

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	10/02/2020
Planning Development Manager authorisation:	AN	10/2/20
Admin checks / despatch completed	CC	10/2/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	10/2/2020

**Application:** 19/01745/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Joslin

**Address:** Holland Cottage Kirby Road Great Holland

**Development:** Conversion of garage/ play room into dwelling.

### **1. Town / Parish Council**

Frinton and Walton Town Council      APPROVAL

### **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 located within an existing private drive and is utilising the existing vehicular access. The site retains adequate room and provision for off street parking and turning, for the host and proposed dwelling, therefore:

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

1. Prior to occupation of the development 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 in accordance with policy DM1.

2. Any existing vehicular access no longer required as indicated on the site layout plan (DWG. Aj/1 ) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing prior to the occupation of the new dwelling.

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.

3. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. 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.

6. 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 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.

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: 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 the alterations to the building.

Informative 3: Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to:

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

### **3. Planning History**

99/01266/FUL

Extension

Approved

30.09.1999

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN2 Local Green Gaps

EN3 Coastal Protection Belt

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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 relates to Holland Cottage, Kirby Road, Great Holland. Holland Cottage is a large detached house located on the eastern side of Kirby Road close to its junction with Green End Lane. The property is positioned in the centre of a large plot, with a slightly unusual angled orientation to the road and is served by an existing in-and-out driveway.

To the southern side of the dwelling is an existing outbuilding subject of this application. This outbuilding is located alongside the boundary with Holland House to the south. It comprises a two storey gambrel roof designed building which accommodates a double garage and hobby room at ground floor with a playroom above.

The site is located outside, but opposite, the Great Holland Settlement Development Boundary as defined within adopted Tendring District Local Plan 2007 and also within the defined Local Green Gap and Coastal Protection Belt. Within the emerging Tendring District Local Plan 2013-2033 and

Beyond Publication Draft 2017 the site now lies within the settlement development boundary and the Green Gap and Coastal Protection Belt designations have been removed.

### Description of Proposal

The application seeks full planning permission for the conversion of the existing detached double garage building into a 1 bed dwelling. The garage doors are to be replaced with windows and the lower half infilled and rendered to match the finish of the existing building. The development will accommodate a kitchen/living area and bathroom on the ground floor and a bedroom above.

### Assessment

The main considerations in this instance are;

- Principle of Residential Development;
- Layout, Appearance and Visual Impact (including Impact on Green Gap & Coastal Protection Belt);
- Residential Amenities;
- Highway Safety, Access and Parking;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open space and Play Space; and,
- Representations.

### Principle of Residential Development

Great Holland is categorised as a Village within the adopted Local Plan and as a Smaller Rural Settlement with the emerging Local Plan. These smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen settlement boundaries have been drawn flexibly to accommodate a range of sites both within and on the edge of the villages and thus enabling them to be considered for small-scale residential 'infill' developments provided that it does not detrimentally impact the historic or natural environment.

The site is located outside, but opposite, the Great Holland Settlement Development Boundary as defined within adopted Tendring District Local Plan 2007. However, the extended boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 now incorporates the application property and application site.

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development. This is echoed within draft Policy SPL2 of emerging Local Plan states that within settlement development boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

The principle of residential development on this site has therefore been established through the extension of the settlement development boundary. This is recognised as a socially sustainable location. The detailed considerations relevant to this proposal are set out below.

### Layout, Appearance and Visual Impact (including Impact on Green Gap & Coastal Protection Belt)

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The proposed development is located within an area designated as a 'Local Green Gap' and 'Coastal Protection Belt' within the Tendring District Local Plan 2007. Policy EN2 of the adopted Tendring

District Local Plan 2007 Local Plan states Local Green Gaps will be kept open, and essentially free of development in order to prevent coalescence of settlements, and to protect their rural setting. It goes on to say that minor development proposals may be permitted if they do no harm, individually or collectively, the purposes of a Local Green Gap or to its open character. Policy EN3 states that new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted. Both of these designations have been removed from the emerging Local Plan.

Nevertheless, the site and building subject of this application are situated in a well built up area. The proposal does not introduce any additional built form and will not have any visual impact on the character of the area or surrounding landscape. The building has, by virtue of its scale and design incorporating large windows within the first floor gable, the appearance of a dwelling. The physical alterations are minor and will not result in any material visual impact. The size and layout of the plot allows for the suitable subdivision of the site providing ample private garden space for both the proposed and donor dwelling and adequate spacing between the buildings and neighbouring dwellings.

#### Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

The proposal is for the conversion of the existing garage/outbuilding which is already used ancillary to Holland Cottage. The development will result in the creation of a 1 bedroom dwelling. Ample spacing to the side boundaries and neighbouring properties is retained.

Any noise associated with the use of the building as a dwelling will be negligible. The proposal will not result in any harm to the outlook, light or privacy of existing dwellings.

Ample private amenity space is retained for the donor dwelling. The proposed dwelling will be served by a private garden area in excess of the standards set out within saved policy HG9 of the adopted Local Plan.

#### Highway Safety, Access and Parking

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres.

The site and development will be served by an existing access. The development is for a 1 bedroom dwelling and will not generate an obvious increase in traffic movements. The proposal involves the conversion of the existing garage resulting in the loss of the internal parking currently serving the donor dwelling. Although no formal layout and turning plan has been provided with the application, the 2 points of access and spacious site frontage will comfortably allow for the provision of 3 parking spaces to serve the existing and new dwellings in accordance with parking standards.

#### Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) being approximately 2800 metres from Hamford Water SAC, SPA and Ramsar. New housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure 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.

#### Financial Contribution - Open space and Play Space

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

No contribution is being requested from Open Space on this occasion.

#### Representations

Frinton and Walton Town Council recommend approval.

No individual letters of representation have been received.

#### Conclusion

For the reasons set out above, the proposal represents a sustainable form of development and does not result in any material harm. The application is therefore recommended for approval.

### **6. Recommendation**

Approval - Full

### **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: Amended DWG. NO. A.J/1 received 7<sup>th</sup> February 2020 and DWG. NO. A.J/2

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

- 3 Upon occupation of the development hereby approved, the site frontage shall be maintained free from obstruction at all times for the sole purpose of parking and turning in relation to the development.

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

- 4 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, gates, walls or other means of enclosure, shall be erected forward of the dwelling hereby approved 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 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.

### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Highways Informatives

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.

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Informative 4: 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 to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.