing cramped. Development of the site in this way would also allow amenity-space to be provided to at an acceptable level, whilst retaining a sufficient amenity space for the host property 'Trees'.

With regard to parking provision it is considered that sufficient space would be available within the plot to accommodate levels of parking that would be compliant with the Council's standards. The host dwelling would also retain its driveway and existing garage for parking purposes.

Based on the above it is considered that the development of the land for a detached dwelling is considered to be an acceptable form of development for the site, having regard to the character of this section of the street and the standards and guidance applied by the Local Planning Authority in relation to amenity space and parking.

Residential Amenities

At this stage it is difficult to assess the impact upon neighbour's amenity given that the detailed design of the property is a reserved matter. However, given the size of the site it is considered that sufficient spacing between properties could be achieved resulting in limited impacts on the amenities of neighbours. That is if the dwelling is designed with due regard to its surroundings.

Highways

Essex County Council Highways have no objections to the proposed development subject to the following requirements;

- parking for 2 vehicles being provided prior to occupation;
- cycle parking provided;
- space being provided for building materials etc clear of the road;
- the vehicular access shall be constructed at right angles to the private road and to the existing carriageway at a width of no more than 4.5 metres and retained at that width for 6 metres within the site, prior to occupation; and
- the developer providing and implementing a Residential Travel Information Pack for sustainable transport.

These requirements will be secured via condition or at the reserved matters stage.

Trees

There are no trees or other significant vegetation on the application site.

There appears to be little scope for new soft landscaping associated with the development proposal and little potential benefit to character or appearance of the public realm however it may be possible to plant a single specimen tree to the front of the property. This can be secured at reserved matters stage.

Legal Obligations

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

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

Financial Contribution - Recreational Disturbance

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

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 750 metres from the Hamford Water SAC, SPA and Ramsar.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Hamford Water SAC, SPA and Ramsar and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

Frinton and Walton Town Council recommends approval. No letters of objection have been received from local residents.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of the reserved matters referred to in the above conditions relating to the access, appearance, layout, landscaping and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- vi. details of construction hours

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 5 The proposed development shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason - To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided.

- 6 Prior to occupation of the development the vehicular access shall be constructed at right angles to the private road and to the existing carriageway. The width of the access at its junction with the private access road shall not be more than 4.5 metres (equivalent to 5 low kerbs) and shall be retained at that width for 6 metres within the site.

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

- 7 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.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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 Informatives

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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

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.

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.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>

