

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	22.07.2021
Planning Development Manager authorisation:	JJ	22/07/2021
Admin checks / despatch completed	DB	22.07.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	22.07.2021

Application: 21/00375/FUL **Town / Parish:** St Osyth Parish Council
Applicant: Bocking Homes
Address: 34 Broadstrood St Osyth Clacton On Sea
Development: Erection of a self-contained two-bedroom bungalow with associated parking

1. Town / Parish Council

Parish Clerk St Osyth Parish Council Strongly object - the land on which the proposed property is to be built, was originally intended to provide landscaped space between dwellings on what is essentially an open plan estate, thereby adding to the overall quality and character of the area.

If permitted, the proposed development would result in the loss of an amenity space, which forms an important visual characteristic of the wider area and would be of no benefit to the appearance of the existing environment.

2. Consultation Responses

ECC Highways Dept The proposal requires the subdivision of the existing plot for the new bungalow and the site is located in a residential area. The proposal provides adequate parking for the proposed and host dwelling. From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to applicable conditions regarding vehicle and pedestrian visibility splays, no unbound material to be used, provision of dropped kerb and vehicle access, discharge of surface water, storage of building materials, boundary planting, parking spaces and garage sizes and cycle parking. It is also necessary to maintain the visibility splay at the junction between Broadstrood and Botanical Way.

Environmental Protection No objection subject to conditions regarding vehicles on site and construction hours and burning on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control.

UU Open Spaces There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear. Due to the limited provision in the village it is felt a contribution towards play and formal open space is justified and relevant to this planning application. Any contribution received as a result of this development would be spend to provide additional play facilities at Priory Meadows, Park Road

3. Planning History

None

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2021
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
HG6	Dwelling Size and Type
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
EN1	Landscape Character
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) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP7	Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the Framework.

The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication, according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and therefore now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets have been found sound, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 planning policy. In this regard, 'Proposed Modifications' to Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. A six-week public consultation began on the 16th July 2021, and will close on 31st August 2021. Adoption is expected in late 2021. Section 2 will then join Section 1 as part of the development plan superseding in full the 2007 Local Plan. Part 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should therefore be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11(d)(ii) of the Framework requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

With the adoption of Section 1 of the 2013-33 Local Plan the Council's '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, and the tilted balance at paragraph 11 d) ii) of the Framework does not therefore apply.

5. Officer Appraisal

Site Description

The application site is located on the northern side of Broadstrood, adjacent to No. 34 and at the junction with Botanical Way and comprises of an area of grass verge and part of the side amenity area of No. 34.

The surrounding area is residential in nature, with predominately detached and semi-detached bungalows. The site is within the settlement development boundary of St Osyth and is within Flood Zone 1 which has a low risk of flooding.

Proposal

The application seeks planning permission to construct a new two bedroom bungalow and detached garage with access from Botanical Way.

Amended plans were submitted during the course of the application due to officer concerns regarding the siting of the proposed bungalow in relation to No. 34. The bungalow has now been set back by 1m so that it sits behind the front wall of No. 34. Therefore the application is considered on the basis of the amended plans.

Assessment

The main considerations for this application are:

- Principle of Development;
- Layout, Scale and Appearance
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;

- Legal Obligations - Open Space/Play Space Contribution;
- Legal Obligations - Recreational Impact Mitigation;
- Other Considerations

1. Principle of Development

The application site is located within the settlement development boundary of St Osyth in both the Adopted Local Plan 2007 and the Emerging Local Plan 2013 – 2033. Saved Policy HG3 has regard for residential development within defined settlement boundaries stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development.

Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

Therefore the principle of residential development on this site is acceptable subject to the detailed considerations relevant to this proposal as set out below.

2. Layout, Scale and Appearance

The NPPF paragraphs relating to design states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy SP7 states that all new development must meet high standards of urban and architectural design and should reflect the following place shaping principles which are considered to be relevant to this application:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect the amenity of existing and future residents and users with regard to noise, vibration
- smell, loss of light, overbearing and overlooking.

Also of relevance is emerging Policy SPL3 Part A (Design) which are concerned with the design, character and appearance of new development.

The proposed dwelling is sited on the junction with Broadstrood and Botanical Way and is a modest bungalow set back behind the front wall of No. 34, with the main front entrance facing Botanical Way. This layout reflects the siting and orientation of No. 21 Botanical Way, which is sited on the junction with Botanical Way and Withrick Walk. The size, scale and design of the proposed bungalow is in keeping with the neighbouring dwellings and is of a simple pitched roof design as is the detached garage utilising brick, tiles and uPVC windows and doors to harmonise with the surrounding area. The overall scale and footprint of the dwelling is considered to be acceptable.

The submitted plans demonstrate the layout of the proposed dwelling which allows for a well-spaced development retaining at least 1 metre distance to both side and rear boundaries which is in line with the standards set out within Saved Policy HG14 of the Tendring District Local Plan.

Policy HG9 states that dwellings of two bedrooms or more must have a minimum private amenity space of 75sqm. The submitted plans show the required amenity space.

All new dwellings must also accord with the Technical housing standards – nationally described space standard (2015) which sets out minimum gross internal floor space for new dwellings. A two bedroom, one storey dwelling requires a minimum of 61sqm. There are also requirements for storage and bedroom sizes. From the plans submitted the proposed dwelling meets these requirements.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene and is therefore considered to be policy compliant in these regards.

3. Impact on Residential Amenities

The NPPF states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst 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 emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is set 1m from the boundary with No. 34 and given its single storey nature is not considered to impact on the residential amenities of these occupiers in any regard. This elevation contains a back door and window serving the bathroom, which can be conditioned to be obscure glazed to prevent any loss of privacy and overlooking to the large windows in the eastern flank elevation of No. 34.

The proposed dwelling is some distance from No. 21 Botanical Way, however the proposed garage is sited close to the shared boundary, but is separated from the main dwelling by the amenity area of No. 21. Therefore given the size and scale of the garage, it is not considered to result in any significant impact upon neighbouring amenities.

The proposed dwelling would face the existing properties in Botanical Way, but given the separation distances across the highway this is not considered to result in any adverse overlooking or loss of privacy and is a layout common to residential developments.

Therefore the proposal is considered to be acceptable and policy compliant in these regards.

4. Access and Parking

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 TR7 states that the adopted parking standards will be applied. Emerging Policy SPL3 states that for new development, access to the site is practical and the highway network will be able to safely accommodate the additional traffic.

Essex Highway Authority have been consulted on this application and have no objections subject to conditions to ensure highway safety and the maintenance of the existing visibility splay at the junction between Broadstrod and Botanical Way. The access to the parking area and garage is considered to be safe and practical and is located away from the junctions with Broadstrod and Withrick Walk.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedroom, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The plans provided demonstrate that the dwelling will be served by one parking space and a garage which are in line with Essex Parking Standards. The proposal does not impact on the parking provision for No. 34 Broadstrod.

5. Trees and Landscaping

Saved Policy EN1 of the adopted Local Plan (2007) relates to landscape character and states that development management will seek to conserve features which contribute to local distinctiveness, which includes important hedgerows and trees.

The application site contains a number of trees to the west of the site along Botanical Way, however these are not the subject of a tree preservation order. It is unclear from the plans whether the trees are to be retained and if so how they would be protected during the construction of the development. Therefore before the commencement of development, full details of a hard and soft landscaping scheme for the development including the protection measures for all retained trees should be submitted and agreed by the Local Planning Authority.

6. Legal Obligations - Open Space/Play Space Contribution

Policy COM6 of the adopted Tendring District Local Plan 2007 states that 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.

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear. Due to the limited provision in the village it is felt a contribution towards play and formal open space is justified and relevant to this planning application.

Any contribution received as a result of this development would be spend to provide additional play facilities at Priory Meadows, Park Road. A completed unilateral undertaking has been received.

7. Legal Obligations - Recreational Impact Mitigation

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.

This residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is approximately 1100 metres from COLNE ESTUARY (MID-ESSEX COAST PHASE 2) SPA, SAC and RAMSAR.

In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 1100m away from Colne Estuary (MID-ESSEX COAST PHASE 2) SPA, SAC and RAMSAR. New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne Estuary 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 this financial contribution. 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.

8. Other Considerations

St Osyth Parish Council object to the proposal and one other representation has been received.

Summary of matters raised:

- Overcrowded village already
- Issues with on-street parking in the area
- Damage to roads during construction
- Loss of privacy to front windows

The relevant planning matters have been taken into account in the appraisal of the application. Damage to roads during construction is not a material planning consideration and would be the responsibility of ECC Highways.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 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:

Drawing Nos: 0050PL 002 Rev A, 0050PL 003 Rev A, 0050PL 100 Rev A, 0050PL 102 Rev A, 0050PL 200

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

- 3 Prior to the commencement of development a scheme of hard and soft landscaping works for the site, including all boundary treatments and any 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." shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to enhance and soften the appearance of the development in the interests of visual amenity and the character of the area.

- 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 the implementation and maintenance of the approved scheme in the interests of visual amenity

- 5 There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage of the No. 21 Botanical Way and the new dwelling which shall be provided before the access is first used by vehicular traffic. The new vehicular visibility

splays and the existing visibility splay at the junction of Broadstrood and Botanical Way must be 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.

- 6 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary with Botanical Way, 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

- 7 Prior to occupation of the development the new vehicular access onto Botanical Way 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 3.6 metres (4 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 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

- 9 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

- 10 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

- 11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window proposed serving the bathroom and the door serving the kitchen to the eastern side of the dwelling shall be glazed in obscure glass and shall thereafter be permanently retained in this approved form.

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

- 12 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E 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), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and residential amenities.

- 13 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), no provision of fences, walls, gates or other means of enclosures, shall be erected 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 highway safety

- 14 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.

- 15 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

8. Informatives

1. 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.

2. 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

3. 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.

4. The applicant must ensure that no mud or detritus is taken onto the highway during construction, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

5. 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.

6. Legal Agreement Informative - Open Space/Play Space Contribution

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 financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

<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>