

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	31/07/2019
Planning Development Manager authorisation:	AN	31/7/19
Admin checks / despatch completed	AP	31/7/19

Application: 19/00847/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr R Hughes

Address: Studio Cottage Church Lane Great Holland

Development: Variation of conditions 2 and 4 of approved application 18/00996/FUL to replace drawings 1C, 2B, 3B, and 5C with drawings 1D, 2C, 3C and 5D, and include Drawing No. 01.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

ECC Highways Dept

It is noted that this application only concerns condition 2, the Highway Authority does not object to the proposals as submitted and in accordance with amended drawings listed above.

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

3. Planning History

01/00491/TCA	Remove lower branches of large Conifer tree and general thinning of crown	Approved	15.05.2001
02/00795/TCA	Remove one Bay tree and replace with new	Approved	20.05.2002

18/00996/FUL	Proposed demolition of existing residential property then erection of new three bedroom residential property.	Approved	07.09.2018
19/00846/DISCON	Discharge of condition 3 (hard and soft landscaping) of approved application 18/00996/FUL.	Approved	24.07.2019

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

TR7 Vehicle Parking at New Development

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

EN17 Conservation Areas

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

PPL8 Conservation Areas

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Great Holland Conservation Area Appraisal 2006

Great Holland Parish Plan and Village Design Statement 2010

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 relates to the site formerly comprising Studio Cottage, located on the northern side of Church Lane, Great Holland. The site lies within the settlement development boundary for the area as defined within both the adopted and emerging Tendring District Local Plan and also lies within the Great Holland Conservation Area.

The site extends approximately 0.02 hectares in size and has now been cleared in preparation for the development approved under 18/00996/FUL and 19/00846/DISCON.

To the west are existing residential properties with The Manor Public House and further dwellings beyond. To the east of the site are 2 single storey detached garages with their associated vehicular accesses serving the dwellings on the opposite side of the road. The application site has an angled rear boundary with open fields behind resulting in a break in the built form with further dwellings beyond on this side of the road. The residential dwellings on the opposite side of the road extend beyond the site in both directions. Although residential in character the properties vary in design, appearance and period of construction.

Proposal

This application seeks a variation of the plans approved under 18/00966/FUL (for the demolition of existing residential property and erection of new three bedroom residential property).

This application seeks to amend the approved development by reducing the width of the front section of the dwelling by 250mm to create a better access arrangement to the main entrance door located within the east side elevation.

This results in the front elevation having a width of just over 7.6m (previously approximately 7.9m) increasing to approximately 7.9m at the entrance door (in line with previous approval) with the remaining walls/footprint and elevations remaining as originally approved. The overall ridge height remains as approved at 6.5m.

Appraisal

The main considerations in this instance are;

- Principle of Development;
- Scale, Layout and Appearance (including impact upon the Heritage Asset);
- Residential Amenities;
- Landscaping;
- Highway Safety/Parking;
- Financial Contribution - RAMS;
- Representations; and;
- Other Considerations.

Principle of Development

The principle of residential development for the replacement dwelling has been established through the granting of application 18/00996/FUL and 19/00846/DISCON.

The description included the demolition of the original property. The site has now been cleared and development has therefore commenced.

Scale, Layout and Appearance (including impact upon the Heritage Asset)

The proposed variation does not impact upon the approved scale and appearance of the dwelling to an extent that result in any significant visual impact. The proposed variation results in a negligible impact to the overall appearance of the development and will not appear harmful to the street scene or visual amenity overall.

For these reasons, due to the minor nature of the amendments, the revised development will not result in any further impact on the character or appearance of the Great Holland Conservation Area.

Residential Amenities

The variation to the approved design is concentrated to the eastern side elevation and front elevation of the proposed dwelling away from the closest neighbouring property known as 'Chaplins'. Due to the minor nature of the proposed amendment, the revised development will not result in any additional impact to residential amenities.

Landscaping

With regard to previous comments made in relation to the original application regarding the need to secure additional tree planting at the front of the site in order to enhance the appearance of the development and the conservation area: the landscaping approved under 19/00846/DISCON shows the planting of a screening soft landscape feature comprising Pleached Hornbeam in a position between the highway and the position of the dwelling. The provision of this new element in the landscape proposals adequately compensate for the omission of the proposed tree planting and will provide a more proportionate and sustainable feature in the landscape.

Highway Issues/Parking

The proposed variation does not alter or affect the approved parking layout.

Financial Contribution - RAMS

The original planning permission has been implemented through the commencement of works on site. This application relates to minor changes to the dwelling and does not propose to increase the number of dwellings being built. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

Representations

Frinton and Walton Town Council recommend approval.

1 letter of representation/objection has been received raising concerns with the dimensions and measurements shown on the approved plans and discrepancies with the proposed plans.

The proposed plans have been measured and compared with the previously approved plans, the changes listed above and their impact considered within the main report.

Other Considerations

Application 18/00996/FUL was approved subject to the following conditions;

1. Time limit.
2. Approved plans.
3. Landscaping scheme.
4. Implementation of landscaping.
5. Removal of fence/wall PD.
6. No unbound materials.
7. Construction times.
8. Permeable surfacing.
9. Removal of Class B and C PD.
10. Removal of Class A, D and E PD.
11. White render only.

All conditions listed above will be re-imposed as necessary other than the following;

Condition 1 – Time limit

This is no longer required as works have commenced.

Condition 3 – Landscaping scheme

This is no longer required as the landscaping has been approved under 19/00846/DISCON. Implementation of the approved scheme is controlled by condition 4 which will be reworded to refer to the approved plan.

Condition 5 - No unbound materials

This no longer required as bound resin has been approved under 19/00846/DISCON. Implementation of the approved scheme is controlled by condition 4 which will be reworded to refer to the approved plan.

Conclusion

In the absence of any material harm resulting from the revised development, the variation application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 1 revision D, drawing no. 2 revision C, drawing no. 3 revision C and drawing no. 5 revision D.

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details Drawing No. 01 of 19/00846/DISCON, 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 ensure that the landscaping scheme is suitably implemented within an appropriate timescale in the interests of visual amenity and the character and appearance of the conservation area.

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), other than those details shown on approved drawings, there shall be no provision of fences, walls or means of other enclosures erected forward of the front elevation of the dwelling hereby approved.

Reason - To retain the open character of the locality in the interests of visual amenity.

- 4 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance as the site is within close proximity to existing dwellings.

- 5 All new driveways, parking areas and hard surfaced areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes B and C 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), no extensions, additional windows or other openings shall be inserted in the roof of the dwelling hereby permitted except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the character of the development, visual amenity and residential amenities.

- 7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, D 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), no extensions, alterations, porch additions or outbuildings shall be erected except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the character of the development, residential amenities and to ensure that sufficient private amenity space is retained for the approved dwelling.

- 8 The development hereby approved shall be finished in white painted render only and retained in this approved form unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that the development is in keeping with 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.

Highway Informatives

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.

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