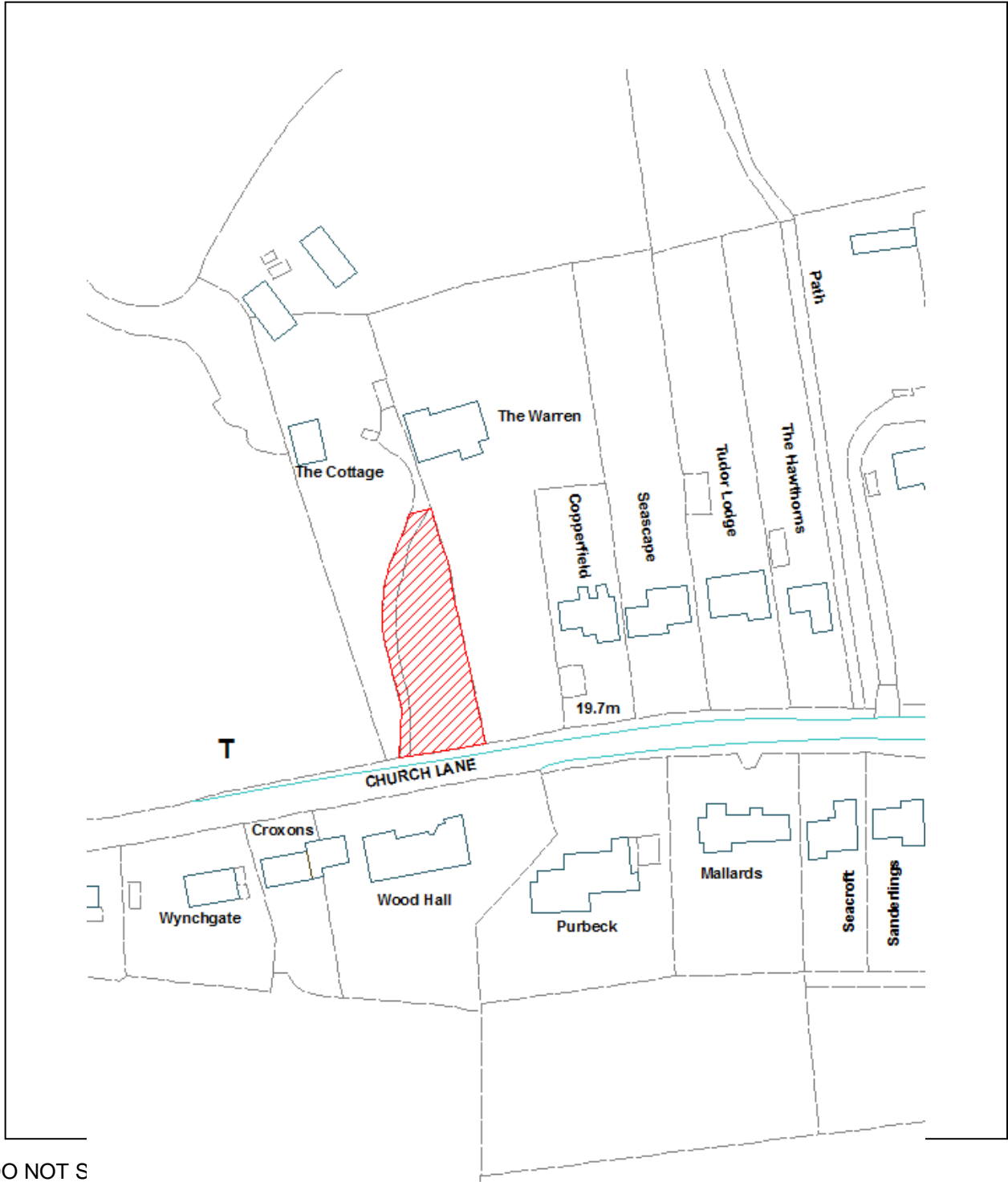


PLANNING COMMITTEE

5th January 2016

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 15/01127/OUT - LAND FORMING PART OF THE COTTAGE, CHURCH LANE, GREAT HOLLAND, FRINTON ON SEA CO13 0JS



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Application:	15/01127/OUT	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr S Stinson	
Address:	Land Forming Part of The Cottage Church Lane Great Holland CO13 0JS	
Development:	Erection of one dwelling.	

1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Cllr R.Bucke.
- 1.2 This application seeks outline planning permission with all matters reserved for the construction of a single detached dwelling.
- 1.3 The application site is situated on the northern side of Church Lane within the Great Holland Conservation Area and forms part of the front garden serving 'The Cottage'. The application site is located outside the defined settlement boundary of Great Holland as depicted on the Policies Map of the Tendring District Local Plan (2007), but abutting it within the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014). The site also is designated as green gap in the saved local plan.
- 1.4 The principle of residential development on this site is acceptable. Having regard to recent appeal decisions the site is considered to be located in a socially sustainable location and would meet the economic strand of sustainability. In respect of the environmental impact, subject to the detailed design being acceptable, it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the conservation area and Church Lane, residential amenity, highway safety and the existing trees on the site.

Recommendation: Approve

Conditions:

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary Treatments
- 6) Submission of Hard/Soft Landscaping Scheme
- 7) Implementation of Landscaping Scheme
- 8) Access Width of 4.8m
- 9) No Unbound Materials in first 6m of access
- 10) Off-Street Parking in Accordance with Parking Standards
- 11) Provision of Vehicular Turning Area
- 12) Accordance with Tree Report
- 13) Removal of Permitted Development – Outbuildings/Extensions

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

The National Planning Policy Framework ('The Framework') attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Local Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN2 Local Green Gaps

EN17 Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development

SD5 Managing Growth

SD6 Strategic Green Gaps

SD8 Transport and Accessibility

SD9 Design of New Development

SD10 Sustainable Construction

PLA6 The Historic Environment

PLA7 Conservation Areas

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

No Relevant Planning History

4. Consultations

ECC Highways Dept

No objections subject to;

- Access being constructed to a width of 4.8m with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

- Details of Bicycle Storage

- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Principal Tree &
Landscape Officer

No objections -

The tree report identifies the need to remove T2 Ash – this tree is a poor specimen and its removal would not have an adverse impact on the local environment or its enjoyment by the public - it does not merit protection by means of a tree preservation order. The tree report states: in paragraph 4.2.1 that the construction of foundations may marginally encroach into the RPA's of T1, T30 and T32. These trees do not make a significant contribution to the appearance of the conservation area and the minor incursion into their RPA's is unlikely to cause any real harm

New planting should be carried out to strengthen the current level of screening.

Should planning permission be likely to be granted then a soft landscaping condition should be attached to secure details of tree, shrub and hedge planting to soften and enhance the appearance of the development.

5. Representations

5.1 Frinton & Walton Town Council – recommends refusal due to lack of information in regard to the proposed siting within plot, size of dwelling and parking provision.

5.2 14 letters of objection have been received from local residents including an objection received from Cllr Robert Bucke. The objection letters concern the following;

- creates backland development (the construction of a dwelling to the front of 'The Cottage' does not alter the fact that the host property is already set in a setback location. The siting of a dwelling to the front of this property would not cause any demonstrable harm and in terms of siting relate to building line of 4 dwellings to the east).
- outside settlement boundary (whilst this may be the case as the Council cannot demonstrate a 5 year housing supply applications cannot be simply be refused for not being within a settlement boundary. Instead applications have to be assessed in regard as to whether they represent sustainable development in accordance with the provisions of 'The Framework').
- garden grabbing ('The Cottage' already benefits from a large garden area. The construction of a property to the front would not adversely harm the character of the locality whilst ensuring the host property retains sufficient private garden provision).
- sets an undesirable precedent (each planning application has to be dealt with on its own merits. In this case, the development does not cause sufficient harm to the character and appearance of the lane to warrant refusal).
- site is not socially sustainable (having reference to a recent appeal decision at no.21 Manor Road, it is concluded that the site is located within a socially sustainable location).
- highway safety concerns (no new access is being created onto Church Lane. Furthermore, Essex County Council Highways have no objections to the new property utilising the existing access arrangements).

6. **Assessment**

The main planning considerations are:

- Site Context
- Proposal
- Principle/Social Sustainability
- Heritage/Character Impact
- Residential Amenities
- Highway Safety
- Trees Impacts

Site Context

- 6.1 The application site is located on the northern side of Church Lane within the settlement of Great Holland. The site also lies within the Great Holland Conservation Area. The site measures 0.1 hectares in size and forms part of the front garden serving 'The Cottage', which is a dwelling located to the north. The main body of the land is set to mown grass with both young and established trees and shrubs. The boundary with the highway is planted with an established Hawthorn hedge and the boundary with the adjacent property to the east is planted with a tall coniferous hedge comprising Cupressocyparis 'Leylandii'. The site is well contained and screened by existing boundary vegetation. Vehicular access to the site is via an existing access which serves 'The Cottage'. To the east is 'The Warren' which is a large house set back from Church Lane.

Proposal

- 6.2 Outline planning permission with all matters reserved is sought for the erection of one detached dwelling on the plot.

Principle

- 6.3 The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) but adjacent to in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012). Given that the Tendring District Local Plan Proposed Submission Draft 2012 is not yet fully adopted and is subject to change, in accordance with a number of appeal decisions, it can only be given limited weight.
- 6.4 It is accepted that the Council is currently unable to demonstrate a five year supply of deliverable housing sites although the provision of one dwelling would make only a modest contribution to the supply for the district as a whole.
- 6.5 As an adequate supply of housing cannot be demonstrated paragraph 49 of 'The Framework' applies in relation to the three dimensions of sustainable development. The proposed dwelling would generate economic activity during its construction so would meet the economic dimension of sustainable development.
- 6.6 Whilst not being given great weight, the proposed development is located adjacent to the SDB of Great Holland within both the Draft Plan and the Focused Changes Document. 'The Framework', at paragraph 29, acknowledges that sustainable transport solutions will vary between urban and rural areas. In this case, the proposal would result in a net gain of one dwelling and, as such, any increase in car generated trips would be extremely modest. Furthermore, the village benefits from bus services and the train station at Kirby Cross is in relative close proximity. Consequently, by rural standards, a range of transport options are available. Where residents do use the car, larger towns and villages, such as Clacton and Kirby Cross, and the services available within them are a short distance away such that residents would not be reliant upon lengthy car journeys. Therefore, the limited range of services within the village does not dictate that the development should be resisted, taking account of saved policy HG3 and the requirements of the Framework. A range of transport options would be available for future residents, commensurate with the location of the site. In terms of the three dimensions of sustainable development, identified at paragraph 7 of the Framework, the proposal would not lead to any significant environmental harm as a result of future travel patterns. Therefore to be consistent with recent appeal decisions within Great Holland, most notably at 21 Manor Road & Land Adjacent to Mon Reve, the site is considered to be within a socially sustainable location.
- 6.7 The environmental role is about contributing to protecting and enhancing the natural and historic built environment which is considered below under Heritage and Character Impact

Heritage and Character Impact

- 6.8 The application site comprises of the residential curtilage of The Cottage and is largely laid to lawn. A number of mature trees surround the site and these will be retained as part of the development. Consequently the presence of the trees and the dense hedgerow that fronts onto Church Lane would suitably screen views of the proposed dwelling in views from the highway. Whilst it is acknowledged that the site forms part of a designated green gap in the saved local plan, as the site is not open and forms part of a residential curtilage it clearly has a separate and distinct character to the adjoining farmland to the west. As such the development of the site would result no demonstrable harm being caused.
- 6.9 The Council's Trees and Landscape Officer has confirmed that the development may result in the removal of small trees and shrubs but would not harm the character or appearance of the area. Additional soft landscaping to further soften and enhance the development will be secured via condition. The size of the plot is sufficient to demonstrate that it 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 The Cottage.

- 6.10 In respect of the impact upon the Great Holland Conservation Area, the conservation area appraisal states that the dwellings on the northern side of Church Lane are more varied. This is in respect of their design and siting. Consequently, the siting of a dwelling on this plot reflecting the siting of those properties located further to the east would not appear out of character or detrimental to the setting. The plot width is roughly the same as those 4 'infill' dwellings to the east and the presence of extensive soft landscaping on the site's frontage ensures that the development is largely screened from public view. The development would therefore preserve the character and appearance of this section of the Great Holland Conservation Area.
- 6.11 It is therefore considered that the proposed development, subject to detailed design, would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

Residential Amenities

- 6.12 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 and location of the site it is considered that sufficient spacing between properties could be achieved resulting in limited impacts on the amenities of adjoining neighbours.

Highway Safety

- 6.13 It is the intention of the applicant to utilise the existing access drive to The Cottage for the proposed dwelling. Essex County Council Highways have no objections to this arrangement providing the access is maintained at a width of at least 4.8m, there is no unbound materials used in the first 6m of the access and the off-street parking provision accords with the provisions of the current parking standards i.e. 2 spaces at 5.5m x 2.9m in size or 3m x 7m internally for garaging.
- 6.14 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 current parking standards. The host dwelling would also retain its driveway and parking provision.

Trees

- 6.15 A Tree Report has been submitted which identifies the need to remove an Ash Tree to make way for the site access. The report also identifies that a dwelling may marginally encroach into the root protection zones of 3 trees.
- 6.16 The Council's Tree Officer has reviewed the submitted Tree Report and has concluded that the Ash Tree is a poor specimen and its removal would not have an adverse impact on the local environment or its enjoyment by the public. Furthermore, he confirms that the minor incursion into the root protection zone of 3 trees would be unlikely to cause any real harm.
- 6.17 The Officer concludes by stating that in terms of the impact upon trees the development of the land, subject to detailed design matters appears achievable. The need for a soft landscaping condition to provide supplementary planting is also requested.

Background Papers

None