

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	22/10/2019
Planning Development Manager authorisation:	TF	24/10/2019
Admin checks / despatch completed	CC	24/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	24/10/19

**Application:** 19/00946/FUL **Town / Parish:** Frinton & Walton Town Council  
**Applicant:** Mr & Mrs Brown  
**Address:** Larges Farm Rectory Road Great Holland  
**Development:** Erection of one dwelling with associated garage.

### 1. Town / Parish Council

Frinton and Walton Town Council Recommend refusal – overdevelopment and appear cramped. Against shared drives.

### 2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is within an existing development and retains adequate room and provision for off street parking and turning, for the proposed dwelling 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. No unbound material shall be used in the surface treatment of the vehicular access.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.
2. 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.
3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.  
Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway 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.

Tree & Landscape Officer      There are no trees or other vegetation on the application site. The application site comprises of an area of short grass with recently built dwellings either side.

The construction of a dwelling in this location will not have a significant adverse impact on the local landscape character.

If planning permission were to be granted then details of landscaping to soften and enhance the appearance of the development should be secured by a planning condition. Soft landscaping should incorporate at least 2 trees to the front of the proposed new dwelling.

UU Open Spaces

Response from Public Realm  
Open Space & Play

Application Details

Application No: 19/00946/FUL

Site Address: Larges Farm Rectory Road Great Holland Essex

Description of Development: Erection of one dwelling with associated garage.

Current Position

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby and Great Holland

There is only one play area in Great Holland located on the corner of Pork Lane and Main Road.

Recommendation

Due to the size of the development, it is unlikely that this development will impact existing facilities. Therefore no contribution is being requested on this occasion.

### 3. Planning History

97/00016/AGRIC	Agricultural Reservoir	Determination	21.07.1997
14/01194/OUT	Proposed residential development of 0.4 ha of land with associated garaging and parking.	Refused	31.10.2014
15/01653/OUT	Outline planning application with all matters reserved for the development of three dwellings.	Refused	18.12.2015

17/00964/DETAIL	Reserved matters application for the development of three dwellings.	Approved	05.09.2017
17/01688/DETAIL	Reserved matters application for the development of three dwellings - minor variations to Plot 1 as approved under reference 17/00964/DETAIL.	Approved	20.11.2017
18/00093/FUL	One dwelling (variation to approved design for Plot 1).	Withdrawn	29.05.2018
18/00094/FUL	Provision of new access to serve the approved development of one house & two bungalows.	Withdrawn	29.05.2018
18/00273/DISCON	Discharge of condition 02 (materials) of planning permission 17/00964/DETAIL.	Approved	19.04.2018
18/00812/DISCON	Discharge of Condition 2 (Materials) of Planning Permission 17/01688/DETAIL	Approved	29.05.2018
19/00946/FUL	Erection of one dwelling with associated garage.	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

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN1 Landscape Character

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

- SPL3 Sustainable Design
- LP3 Housing Density and Standards
- LP4 Housing Layout
- CP1 Sustainable Transport and Accessibility
- PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (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 site is located outside, but immediately adjacent to, the Great Holland settlement boundary. The application is bounded by the existing development to the north and to the south.

The site, prior to its development, had been identified and designated in the Local Plan as a Local Green Gap. This designation is not carried forward into the emerging plan and where in consideration of the appeal decision this is now afforded very limited weight.

A public footpath runs to the north and east of the site (from which the site would be visible). On site the previous tree-cover has been removed and the former agricultural buildings have been demolished. Construction work on the two bungalows to the front of the site has commenced and a two and half storey dwelling to the north is nearing completion.

The site is screened from the road by a copse of trees surrounding a pond at the current entrance to the site from the highway, which lies at the junction of Rectory Road and the Main Road (to Kirby Cross).

### Proposal

This application seeks planning permission for a single infill chalet bungalow on the site. Planning permission was granted in September 2018 for the erection of 3 detached houses (2 bungalows and 1 three storey dwelling) under planning reference 18/00985/FUL following granting in outline form at appeal under reference APP/P1560/W/16/3145830).

The application proposed is sited within the gap, infilling between the existing bungalows and the three storey house to the north. The property is to consist of 3 bedrooms on ground floor with a hobby room and bathroom at first floor level.

### Appraisal

#### Principle of Development

The application site lies adjacent to, but outside of, a Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (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 report, 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.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below.

#### Economic

It is considered that the proposal for one dwelling would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic arm of sustainable development.

#### Social

Within planning appeal decision APP/P1560/W/16/3145830 relating to the rest of the site, the inspector highlighted that given the close proximity of a bus stop with frequent and regular buses to larger settlements nearby, including the railway station at Kirby Cross, he was satisfied "that potential future occupiers of the proposed dwellings would not necessarily be wholly reliant on the use of a car in order to access the services and facilities reasonably likely to be required to meet their residential needs."

Therefore, despite Great Holland performing poorly within the Established Settlement Hierarchy (2016), which demonstrates it has no primary school, GP Surgery, defined village centre or railway station, the inspector's view is a material consideration and ensures the site meets the social strand of sustainability.

A more recent appeal decision at The Veldt confirms this stance by stating 'Great Holland has a public house, a community hall, a church hall, children's play area, Lodge Farm Business Park, a motor repair garage and Pork Lane farm shop which is around 800m from the site. The village is served by bus routes which run through the centre, at the end of Pork Lane. Bus stops are located near the site, which provide routes to Clacton-on-Sea, Kirby Cross and Frinton-On-Sea. Railway stations in Kirby Cross and Frinton-on Sea provide routes to Colchester. The appeal site is not isolated and future occupants of the dwellings would help to enhance or maintain the vitality of the community of Great Holland'.

#### Environmental

The development involves the construction of one detached dwelling located within a gap between two bungalows to the south and a two and half storey property to the north. The area in which the dwelling is proposed was to previously form the side garden of the dwelling to the north. The dwelling would retain sufficient spacing to the neighbouring properties and comprise of a simple

infill development. As a result the property would not appear out of character and would be viewed as forming part of a small cluster of properties.

As a result the development would meet the environmental strand as it would not harm the character and appearance of the area.

### Layout, Design and Appearance

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

The proposed dwelling is to be detached, 1.5 storey and sited within a recently constructed cluster of properties. The dwelling will be accessed via the approved access serving the development from Rectory Road.

In terms of the proposed design of the dwelling, there is not a principle objection with the 1.5 storey traditional design. Whilst the design is not considered to be of exceptional quality the inclusion of a brick plinth and rendered finish means it would relate acceptably to the appearance of the recently constructed bungalows to the south. This, and that the dwelling will not be highly visible from Rectory Road, means that on balance the design of the proposed dwelling is not harmful enough to warrant a reason for refusal. The materials are detailed on the submitted plans removing the need for a materials condition.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show this is comfortably achievable for the new dwelling and for the existing dwelling to the north.

### Impact upon neighbours

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 property would retain sufficient distance to neighbouring properties not to cause any adverse impacts upon outlook or privacy. The property is situated to the north of plot 2 thereby avoiding any impact upon the light its rear garden currently receives. The hipped nature of the roof and the orientation of the dwelling means that it would not appear overly oppressive to residents when viewed from their rear garden.

Permitted development rights for roof additions will be removed to avoid any impact upon neighbour's privacy in the future.

### Highways

Essex County Council Highways have been consulted as part of the process of this application and have stated they have no objections, subject to a number of conditions that will be attached to this decision. One additional condition was suggested in relation to cycle parking; however given the size of the plot, there is comfortably sufficient areas to accommodate this.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m. The submitted plans show two spaces of an acceptable size to meet the standards.

### Tree and Landscape Impacts

There are no trees or other vegetation on the application site. The application site comprises of an area of short grass with recently built dwellings either side. The construction of a dwelling in this location will not have a significant adverse impact on the local landscape character.

If planning permission were to be granted then details of landscaping to soften and enhance the appearance of the development should be secured by a planning condition. Soft landscaping should incorporate at least 2 trees to the front of the proposed new dwelling.

Therefore, subject to conditions to secure soft landscaping, the proposal is acceptable against this criterion.

### Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

Following consultation with the Council's Public Open Space team, they have stated that there is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby and Great Holland. However, due to the size of the development, it is unlikely that this development will impact existing facilities. Therefore no contribution is being requested on this occasion.

### Habitats Regulation 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.

### Other Considerations

Frinton and Walton Town Council recommend refusal as it is against shared drives and considers the proposal represents overdevelopment which is out of keeping in the street scene. The Town Council also state that the development results in a cramped appearance which detracts from neighbouring properties.

In response the majority of these matters are covered in the report above. The shared drive is already approved as part of the existing scheme.

No further letters of representation have been received.

## **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: P01c, P02b and P03c.

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

- 3 Prior to occupation of the dwelling hereby approved, the parking spaces as shown on approved plan Drawing. No. P01c shall be constructed, surfaced and maintained free from obstruction at all times for that sole purpose.

Reason - In the interests of highway safety.

- 4 No unbound material shall be used in the surface treatment of the vehicular access.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 5 The proposed landscaping, as shown on drawing no. P01c, shall be planted 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. If any tree becomes seriously damaged or diseased within five years of planting it 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.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class 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 enlargement, improvement or other alteration to the roof of the dwellings shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual and residential amenities.

## 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
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**Are there any third parties to be informed of the decision?  
If so, please specify:**

YES

NO