

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	17/05/2019
Planning Development Manager authorisation:	SCE	20.05.19
Admin checks / despatch completed	W	21/5/19

Application: 18/02063/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs S & K Watcham

Address: Great Holland Nurseries Church Lane Great Holland

Development: Variation of condition 20 of application 15/00984/FUL (demolition of existing nursery buildings and erection of two dwellings) to substitute amended plans altering the design of the properties.

1. Town / Parish Council

Frinton & Walton Town Council Approval

2. Consultation Responses

The Ramblers Association No comments received

Essex Wildlife Trust No comments received

Tree & Landscape Officer The main body of the application site is currently in occupied by derelict glasshouses.

There are no trees or other significant vegetation on the main body of the land. There are, however, a number of trees on the boundary of the application site that make a positive contribution to the appearance of the conservation area and surrounding land. As the application site is situated within the Great Holland Conservation Area all trees on the land are afforded formal protection.

In order to ascertain the extent of the constraint that these trees are on the development potential of the land the applicant has provided a tree survey and report that has been carried out in accordance with BS5837 Trees in relation to design, demolition and construction, Recommendations.

The report identifies the extent of the constraint that trees are on the development potential of the land and shows how retained trees will be protected for the duration of the construction phase of any consent that may be granted.

One of the most important trees on the application site is situated alongside the Public Right of Way adjacent to the existing access road. It is likely that root development has taken place in such a way to compensate for the compaction beneath the surface of the existing access road. The tree report identifies the need to physically protect the Root Protection Area (RPA) for the duration of the construction phase of any development for which consent may be granted and

shows the steps that will be taken to do this.

With regard to the trees on the northern boundary of the land the positions of the dwellings and the turning head show a minor incursion into the RPAs of the trees. This is not likely to cause significant harm to the trees.

X The information provided by the applicant demonstrates that a satisfactory ~~can be achieved~~ relationship between the retained trees and new buildings.

Should consent be granted then a soft landscaping condition should be attached to secure further details on the indicative planting shown on the site layout plan. Soft landscaping of the site will be a key element in achieving a desirable layout that could be accommodated in this location.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

The advice provided in our letter (ref: 244199, dated 16th August 2018 attached above for reference) is as follows:

'We advise that the applications in scope for consideration should include all new applications as well as those with outline planning permission where this issue has not previously been assessed through the HRA process.'

It is Tendring District Council's duty as competent authority to ensure that any application that falls within the Essex RAMS is sufficiently assessed through the HRA process and that appropriate mitigation is secured through the necessary mechanisms. Not collecting such funds may lead to the council being unable to collect the final total of the mitigation package through the development mechanism. The risk of not obtaining such mitigation is therefore on your Local Authority, however we are unable to provide legal advice on the matter and would advise that your own legal advice should be sought to address your concerns.

Ultimately in this situation where the RAMS has emerged after the original application was registered, it is down to Tendring District Council to decide whether this proposal lies within scope of the RAMS or not. Consideration should also be given to whether a previous HRA has been undertaken and if so, what the findings of this were, including any mitigation sought.

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 within an existing 30-mph speed limit and is located on a no through road. The proposal is providing adequate parking for the proposed dwellings therefore:

From a highway and transportation perspective the impact of the

proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- Prior to the first occupation of any of the proposed dwellings, the proposed private drive shall be constructed at right angles to the highway to a width of 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway.
- No unbound materials shall be used in the surface treatment of any proposed vehicular access within 6 metres of the highway boundary.
- There shall be no discharge of surface water onto the Highway.
- All double garages should have a minimum internal measurement of 7m x 5.5m.
- Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the Indicative Site Layout Plan REF: 001 constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.
- 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.
- Prior to first occupation of the proposed dwellings, 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.
- The public's rights and ease of passage over public footpath no. 164 (Great Holland) shall be maintained free and unobstructed at all times.

UU Open Spaces

Recommendation

A contribution towards the maintenance and improvements at the only play area in Great Holland is both relevant and justified to this planning application. Any contribution received would be spent at:

Main Road, Great Holland

Building Control and Access Officer

Tree overhangs fire appliance route, see Approved Document B.

Environmental Protection

Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

Anglian Water Services Ltd

No comments received

3. Planning History

15/00984/FUL	Demolition of existing nursery buildings and erection of two dwellings.	Approved	17.06.2016
16/01917/FUL	Erection of one dwelling.	Refused	17.01.2017
17/00031/DISCON	Discharge of conditions 02 (materials), 03 (landscaping), 05 (screen walls and fencing), 12 (construction method statement), 15 (illumination scheme), and 16 (ecological management scheme) of planning permission 15/00984/FUL.	Approved	14.06.2017
18/02063/FUL	Variation of condition 20 of application 15/00984/FUL (demolition of existing nursery buildings and erection of two dwellings) to substitute amended plans altering the design of the properties.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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

HG13 Backland Residential Development

HG14 Side Isolation

EN1 Landscape Character

EN2 Local Green Gaps

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

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

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the northern side of Church Lane within the settlement of Great Holland. The site measures approximately 0.63 hectares in size and comprises of the currently redundant Great Holland Nursery, which was once an established horticultural nursery that comprised of commercial glasshouses and storage buildings. The majority of the glasshouses have now been demolished and work has commenced on site for the construction of 2 detached dwellings.

Access to the site is via an existing driveway located between the dwellings known as 'The Hawthorns' and 'Greenways'. A public footpath runs along the western side of the driveway which is in the ownership of the applicant but divided with a fence. The site is divided into two main sections the eastern half is largely open and comprises of scrub grassland and the western half is occupied by vacant nursery buildings. The site boundaries contain a number of trees, particularly the northern boundary of the site which is lined by mature Oak Trees.

To the south of the site are detached residential properties that front onto Church Lane. The dwellings on the western side of the access driveway are served by deeper gardens than those on its eastern side which share a common boundary with site.

The site lies within the Great Holland Conservation Area and is located adjacent to the churchyard of All Saints Church.

Proposal

This application seeks to vary condition 20 of the original 2015 permission to incorporate design changes to the properties and a relocation of the garage serving plot 2.

The changes are outlined as follows;

Plot 1

- Omission of small windows to gables (front and rear elevations)
- Change from dormers to roof lights in rear elevation of garage
- Roof lights inserted into the east facing roof slope of plot 1
- Slight increase in depth of property by 0.8m

Plot 2

- Omission of small windows to gables (front and rear elevations)
- Insertion of two-storey height glazed entrance feature situated centrally on the front elevation of the property
- Relocation of the detached garage from the side of the property to the end of the access road
- Insertion of additional window at first floor level and substitution of 2 large windows with 4 smaller windows at ground floor (west elevation)
- Inclusion of wrap around single storey element linking the dwelling to the relocated garage
- Addition of 1st floor window and roof lights to roof eastern elevation
- Inclusion of loggia to the rear of open timber/glazed construction
- Rrelocation of property 1m eastwards.

Principle

The principle of siting two dwellings on this site has been established through the granting and implementation of planning permission 15/00984/FUL.

Impact of Changes

The changes to plot 1 are minor and relate to the fenestration and a slight increase in the property's depth of 0.8m. The insertion of roof lights and removal of the gable windows would not materially alter the appearance of the dwelling and does not result in any harm to existing and future residents. The increase in the depth of the property is also minor and does not harm the traditional proportions of the dwelling.

The revisions to the design and layout of plot 2 are more substantial. The most significant alteration is the re-siting of garage and the new single storey linked element. These changes are considered to be acceptable as the new siting of the garage results in a terminating vista at the end of the new access and the retention of a sufficient gap to the churchyard adjacent. The single storey link and loggia to the rear are also additions which are sympathetic to the appearance of the property and not excessive in scale or footprint. The relocation of the property eastwards by 1m is a minor change to the previous approval and due to the re-siting of the garage only marginally results in the built form being situated closer to the churchyard to the east. The fenestration changes, as for plot 1, do not materially alter the appearance of the property or the impact on existing or future residents.

Overall the alterations are considered to be acceptable as they do not drastically alter the degree or magnitude of the current permission whilst being sympathetic to the conservation area setting and the setting of the nearby listed church.

Conditions

Work on site has commenced so pre-commencement conditions will be re-worded to reflect those details previously approved under a discharge of condition application and where shown on the submitted plans.

RAMS/Public Open Space

The original planning permission has been implemented through the commencement of works on site. This application relates to aesthetic changes to the appearance and layout of the dwellings and does not propose to increase the number of dwellings built. It is the Council's view that it would be unreasonable to seek mitigation measures in respect of RAMS or a public open space contribution in this instance.

Trees

The Council's Tree Officer has confirmed that with regard to the trees on the northern boundary of the land the positions of the dwellings and the turning head show a minor incursion into the RPAs of the trees. However, this is not likely to cause significant harm to the trees.

The information provided by the applicant demonstrates that a satisfactory can be achieved relationship between the retained trees and new buildings.

A detailed soft landscaping scheme, which is similar to that previously approved, has been submitted and will be secured via condition. The tree protection measures agreed on the 2015 permission will be secured once more.

Highway Considerations

Essex County Council Highways has no objections to the proposals subject to the inclusion of several conditions relating to access width, parking sizes, use of unbound materials and the ease of passage over the footpath. The requirements for travel packs and cycle storage are not considered necessary as they were not required on the previous consent.

Other Considerations

Building Control has advised that a tree overhangs the fire access route. This will be communicated to the applicant via an informative.

Frinton & Walton Town recommends approval of the application. No further letters representation have been received.

6. Recommendation

Approval

7. Conditions / Reasons for Refusal

- 1 The approved scheme of landscaping shown on drawing no. 77 A shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 2 The approved screen walls and fences, as shown on drawing no. 77 A, shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - To ensure a satisfactory development of the site in the interests of amenity and the conservation area setting.

- 3 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m 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 the proposed access for any dwelling on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 6 Prior to the occupation of the proposed development the vehicular turning/parking areas, as shown on approved drawing no. 71 C, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear and adequate parking provision is provided, in the interests of highway safety.

- 7 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the nearside edge of carriageway of the existing road.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 8 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 25m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 9 Construction work shall be carried out in accordance with the Construction Method Statement document (dated 31st October 2016) and within associated drawing no. 78, as approved under planning reference 17/00031/DISCON.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 10 At the completion of the construction phase, the adjacent PRow, Footpath No 4 (Great Holland) shall be resurfaced and compacted with recycled road planings or a similar material and all obstructing vegetation removed from site to provide a minimum clear width of 1.5m and also clear to a height of 2.0m across the entire sites western boundary to the footpath.
- Reason - To ensure the continued safe passage of pedestrians on the definitive right of way.
- 11 The removal of any vegetation from the site shall only be carried out outside of the bird nesting season (March to August inclusive).
- Reason - To ensure the protection of birds potentially nesting on site.
- 12 All external illumination shall only be installed in accordance with the details stipulated in sections 3.18 to 3.21 of the 'Ecological Management and Mitigation Plan', as prepared by Liz Lord Ecology and approved under planning reference 17/00031/DISCON.
- Reason - To ensure adequate safeguarding of the amenity of nearby properties, protected species and prevent the undesirable, disruptive and disturbing effects of light pollution.
- 13 The development shall be carried out in accordance with the protection species mitigation measures/recommendations as set out in the submitted 'Ecological Management and Mitigation Plan', as prepared by Liz Lord Ecology and approved under planning reference 17/00031/DISCON.
- Reason - To preserve and enhance the biodiversity of the site.
- 14 The hereby approved development shall take place fully in accordance with the tree/hedgerow protection measures set out in the submitted Arboricultural Impact Assessment and the accompanying Tree Protection Plan (Ref no. - TPSarb5161214 TSCP) (prepared by Tree Planning Solutions dated 9th May 2015).
- Reason - In order to suitably protect the existing trees/hedges on the boundaries of the site for the benefit of the character and appearance of the surrounding area and the ecology of the site.
- 15 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected on the site except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.
- Reason - In the interests of visual amenity and to preserve the character of the surrounding area and the setting of the adjacent Grade II* Listed All Saints Church.
- 16 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwellings, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.
- Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that development would not adversely impact on the setting of the conservation area and the Grade II* Listed All Saints Church.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's. 71C, 77A, 74A, 75B, 76B, 82A, 83A, 84B, 85B, 81B, 73B, 72B, 80, 75, 76 and 78.

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

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Building Control Informative

Drive must be capable of taking a fire appliance of 12.5 tonnes and the existing tree should not obstruct its access.

Highway Informative

The public's rights and ease of passage over Public Footpath No4 (Great Holland) shall be maintained free and unobstructed at all times.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

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.

<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>