

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	2/11/2023
Planning Manager / Team Leader authorisation:	ML	07/11/2023
Planning Technician final checks and despatch:	BB	07/11/2023

Application: 23/01123/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Ed Hendry

Address: Land East of School Road Frinton On Sea Essex

Development: Proposed existing workshop to be removed and a new 2 bedroom dwelling to be constructed with a new single storey separate workspace. Dwelling will consist of 1 1/2 stories with box dormer to side elevations.

1. Town / Parish Council

Frinton and Walton Town Council Recommend refusal on the grounds of policy LP8 as it constitutes a piecemeal development in that it does not form part of a large area allocated for development.

2. Consultation Responses

UU Open Spaces
27.09.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 14.61 hectares of equipped play in Frinton, Walton & Kirby

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Park Playing Fields 0.5 miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
(to comply with CIL Regs*)

- The current facilities are adequate to cope with some additional development.

- No contribution is being requested on this occasion

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- None

Environmental Protection
14.09.2023

With reference to the above application, the EP Team would request the following are applied as conditions on any subsequent approval for the proposal:

Lighting: Any lighting of the development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties and / or constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

REASON: to protect amenity of nearby residential dwellings

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- 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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them 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).

REASON: to protect the amenity of nearby residential premises

Should you have any queries concerning this, please do not hesitate to contact me.

ECC Highways Dept
15.09.2023

The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, and Google Earth image dated June 2023. It is noted that the proposed site is near the local school and there are likely to be parking issues centred around the school drop off/collection times, but this does not differ from anywhere else and has a number of existing waiting restrictions in the vicinity. Owing to the sites central location the proposal has a number of key facilities and amenities all within walking distance, the location is close to existing public transport facilities that offer numerous bus routes that run through the centre and is in close proximity of the Railway Station; there is a mix of existing households with/without off-street parking in the vicinity, considering these factors, the Highway Authority would not deem the introduction of a single dwelling at this location to have a severe impact:

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

1. The 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 parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Prior to occupation of the proposed units, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per room, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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.

3. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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

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: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located close to regular public transport services and public car parking facilities.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for

maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Tree & Landscape Officer
19.09.2023

The application site is not clearly visible from the public realm and apart from a narrow pedestrian access is effectively 'land-locked'.

There are two medium sized trees on or close to a mid-point on the southern boundary of the land. At the time of the site visit it was not possible to gain access to the land or to determine whether the trees are situated on the application site or growing on adjacent land.

The trees are a Sycamore and a culinary Plum. They have low amenity value and neither merits retention nor formal legal protection by means of a Tree Preservation Order.

There is little opportunity or public benefit to be gained by new soft landscaping associated with the development proposal.

Arch. Liaison Off, Essex
Police
10.10.2023

The Essex Police Designing Out Crime office thank you for the opportunity to comment on planning application 23/01123/FUL.

We recognise that communities where safety and security has been addressed at the earliest planning stages, will enhance the health and wellbeing of its residents. Therefore, it is imperative to consider crime as a material consideration. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability within a neighbourhood.

From a designing out crime perspective, we have reservations in regard to the lack of formal and informal surveillance of both the access footpath to the dwelling and the overall proposed site. Secured by Design (SBD) Homes 2023 guide. (HOMES_GUIDE_2023_web.pdf (securedbydesign.com)) p18, 8.3 states that 'Developments that enhance the passive surveillance of the street by residents within their homes and high levels of street activity are desirable as they have been proven to deter criminal behaviour.' SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

The published documents have been studied, due to the location (inclusive of the abutting landscaping and rear garden housing provision,) the proposed development provides minimal natural and informal surveillance from within the dwelling, and this would be reliant upon when residents are within the residence. Due to the lack of natural / informal surveillance, this location could become a potential crime and ASB generator. This does not appear to reflect the requirements the Tendring Local Plan policy LP4, which requires developments are safe, secure places to live, to 'minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance, clear definition between public and private spaces'.

If there are any further queries around embedding designing out crime practices, please contact designingoutcrime@essex.police.uk.

3. Planning History

23/01123/FUL	Proposed existing workshop to be removed and a new 2 bedroom dwelling to be constructed with a new single storey separate workspace. Dwelling will consist of 1 1/2 stories with box dormer to side elevations.	Current
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4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2023 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP6 Infrastructure and Connectivity
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP8 Backland Residential Development
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility
CP3 Improving the Telecommunications Network
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex Design Guide

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on 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 National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents

(<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal

Proposal

The application seeks full planning permission for the erection of a detached two bedroom one and a half storey dwelling including a detached outbuilding that will serve as workspace and private amenity space.

The site falls within the Settlement Development Boundary of Frinton, Walton and Kirby Cross, as defined in the Local Plan.

Principle of Development

The site lies within the settlement development boundary. Policy SPL2 states that within the settlement development boundary there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies. Policy SP3 states that existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. The principle of a new dwelling is therefore accepted subject to the detailed considerations below.

It is noted there are no neighbourhood plans to consider.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 necessitates that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The detailed considerations relevant to this proposal are set out below.

Design, Scale, Layout and Appearance

Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable 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 should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposal comprises a dwelling and an outbuilding, sited on land which lies centrally at the end of back gardens of the houses of the perimeter block of Wittonwood Road, School Road, Upper Third Avenue and Fifth Avenue. The application site is accessed by an alleyway between 1 School Road and the detached garage of 63 Wittonwood Road, suitable only for pedestrian access. The application site is considered backland residential development and Policy LP8 is relevant here as the site lies behind the existing frontage development, has no frontage to the existing public highway and constitutes piecemeal development as it does not form part of a large area allocated for development.

Policy LP8 requires backland residential development to have a safe and convenient means of vehicular and pedestrian access/egress. The narrow pedestrian access to the site alongside number 1 School Road provides restricted access and does not therefore meet this criterion of Policy LP8. Similarly, Policy LP4 states that the design and layout of new residential developments will be expected to accommodate residential parking provision for residents on-plot, either at the front or side of dwellings with sufficient provision of on-street parking for use by visitors and delivery vehicles, while Part B: Practical Requirements of Policy SPL3 requires the development to incorporate provision for vehicle parking. Due to the access to the site being suitable for pedestrians only, no on-site parking is provided in conflict with the above mentioned policies.

The design of the two-bedroom dwelling is basic with the positioning of openings, high eaves, dormers, and the internal layout configured in an attempt to overcome the confined site with surrounding dwellings. The plain materials, although acceptable along with the design, do not seek to enhance the quality of place nor do they respond positively to the local character.

The proposed dwelling introduces two large flat roof dormers, notably the excessive width and bulk is considered poor in design terms and would result in an incongruous form of development to the detriment of the character and appearance of the immediate area. Although the proposed dwelling is sited so that it is surrounded by dwellings on all sides it would be visible to those neighbouring properties and from their gardens. Due to the size and scale of the dormers along with the materials of cream coloured smooth render which will stand out and only exacerbate the over-dominance of the roof.

Furthermore, the Essex Design Guide (2005) offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roof space and not gain extra headroom over any great width.

The proposed outbuilding is oversized, by way of its eaves height, ridge height, design and appearance, and is disproportionate to the size of the site and the proposed dwelling. The use of the workspace has not been defined, however it is considered the workspace would be used ancillary to the proposed dwelling.

The contrived layout of the dwelling and the outbuilding, shoehorned into the site creates a cramped appearance relative to its surroundings in terms of the spacing and pattern of built form in the vicinity. The open character of this parcel of land will be lost with little opportunity to soften the appearance with additional landscaping.

The proposed development is therefore contrary to Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 and Policies SPL3, LP4 and LP8 of the Tendring District Local Plan 2013-2033 and Beyond Section 2, the Essex Design Guide and the National Planning Policy Framework.

Designing out Crime

Paragraph 92 b) of the National Planning Policy Framework aims to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

Part B: Practical Requirements of Policy SPL3 requires the development to incorporate or provide measures to minimise opportunities for crime and anti-social behaviour, while Policy LP4 expects the design and layout of new development to minimise the opportunities for crime and anti-social behaviour by ensuring good natural surveillance of both public and private spaces from buildings and the streets, providing clear definition between public and private spaces and convenient access for emergency services.

The Essex Police Designing Out Crime Office have been consulted as part of the application process. They confirm that the lack of formal and informal surveillance of both the access footpath to the dwelling and the applicant site as a whole which could generate crime and antisocial behaviour is contrary to the requirements of Policy LP4.

Impact to Residential Amenities

As a result of the siting of the proposed dwelling and outbuilding there is no significant loss of light to any neighbouring dwellings.

The design and orientation of the dwelling, including the location of the first floor windows on the southern elevation, gives rise to reference to rear privacy as detailed in the Essex Design Guide. Where new development backs on to the rear of existing housing, as in this case where the new development backs onto the rear of the houses in Fifth Avenue, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear face (this also applies to the sides and flanks of houses containing habitable rooms with windows) of the new dwelling is approximately parallel to those of the existing homes, the rear of the new dwelling may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved. In this case, the proposed dwelling is a distance of 2.64 metres from the existing rear boundary of the existing homes in Fifth Avenue thereby failing to protect the rear privacy of these dwellings.

It is acknowledged that an intervening fence set above eye-level between facing ground-floor windows of the new development and the existing dwellings in Fifth Avenue will be retained.

As a result of the scale and mass of the proposed dwelling with high eaves, high pitched roof with gable ends and flat roof dormers, and its siting, it is considered to have a dominating impact on its surroundings, particularly when considered in relation to 1 and 3 School Road. It is considered the proposal would feel oppressive and intrusive to the occupiers of 1 and 3 School Road while the existing dwellings closest to the proposal in Wittonwood Road would also suffer from the loss of outlook. The proposal would have an adverse overbearing effect that would result in an unduly oppressive living environment.

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. A two bedroom, four person two storey dwelling requires a minimum of 79 square metres of gross internal floor space which includes built in storage of 2 square metres. From the plans submitted the proposal meets the requirements of the space standards. It is also considered that the internal layout is appropriate, with all habitable rooms having adequate natural light.

92 square metres of private amenity space will be provided and is considered acceptable.

Access, Parking and Highway Safety

The parcel of land does not currently benefit from vehicle access or off-road car parking and this will not alter as a result of the proposal.

Essex County Council as the Highway Authority were consulted on the application and confirmed that the proposal is acceptable from a highway and transportation perspective as in main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. The Highway Authority confirm that a reduced parking standard provision level can be applied to this proposal as it is located close to regular public transport services and public car parking facilities. It is not disputed that the application site lies in a sustainable location, however following the plan-led approach, the lack of vehicle access to the site and unachievable on-site parking is in conflict with Policies LP8, LP4 and SPL3 of the Local Plan.

The Highway Authority recommend conditions are imposed on the grant of planning permission and these relate to cycle/2 wheeler parking, provision of a residential pack and a pre-commencement condition for a construction method statement (CMS). Due to the lack of space for unloading of building materials and construction parking a detailed CMS addressing these matters would need to be submitted and should include the precise timing of deliveries and the method of unloading and transport to the site.

Renewable Energy

Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.

The submitted Design and Access Statement confirms the inclusion of an air source heat pump to heat the proposed dwelling which can be secured by condition prior to occupation on the grant of planning permission to reduce the demand for fossil fuels which are a finite resource and release carbon into the atmosphere and accelerate global warming contributing to climate change.

Apart from the air source heat pump no energy efficiency measures have been submitted with the planning application and therefore a condition to secure minimum measures of a water-butt, compost bin, and a scheme for waste reduction will be secured on the grant of planning permission. It is acknowledged that as no provision for car parking is provided on the site it is not necessary to impose a condition securing electric vehicle charging.

Drainage and Sewerage

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage.

The sewerage from the proposed dwelling will be connected to the mains sewer which is considered the preferred approach and acceptable.

The site does not fall within a critical drainage area and there is a no risk of surface water flooding on the site.

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 application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 2200 metres from Hamford Water SPA and RAMSAR.

However, new housing development within the Zol 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 not been secured in accordance with the adopted Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open Space

Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Local Plan Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand, and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy (or any future update).

In line with the requirements of Local Plan Policy HP5 the Council's Open Spaces Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution towards public open or play space. Whilst they advise that there is a deficit of play space in Frinton, Walton & Kirby, no contribution is being requested as the current facilities are considered adequate to cope with some additional development.

Other Considerations

The Council's Environmental Protection team have confirmed that conditions that control the hours of construction and external lighting are recommended and shall be imposed upon the grant of planning permission.

Frinton and Walton Town Council object to the proposal on the grounds of policy LP8 (Backland Residential Development) as it constitutes a piecemeal development in that it does not form part of a large area allocated for development.

Seven further representations objecting to the proposal raise the following concerns:

1. Lack of or inadequate parking/parking congestion and increased on street parking/school keep clear road markings on one side of School Road
2. Lorries and deliveries will block the road during construction
3. Loss of light/sunlight
4. Overlooking/invasion of privacy
5. Eyesore
6. Overdevelopment
7. Narrow entrance
8. Safety concerns over lack of emergency access for emergency vehicles
9. Increased noise and disturbance
10. How the workspace will be used is not known
11. Site has no amenities such as gas, electric, water or sewage
12. There is a right of way to some back gardens on Wittonwood Road and the proposal will affect access
13. No right of way beside 1 School Road to the piece of land
14. Documentation states no building to be put on the land
15. Decrease property value
16. Fire risk to surrounding houses

Officer comments:

Points 1-8 above have been addressed in the report.

Points 9 and 10 – The proposal is for residential development of a two bedroom dwelling and associated outbuilding for use as workspace. A residential development is not expected to unduly increase the noise and disturbance in the immediate area, however, should permission be granted for the proposal, following occupation any concerns should be raised with the Council's Environmental Protection team.

Point 11 – The application is concerned with the discharge of waste water/sewage and this has been addressed within the report. Whether other amenities are connected is not a matter to be addressed at the planning stage.

Points 12-15 – These matters are not planning considerations.

Point 16 – A lack of vehicular access would mean that access to the site in terms of fire appliances would be restricted, however under Building Regulations Approved Document B Volume 1: Dwellings, there should be a vehicle access for a pump appliance to within 45m of all points within a dwelling house. In this case, the proposal meets the requirements under Building Regulations.

No other letters of representation have been received.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 The application site has no safe and convenient means of vehicular access with no vehicle parking provision on site.

The proposed dwelling and the outbuilding to be used as workspace are poorly designed and do not enhance the quality of place but appear out of character with the spacing and pattern of built form on the confined application site creating a cramped appearance relative to its surroundings. The proposal does not relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form and design.

The design and siting of the proposed dwelling fails to protect the rear privacy of the dwellings in Fifth Avenue and results in an adverse overbearing effect that would result in an unduly oppressive living environment for the occupiers of numbers 1 and 3 School Road while the existing dwellings closest to the proposal in Wittonwood Road would also suffer from the loss of outlook.

The proposed development is therefore contrary to Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 and Policies SPL3, LP4 and LP8 of the Tendring District Local Plan 2013-2033 and Beyond Section 2, the Essex Design Guide and the National Planning Policy Framework.

- 2 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 (Zoi) being approximately 2200 metres from Hamford Water SPA and RAMSAR.

However, 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 not been secured in accordance with the adopted Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Number: 0025-A-001 Revision Status: 00
 Drawing Number: 0025-A-002 Revision Status: 00
 Drawing Number: 0025-A-003 Revision Status: 00
 Drawing Number: 0025-A-200 Revision Status: 00
 Drawing Number: 0025-A-202 Revision Status: 00
 Drawing Number: 0025-A-203 Revision Status: 00
 Design and Access Statement dated 24 July 2023

<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>