

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	05/02/19
Planning Development Manager authorisation:	AN	11/2/19
Admin checks / despatch completed	AP	13/2/19

ER

Application: 18/02089/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Michael Lockhart Smith

Address: Seaview Rectory Road Great Holland

Development: Demolish existing dwelling and replace with new dwelling and garage.

1. Town / Parish Council

Frinton and Walton Town Council Approval.

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The site is on the corner of Rectory Road and Manor Road within an existing 30-mph speed limit with on-street parking. The site is served by an existing vehicular drop kerb access however this is being re-located further from the bend resulting in an improved visibility splay south-east. Provision for off street parking is being provided for two vehicles, therefore:

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

1. Prior to first occupation of the dwelling, the vehicle access shown in the Site plan and block plan, drawing no. 095/1 at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 40 metres to the north west and 2 metres by 30 metres to south west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of obstruction.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

NOTE: the visibility splay requires removal of the existing wall/hedges and rebuilding/replanting them behind the visibility splay to the southwest.

2. No unbound materials shall be used in the surface treatment of any proposed vehicular access within 6 metres of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

3. Prior to first occupation of the development the vehicular access 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 5.5 metres a dropped kerb vehicular crossing of the footway 4.5 metres wide.

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

4. The existing access shown on the Existing Site Layout, drawing no. 15047/JD11 shall be suitably and permanently closed incorporating the reinstatement to full height of the footway kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

5. There shall be no discharge of surface water from the development 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 to ensure accordance with policy DM1.

6. Prior to first occupation the two off-street parking spaces and the garage shown in the drawing 095/5 shall be constructed ready for use.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8. Note that part of the hedge shown on this plan will need to be removed as it would obstruct the visibility splay in 1 above.

7. The garage shall have a minimum internal measurement of length 7 metre x 3 metres as shown in the drawing 095/5.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

8. The cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

9. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with

the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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 and in accordance with Policy DM1

11. 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/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with 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: It is noted that there is some existing vegetation on the north west side of the proposed access to assist with visibility splays it will be beneficial to clear/ cut back this vegetation from the boundary of the property and highway.

Informative 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.

Tree & Landscape Officer

The application site contains several trees that make a moderate positive contribution to the character and appearance of the conservation area. The trees are not of high quality and do not meet the criteria under which they merit protection by means of a tree preservation order

The proposed site layout makes provision for the retention of all significant trees on the application site.

It is not considered necessary for the applicant to provide a tree survey and report as the site layout plan shows adequate separation between the proposed built development and the retained trees.

Should planning permission be likely to be granted then a condition should be attached to secure details of the indicative soft landscaping, including tree planting, shown on the site layout plan. The aim of new planting should be to soften and enhance the appearance of the development.

Building Control and
Access Officer

No comments at this stage.

3. Planning History

TRE/95/22	Works to trees	Current	20.07.1995
18/01383/TCA	1 No. Ash and 1 No. Hawthorn - remove and plant replacements elsewhere	Approved	10.09.2018
18/01534/TCA	Reduce T6 Sycamore by 30%. Re-pollard T7 and T8 Sycamore.	Approved	08.10.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

HG14 Side Isolation

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL8 Conservation Areas

PPL9 Listed Buildings

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Great Holland Conservation Area Appraisal 2006

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.

5. Officer Appraisal

Site Description

The application site is Sea View, Rectory Road, which is located within the parish of Great Holland. The existing building on site is a two storey, detached residential property on a spacious corner plot, which is pink rendered under a gable roof with concrete tiles. The surrounding character is urbanised, with a number of predominantly residential properties to all sides. The Ship Inn, a public house, is located approximately 30 metres to the east. Adjacent to the north are Tudor Cottages, a row of terraced Grade II Listed Buildings. The site is situated within the Settlement Development Boundary of Great Holland within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site also lies on the western edge of the Great Holland Conservation Area.

Description of Proposal

This application seeks full planning permission for the erection of a two storey residential dwelling with a detached single garage, following the demolition of the existing property.

Assessment

1. Principle of Development

The proposal involves the one for one replacement of a dwelling within the defined settlement boundary for Great Holland. Therefore the principle is acceptable subject to the detailed considerations below.

2. Visual Impact

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).

Given the application site is located on a highly prominent corner plot location within the Great Holland Conservation Area, and adjacent to a Grade II Listed Building, it is important that any replacement dwelling is of a high standard. The plans submitted include detailed elevational drawings which show the proposed replacement dwelling will be two storeys, detached and located on the corner of the plot, slightly further to the north than the existing dwelling. The existing dwelling is also two storeys and detached so there are initially no principle objections to this.

The design as shown on the submitted drawings is considered to be of good visual merit. It is particularly important that key features have been incorporated within the design to ensure the bulk of the dwelling is reduced; for example the use of a front gable, canopy, chimney and single storey

side element. It is acknowledged that the replacement dwelling will be approximately 2 metres higher and result in a larger footprint; however the site is of sufficient size to comfortably accommodate this increase. The proposed size and design is therefore considered to be acceptable.

It is also noted that the plans show indicative soft landscaping to be planted to the south of the site; given that this area of the plot is most prominent this is welcomed, but a request for full details, which should incorporate the planting of new trees, will be attached as a condition to this decision.

3. Heritage Impact

Paragraph 193 of the National Planning Policy Framework (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the National Planning Policy Framework (2018) states less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

Paragraph 197 of the National Planning Policy Framework (2018) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 201 of the National Planning Policy Framework (2018) states not all elements of a Conservation Area will necessarily contribute to its significance, however a loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

Policy EN17 of the Adopted Local Plan states that development should look to either preserve or enhance the character and appearance of a conservation Area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site is located on the western edge of the Great Holland Conservation Area, and is also sited in close proximity to 'Tudor Cottages', a row of Grade II Listed cottages. Accordingly a Heritage Statement has been supplied to justify how the proposal will either preserve or enhance both the character and appearance of the Great Holland Conservation Area and the setting of 'Tudor Cottages'.

Within the Great Holland Conservation Area there is brief mention of Sea View, where it is highlighted that it is one of the four main buildings that are a cornerstone of what is known as 'The Square'. The review states *'the quality of this space derives from the sense of enclosure generated by the buildings surrounding it'*. Therefore Sea View itself is a non-designated Heritage Asset, and while its loss will result in an impact to the surrounding areas character, subject to the replacement dwelling being of a similar size and location that maintains the enclosed feeling there will be less than substantial harm to both the non-designated Heritage Asset and the Great Holland Conservation Area.

The design of the replacement dwelling is of a good quality befitting of such an important location, and maintains an approximately equal separation distance to the Grade II Listed cottages as the existing dwelling. Further, the proposed siting of the building is closely related to the existing property and will therefore maintain the enclosed feeling referenced within the review of the Conservation Area. The replacement dwelling as proposed will therefore preserve the Great Holland Conservation Area's character and appearance and will result in an enhancement in terms

of soft landscaping of the current large gravel frontage. Materials samples will be conditioned to ensure high quality materials in this sensitive location.

With respect to Tudor Cottages adjacent to the north, the proposal will not harm the buildings' setting, with main views from the north being unaltered and mature vegetation clearly separating the properties and also the proposed single garage.

Therefore, while there are no public benefits to the proposed replacement dwelling, the development would preserve the character and appearance of the Great Holland Conservation Area and the setting of the adjacent Grade II Listed Buildings.

4. Impact to Neighbouring 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).

The replacement dwelling is sited in close proximity to that existing, but will actually be sited slightly further apart to the nearest neighbouring dwellings to the west. Given this, the dwelling will not appear imposing or result in significant additional loss of light. In terms of overlooking, the dwelling has been designed to ensure the section of the building in closer proximity to the neighbouring rear garden areas does not have any first floor windows to directly overlook. Whilst there are three first floor windows further along the building that could have the potential to overlook, one will serve a bathroom. The second and third windows will serve bedrooms; however they are located approximately 15 metres from the neighbouring garden area, which is also protected from existing mature vegetation. Given this there is not considered to be a significant increase in overlooking.

With respect to Tudor Cottages to the north, there is a significant separation distance of approximately 30 metres, and existing mature vegetation to the northern boundary separating the two properties. Therefore, there is considered to be a neutral impact to their existing amenities.

5. Tree Impacts

The application site contains several trees that make a moderate positive contribution to the character and appearance of the conservation area; however the proposed site layout makes provision for the retention of all significant trees on the application site.

A full tree survey and report is not considered to be necessary as the site layout plan shows adequate separation between the proposed built development and the retained trees. A condition is imposed securing details of tree protection.

6. Highways Impacts

Essex Highways Authority state they have no objections to the proposed development subject to conditions relating to a visibility splay, the use of no unbound materials, the width of the access, the closure of the existing access point, no discharge of surface water and any new boundary planting being set back 1 metre from the highway.

Additional conditions relating to cycle provision and the provision of a Residential Travel Information Pack were requested; however given the site is of a large enough size to accommodate bicycles and that the scheme is a minor development, it would be unreasonable to include these conditions to this decision.

Adopted Parking Standards state a dwelling with two or more bedrooms should have provision for two parking spaces with minimum measurements of 5.5m x 2.9m or a garage, if being relied upon as one of the parking spaces, minimum internal dimensions of 7m x 3m.

The submitted plans show a proposed single garage that meets the above requirements. There is additional space to the front of the garage for the additional space required.

Other Considerations

Frinton and Walton Town Council recommend approval.

There have been two letters of observation received, with concerns raised regarding potential asbestos and damage to a neighbouring garage during construction. However these are not material planning considerations and therefore do not form part of the consideration of the application.

Two letters of objection has also been received, with concerns raised that the building is within a conservation area and will alter the heart of the village, that its re-siting will harm the areas character and will be substantially larger than existing. In answer to this, this has been addressed within the main body of the report above.

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 numbers 095/1, 095/2, 095/3, 095/4, 095/5 and the untitled document detailed the Design and Access Statement and Heritage Statement.

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

- 3 Prior to first occupation of the dwelling, the vehicle access shown in the Site plan and block plan, drawing no. 095/1 at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 40 metres to the north west and 2 metres by 30 metres to south west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of obstruction.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 Prior to first occupation of the development the vehicular access 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 5.5 metres and dropped kerb vehicular crossing of the footway 4.5 metres wide.

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

- 6 The existing access shown on the Existing Site Layout, drawing no. 15047/JD11 shall be suitably and permanently closed in a manner to have been previously approved in writing by the Local Planning Authority, incorporating the reinstatement to full height of the footway kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 7 There shall be no discharge of surface water from the development 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.

- 8 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.

- 9 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.

- 10 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.

- 11 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The site is within a sensitive location and it is important that the materials used are of a high quality, in the interests of visual amenity and protecting the character and appearance of the conservation area.

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.

Reception and Storage of Building Materials

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.