

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	11/11/19
Planning Development Manager authorisation:	AN	12/11/19
Admin checks / despatch completed	CC	13.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XLO	13/11/19

Application: 19/01486/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs J Nash

Address: Land adjacent to Larges Farm Cottage Kirby Road Great Holland

Development: Variation of Condition 2 of 18/01950/FUL to amend the previously approved design.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

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

1. Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed at right angles to the highway boundary and existing carriageway. The width of the access at its junction with the highway shall be 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 in accordance with the amended block plan, floor plans, elevations and roof plan drawing no. 4b.

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

2. No unbound material shall be used in the surface treatment of the 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 in accordance with policy DM1.

3. Prior to occupation of the dwelling a vehicular turning facility for both properties, 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 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 in accordance with policy DM1.

4. The existing access referred to in the design access statement and

highlighted on the amended block plan floor plans, elevations and roof plan drawing no. 4b shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway / kerbing immediately the proposed new access is brought into first beneficial use.

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

5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / verge or where no provision of footway/verge is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/verge/carriageway in the interest of highway safety in accordance with policy DM1.

6. 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 to ensure accordance with policy DM1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: 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.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

3. Planning History

18/01227/FUL	Proposed detached dwelling with use of existing garage.	Refused	18.09.2018
18/01950/FUL	Proposed detached dwelling and new vehicular access to replace existing.	Approved	10.05.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impact and compatibility

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP4 Housing Layout

LP8 Backland Residential Development

SPL1 Managing Growth

SPL3 Sustainable Design

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

Site Description

The application site is land sited to the east of Larges Farm Cottage, which is located on the eastern side of Kirby Road within the parish of Great Holland. The access to the site lies adjacent to Larges Farm Cottage, whilst the location of the proposed dwelling currently forms part of the extended curtilage of Larges Farm Cottage, and is laid to grass with cross and rail fencing and a large outbuilding in connection with equestrian use.

The character of the surrounding area is semi-rural, with some residential dwellings to the west, and under appeal decision APP/P1560/W/15/3027411 three dwellings have recently been approved to the south. However notably to the east and further out to the west the character is dominated by large areas of grassed or agricultural land.

The site is not situated within a recognised Settlement Development Boundary within the Saved Tendring Local Plan 2007, and within the Emerging 2013-2033 Tendring Local Plan Publication Draft only the access is included in the Settlement Development Boundary for Great Holland.

Description of Proposal

This application seeks planning permission for the variation of condition 2 of previous planning permission 18/01950/FUL. This will amend the previously approved design of the dwelling, and will retain the existing garage and stables that were previously proposed to be removed.

Site History

Under planning reference 18/01227/FUL, planning permission was refused for the erection of one detached dwelling. The application was refused on the grounds that the site was located outside of a recognised Settlement Development Boundary and would not be socially sustainable. Further, there was insufficient information to demonstrate that the proposed works could be developed without resulting in an intensification of use of the site without adequate turning facilities for the

proposed dwelling; the proposal would therefore result in vehicles reversing into the highway to the detriment of highway safety.

Under planning reference 18/01950/FUL, planning permission was however granted for the erection of one detached dwelling, at a time where the Council was unable to demonstrate a five year housing supply.

Assessment

1. Visual Impact

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

The proposal is predominantly to amend the design of that previously considered acceptable within 18/01950/FUL. The dwelling will maintain its 1.5 storey principle design, but its previous 'T' shape will be replaced with a shape more closely related to a cross. As per the assessment of the previous design, it is not considered to be of exceptional quality but does include key features that help in softening its appearance; namely a chimney, front and rear gables, and a dormer. Given this, and that the dwelling will not be visible from the street scene, on balance the design of the proposed dwelling is not harmful enough to warrant a reason for refusal.

2. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling will be visible to both the adjacent neighbours to the east, Larges Farm Cottage and Larkswood.

The occupiers of Larges Farm Cottage are likely to be most impacted upon; however there is an approximate separation distance of 15m, which will ensure no loss of light or the dwelling appearing imposing. Further, in respect of overlooking the dwelling has been designed to ensure there are no first floor windows directly facing onto private garden area.

With respect to the impact to the amenities of 'Larkswood', given that there is an approximate separation distance of 40m, there will be no significant impacts in terms of loss of light or the dwelling appearing imposing. Further, there are no first floor side elevation windows that could potentially result in direct overlooking.

3. Highway Safety

Essex Highways Authority have been consulted and have stated they raise no objections subject to conditions relating to the access width, the use of no unbound materials. A vehicular turning facility, the closure of the existing access, any gates being inward opening and set back 6 metres, and no discharge of surface water. The majority of these conditions were attached to the previous planning permission, so will be carried across to this permission. The one additional condition relating to any future gates will also be added.

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 or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The submitted plans show there is sufficient space to the front and side of both the existing and proposed dwellings to accommodate the necessary parking requirements.

Other Considerations

Frinton and Walton Town Council have recommended approval.

No other letters of representation have been received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of 10 May 2022.

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:

18/01950/FUL:

The document titled 'Construction Method Statement'.

19/01486/FUL:

Drawing number 4B, the untitled Site Location Plan, and the documents titled 'Design and Access Statement' and 'Schedule of Materials and Landscaping'.

Reason - For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction".

Reason - To enhance the visual impact of the proposed works.
- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.
- 5 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed at right angles to the highway boundary and existing carriageway. The width of the access at its junction with the highway shall be 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 vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

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

- 7 Prior to occupation of the 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 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.

- 8 The existing access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway/kerbing immediately the proposed new access is brought into first beneficial use.

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

- 9 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.

- 10 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway/verge or where no provision of footway/verge is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/verge/carriageway, in the interest of highway safety.

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.