

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	17.10.19
Planning Development Manager authorisation:	TF	18.10.19
Admin checks / despatch completed	CC	18.10.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EN	18/10/19

Application: 19/01191/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Brendan Mason

Address: 104 Frinton Road Kirby Cross Frinton On Sea

Development: Proposed conversion of two storey detached garage block into separate one bedroom dwelling with integral parking provision, subdivision of rear garden to provide separate private gardens, and new vehicular crossover and frontage parking to existing house.

1. Town / Parish Council

Frinton and Walton Town Council Refusal - out of keeping with the street scene. Appears to be a bedsit.

2. Consultation Responses

UU Open Spaces No contribution is being requested from Public Realm- Open Spaces on this occasion.

Building Control and Access Officer No comments at this stage.

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

3. Planning History

19/01191/FUL Proposed conversion of two storey detached garage block into separate one bedroom dwelling with integral parking provision, subdivision of rear garden to provide separate private gardens, and new vehicular crossover and frontage parking to existing house. 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
 HG1 Housing Provision
 HG3 Residential Development Within Defined Settlements
 HG9 Private Amenity Space
 COM6 Provision of Recreational Open Space for New Residential Development
 TR1A Development Affecting Highways
 TR7 Vehicle Parking at New Development
 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
 SPL1 Managing Growth
 SPL2 Settlement Development Boundaries
 SPL3 Sustainable Design
 SP1 Presumption in Favour of Sustainable Development
 LP1 Housing Supply
 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 (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 site comprises a plot of approximately 580sqm with a north facing rear garden, the donor dwelling is detached and of early 20th century character. Towards the rear boundary a detached outbuilding was approved and constructed in the early 1980's. The structure is 5m high and has a mansard roof laid over with red clay plain tiles. Walls externally comprise part red multi-brick piers with self-coloured render. To the east elevation a staircase has been constructed providing access to the storage area within the large roofspace, this elevation also contains a doorway and a window.

Description of Proposal

The application proposes changing the use of the outbuilding from having a use ancillary to the donor dwelling to an independent dwelling. As part of the conversion the works propose the removal of the external staircase and replacing it with a single storey extension. The existing fenestration to the first floor would be replaced with an obscurely-glazed window and the construction of a small two storey extension to the north elevation which would house an internal staircase. Other alterations external comprise the insertion of domestic windows, patio doors etc at ground floor and the insertion of one window facing across Elm Grove. A single parking space is proposed on the existing hardstanding, a new bin store to the north boundary and the installation of boundary fencing to facilitate the sub-division of the site.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The resultant dwelling would, for the most part, not appear too dissimilar to the existing built form on the site. The additions proposed would be finished externally in materials that match those of the existing, which include repainting the existing green-coloured render white.

Landscaping

Due to the small nature of the plot an extensive scheme of landscaping would not be viable; notwithstanding this the plans show the retention of existing fruit trees; a condition will ensure their retention.

Highways/Access

The donor dwelling has 2+ bedrooms and the proposed dwelling has 1 bedroom; the donor dwelling needs to provide two off-street parking spaces and the new dwelling one off-street parking space. Parking standards require that parallel parked bays are 5.5m x 2.9m; both the proposed and host dwellings will be provided with adequate off-street parking.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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 proposed dwelling would have one bedroom and requires a private space of 50sqm or more; this is adequately shown on the plans. The donor dwelling, having three bedrooms or more requires a minimum of 100sqm; this is also shown on the plans. Overall the proposal is considered to secure a good standard of amenity for all existing and future occupants of land and buildings.

In regards to the adjacent neighbour at 106 Frinton Road; the proposal shows the removal of the external staircase and clear-glazed first floor windows and replacing with an obscurely glazed window. The proposed side extension has a flat roof that has an overall height of 2.2m.

In regards to the adjacent neighbour at No. 2 Elm Grove; there are no side-facing rooflights in their south-facing roofslope; the proposed two-storey side extension does not contain any windows – notwithstanding this a condition will be attached to any forthcoming permission that prevents windows being installed in the future without the approval in writing from the Local Planning Authority.

In regards to the donor dwelling; no windows or rooflights are proposed at first floor in the south facing elevation. Two windows are proposed at ground level which have a header around 2.2m and flank to rear separation distances in the region of 20m (separated by a new 1.8m high boundary fence) would exist.

Overall the development would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Legal Obligation

No contribution is requested in regards to Public Realm on this occasion.

Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Other Material Considerations

A contribution has been made by an occupier of an adjacent dwelling that raises the following objections

Assumed no new dwellings would be built	The application proposes the change of use of an existing building and not the construction of a new dwelling
The garage block is an intimidating outbuilding	The outbuilding has existed since the early 1980s
The garage block overlooks our garden	The application proposes removing the external staircase and replacing clear-glazing with obscure-glazing
The garage block is rented to a third party who is the proposed applicant.	Not a material consideration in the determination of the planning application.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 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: 7219-1 and 7219-5 received 8th August 2019, 7219-2a and 7219-4b received 24th September 2019

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no first floor windows shall be inserted in the north or south elevations of the new dwelling 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 amenities of the occupants of neighbouring property.

- 4 Prior to occupation of the new dwelling, the new vehicle access for the host dwelling, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 45 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the vehicle access is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 5 Prior to occupation of the new dwelling the vehicular access for donor dwelling 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 more than 3.6 metres (4 low kerbs) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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.

- 6 Prior to occupation of the new dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site of the host dwelling at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 7 No unbound material shall be used in the surface treatment of either 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.

- 8 There shall be no discharge of surface water 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.

- 9 The new dwelling shall not be occupied until such time as the car parking area, indicated on the plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the dwelling thereafter.

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

- 10 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.

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.

- 11 Any new or proposed boundary hedging shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason - To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

- 12 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.

- 13 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of both hard and soft landscaping works for the site, which shall 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: 1991 - Trees in Relation to Construction."

Reason - No details have been provided with the application.

8. Informatives

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.

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On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO