

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	27/05/2020
Planning Development Manager authorisation:	SCE	27.05.20
Admin checks / despatch completed	CC	27.05.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	27/05/2020

Application: 20/00218/DETAIL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr J Lott

Address: Land adjacent Green End Garage Green End Lane Great Holland

Development: Approval of reserved matters following outline application 19/00716/OUT.

1. Town / Parish Council

Frinton and Walton Town Council
17.03.2020

The Town Council recommends this application for approval.

2. Consultation Responses

ECC Highways Dept
27.05.2020

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 occupation of the dwelling the internal layout shall be provided in principal with drawing numbers:

- Drawing 1279/01a Amended site plan and block plan.
- Drawing 1279/03a Amended Landscape plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. The dwelling shall not be occupied until such time as a car parking and turning area has been provided in principal with proposed drawing no. 1279-01a. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

3. 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. (Continued...)

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

5. 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 dwelling, 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.

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 developing the site.

3: 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

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

10/00030/LUEX	Use of the property, land and buildings, as a garage for the servicing, repair, external storage and parking of motor vehicles in connection with the business (Class B2)		12.03.2010
10/00664/LUEX	Use of land and buildings as shown on attached drawing and being: Building 1: Service bay (B2) Building 2: Valet bay (B1c) Building 3: Waste store (B8) Building 4: Storage of tractor Building 5: Secure store Building 6: Office (B1a) Land area A: Forecourt arrivals and deliveries Land area B: Customer collection Land area C: Customer parking Land area D: Parking overflow and long term vehicle storage Land area E: Valet parking Land area F: Turning area		29.10.2010
11/00466/FUL	Demolition of existing buildings (service and valet bay, waste store and office) and construction of new combined workshop and service building (service bays, MOT bay, store, reception, office, kitchen and WC), new and reconfigured parking area and landscaping.	Approved	04.07.2011
14/00981/FUL	Construction of extension to existing combined vehicle workshop and service building.	Approved	05.09.2014
19/00716/OUT	Proposed development of one dwelling.	Approved	12.09.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN2 Local Green Gaps

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL6 Strategic Green Gaps

CP1 Sustainable Transport and Accessibility

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 measures approximately 0.05 hectares and is a rectangular shaped plot with a road frontage of 15metres. The site incorporates part of the parking area for the neighbouring 'Green End Garage' which is located to the east of the site. The proposal will see the loss of four parking spaces. The main workshop is set back from the road frontage with a sales building closer to the highway. To the east and west of the workshop are vehicle display and parking areas. The application site is enclosed across the frontage by 1.2 metre high hedgerow.

Planning Appeals and History

To the west of the application site, planning reference 16/00793/FUL was refused planning permission for the erection of a detached dwelling fronting Green End Lane within part of the garden to Holland House'. The application was taken to planning appeal and it was allowed by the Planning Inspectorate in May 2016 under appeal reference APP/P1560/W/17/3166412.

Planning permission was granted under planning application reference 19/00716/OUT for one dwelling.

Proposal

This application seeks permission for the reserved matters for the construction of 1 dwelling following the approval at outline stage under planning permission 19/00716/OUT.

Assessment

The main considerations for this application are;

- o Principle of Development
- o Scale, Layout and Appearance
- o Residential Amenities
- o Highway Safety and Parking
- o Trees and Landscaping
- o Habitat Regulations Assessment

Principle of Development

The principle of development has been established through the granting of planning application reference 19/00716/OUT. Therefore this application is subject to the detailed consideration below.

Scale, Layout and Appearance

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 within Policy SPL3 of the emerging Local Plan.

The submitted plans demonstrate a two storey dwelling with access from Green End Garage. The layout of the development allows for a well spaced property retaining at least 1 metre to all boundaries exceed the standards set out within saved Policy HG14 of the Tendring District Local Plan. The dwelling retains a good set back from the highway with parking and turning area to the front of the dwelling.

The overall scale and footprint is considered to be proportionate to the plot and the existing adjacent neighbouring dwelling.

The fenestration and material details provided within the application form are considered to relate acceptably to the rural area and would not appear incongruous in this location.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should accommodate a minimum of 100 square metres. The plans provided demonstrates that the proposed four bedroom house will provide private amenity space in line with Policy HG9.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

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 of land and buildings. 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposed dwelling will be visible to both Green End Garage and the neighbouring dwelling to the east however the plans demonstrate that there will be a minimum of 1 metre distance to each neighbouring boundary.

There are no first floor windows proposed to the western side elevation and therefore it is considered that the dwelling will not cause any impact upon the neighbouring amenities.

There is one window proposed to the eastern side elevation which will serve the en-suite to bedroom two, however a condition will be imposed to ensure that this is obscure glazed to reduce any impact upon the neighbouring amenities.

The proposal is considered acceptable in terms of neighbouring impact and residential amenities.

Highway Safety/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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal is located off a quiet rural lane and no through road. On Kirby Road near the junction with Green End Lane there are two existing bus stops. Located within in the lane are a number of existing dwellings. Essex Highway Authority have been consulted on this application and have stated that there are no objections subject to conditions relating to internal layout, car parking and turning area, cycle parking, Residential Travel Information Pack and storage of materials. The cycle parking condition will not be imposed as there is a large garden to accommodate cycle parking. The Residential Travel Information Pack will also not be imposed as this application is for one dwelling only and is usually only applied to major schemes. The storage of building materials will be imposed as an informative only.

The proposed dwelling will result in the loss of four parking spaces for Green End Garage however there is scope on site for the spaces to be relocated to the north west of the application site.

The Council's Adopted Parking Standards require that dwellings with 2 bedrooms or more require a minimum of 2 parking space is provided per dwelling measuring 5.5 metres by 2.9 metres. The plans provided demonstrate that the site can accommodate two parking spaces in line with the Standards.

Trees and Landscaping

The amended landscaping plan demonstrate the species and specification and is considered acceptable and sufficient to process the reserved matter relating to soft landscaping.

Local Green Gap

Policy EN2 of the Tendring District Local Plan 2007 states that during the plan period, land within Local Green Gaps, as defined on the Proposals Map, will be kept open and essentially free of development. This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do not harm, individually or collectively, to the purposes of a Local Green Gap or to its open character. These sentiments are carried forward in Policy PPL6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Although the application proposes a dwelling in the Local Green Gap, the proposal is considered to be a minor development. Within the appeal decision, the Planning Inspectorate stated that 'the proposal would not harm the character and appearance of the area'. It is therefore considered that the proposed dwelling would not cause any significant harm upon the Local Green Gap due to the proposal representing a logical infill of linear form.

Habitat Regulations Assessment

A unilateral undertaking accompanied the permission 19/00716/OUT securing a proportionate financial contribution in line with 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. This remains in place.

Other Considerations

Frinton and Walton Town Council have recommended this application for approval.

No letters of representation have been received.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans;

- Amended Soft Landscaping Plan - Drawing No. 1279/03A
- Amended Proposed Site and Block Plan - Drawing No. 1279/01A
- Amended Proposed Elevations and Floor Plans - Drawing No. 1279/02A

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

- 2 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those shown on the approved drawings, no provision of fences, walls or other enclosures shall be erected along the eastern or southern boundaries or forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved Amended Soft Landscaping Plan - Drawing No. 1279/03A, 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 - In the interests of the character and quality of the development.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window serving the ensuite in Bedroom 2 on the eastern side elevation shown on Drawing No - 1279/02A - Proposed Elevations and Floorplans shall be non opening and glazed in obscure glass and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

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

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 6 Prior to the occupation of the dwelling the internal layout shall be provided in principal with drawing numbers:

- o Drawing 1279/01A Amended site plan and block plan.
- o Drawing 1279/03A Amended Landscape plan.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety

- 7 The dwelling shall not be occupied until such time as a car parking and turning area has been provided in principal with proposed drawing no. 1279-01A. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways

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.

On the completion of the dwelling, 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.

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