

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	02/11/18
Planning Development Manager authorisation:	AN	5/11/18
Admin checks / despatch completed	AN	6/11/18

Application: 18/01608/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Charvis Ltd

Address: Farndon Pork Lane Great Holland

Development: Proposed detached bungalow.

1. Town / Parish Council

Frinton and Walton Town Council

REFUSAL - overdevelopment of the site, out of keeping with the street scene and reduces the open space and aesthetics of the corner plot.

2. Consultation Responses

ECC Highways Dept

The documents accompanying the planning application have been duly considered. Given the scale of the proposed development and the area to be available for parking within the site, which complies with Tending District Council's adopted parking standards, the proposal is acceptable to the Highway Authority, subject to the following requirements;

1. There should be no obstruction above ground level within a 2 metre wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage, including the entire site frontage of Farndon. Such vehicular visibility splays shall be provided before the proposed new access is first used by vehicular traffic and 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. The proposed vehicular access to Farndon 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 less than 3 metres and shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The existing access (for the proposed new dwelling) shall be

widened at right angles to the highway boundary to a width of no less than 3 metres and shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and/or footway.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. No unbound material shall be used in the surface treatment of each 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County.

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Note: Condition 5, it is unclear from the drawing if gates are proposed at either access onto Pork Lane.

Informative

-Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

-All 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.

3. Planning History

15/01396/FUL	Proposed pair of detached bungalows and garages.	Refused	05.11.2015
15/01938/FUL	Erection of two bungalows.	Refused	15.02.2016

16/02099/FUL	Proposed detached bungalow and garage.	Approved	15.02.2017
17/00413/DISCON	Discharge of conditions 02 (materials) and 03 (landscaping) on planning permission 16/02099/FUL.	Approved	04.04.2017
18/00481/FUL	Proposed detached bungalow.	Refused	25.06.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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 (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application site is located on the corner of Orchard Drive and Pork Lane within the parish of Great Holland. Directly to the north of the site is a detached chalet style property known as Farndon and to the east a detached bungalow is under construction following the granting of planning permission 16/02099/FUL. The site is located within the Settlement Development Boundary for Great Holland, as established within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application proposes the erection of a 2 bedroom bungalow on the plot, that will face onto Pork Lane. The bungalow would measure 7.6m in width, 14.5m in depth and 5.7m to ridge height.

History

Under planning reference 18/00481/FUL, permission was refused to erect a single detached dwelling on this site due to it appearing at odds with the character of the local built form and that it was unable to provide sufficient off road parking facilities or workable, convenient and efficient turning facilities for both the proposed and existing dwellings.

The amended plan being assessed within this application sees a differing design that has a reduced width and a larger depth that incorporates a single storey element. The amended plans also show a revised parking and turning layout for the proposed and existing dwellings.

Appraisal

1. Principle of Development

The application site is located within the settlement development boundary for Great Holland in both the saved and draft local plans, where national and local planning policy direct new development as it is a sustainable location in proximity to local services and facilities. Saved policy HG3 and draft policy SPL2 are supportive of new residential development in principle in these locations. The acceptability of any detailed proposal depends upon the consideration of planning merits and the impact of the scheme, as outlined below.

2. Impact on Character/Design

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is to be detached, single storey and will be sited to the south of Farndon, accessed via a newly formed access to the south-west off Pork Lane. The pattern of development along this section of Pork Lane is relatively linear and the proposed dwelling would add to this. The overall character is mixed; some development, including the corner plot to the south and Farndon itself are on larger more spacious plots. However there are also numerous examples of dwellings on smaller plots, closely related to adjacent properties; this is particularly noticeable along Pork Lane to the north-west. Further, following the approval of a single dwelling to the east (reference 16/02099/FUL) and the existing dwelling (2a Orchard Drive) adjacent, there is no clear or distinctive surrounding pattern of development. Therefore, on balance, the proposed dwellings siting, which has been set back from the highway, is not considered to have a significantly adverse impact to the character of the surrounding area.

The style of properties in the locality is mixed. There are examples of bungalows opposite and to the east of the site. As such the traditional bungalow design proposed would not appear out of place within the street scene. In terms of the design, the bungalow incorporates key design features including a front bay window, brick plinth and single storey element; this will help to break up the bulk of the proposal, whilst the use of render, brick and concrete tile is also considered acceptable given the mixture of material use to the surrounding area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space dwelling of two bedrooms should be a minimum of 75 square metres and for three bedrooms or more should be a minimum of 100 square metres. The plans demonstrate private amenity in excess of 75sqm for the proposed dwelling, and far in excess of 100sqm for Farndon.

3. Impact to Residential Amenities

Policy QL11 of the Saved Plan states that amongst other 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 Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the single storey nature of the development and the siting of the proposed property any impact upon the existing residents at Farndon in terms of their outlook and light would be minimal. Within the facing flank of Farndon there are several windows, however the ground floor window is a secondary light source and therefore any loss of light caused would be detrimental to the resident's amenity.

The bungalow to the east under construction is situated a sufficient distance away not to be harmed by the development.

4. Highway Safety

The proposed plans show that the proposed bungalow would be served via the existing access while the existing property at Farndon would be served via a new access from Pork Lane. The layout shows that each property would be served by 2 no. parking spaces, each meeting the Adopted Parking Standards of 5.5m x 2.9m.

In response to this arrangement ECC-Highways have raised no objections subject to a number of conditions relating to visibility splays, the width of the proposed access, the widening of the existing access point, the use of no unbound materials and that should any future gates be provided they should be inward opening only.

A further condition relating to the submission of a Residential Travel Information Pack has been requested, however the development is minor and does not justify this so will not be included as a condition to this decision.

Other Considerations

Frinton & Walton Town Council recommends refusal due to the proposal being over development, out of keeping with the street scene and leading to a reduction of the open nature of the corner plot.

In answer this, the impact to the character of the surrounding area has been addressed within the main body of the report above.

Three letters of objection have been received, with the following concerns:

1. Cramped development;
2. Proposal represents over-development; and
3. Noise impacts during construction

In answer to this, points 1 and 2 have been addressed within the main body of the report, whilst the noise related to the construction of one dwelling would not be significant or long-term to warrant a reason for refusal.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing number 2 and the untitled site location plan.

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

- 3 There should be no obstruction above ground level within a 2 metre wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage, including the entire site frontage of Farndon. Such vehicular visibility splays shall be provided before the proposed new access is first used by vehicular traffic and 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.

- 4 The proposed vehicular access to Farndon 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 less than 3 metres and shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

- 5 The existing access (for the proposed new dwelling) shall be widened at right angles to the highway boundary to a width of no less than 3 metres and shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and/or footway.

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

- 6 No unbound material shall be used in the surface treatment of each 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.

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

- 8 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed 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.

Reason - To enhance the visual impact of the proposed works.

- 9 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 enhance the visual impact of the proposed works.

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.