

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	02/10/2020
Planning Development Manager authorisation:	AN	05/10/2020
Admin checks / despatch completed	DB	05/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/10/2020

Application: 20/00881/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr S & Mrs K Watcham

Address: Great Holland Nurseries Church Lane Great Holland

Development: Variation of condition 17 of application 18/02063/FUL to adjust elevation drawings to record minor revisions and the erection of outbuilding to plot 2.

1. Town / Parish Council

Frinton & Walton Town Council
Approval
28.08.2020

2. Consultation Responses

None required.

3. Planning History

98/00951/FUL	Portable timber clad building		31.12.2002
13/01172/TCA	3 Oak - remove branches overhanging the garden of the Hawthorns.	Approved	14.11.2013
13/01354/TCA	12 No. Macrocarpa - hedge - fell. 3 No. Eucalyptus - fell. 3 No. Macrocarpa - fell	Approved	24.12.2013
14/30283/PREAPP	To erect 3 large aspirational detached residential dwellings as per drawing dated May 2014. Access would be via the existing nursery access off Church Lane.	Refused	21.10.2014
15/00984/FUL	Demolition of existing nursery buildings and erection of two dwellings.	Approved	17.06.2016
16/01917/FUL	Erection of one dwelling.	Refused	17.01.2017
17/00031/DISCON	Discharge of conditions 02 (materials), 03 (landscaping), 05 (screen walls and fencing), 12 (construction method statement), 15 (illumination scheme), and 16 (ecological management scheme)	Approved	14.06.2017

	of planning permission 15/00984/FUL.		
17/01742/TCA	Reduction of overhanging branches of Oak trees	Approved	07.11.2017
18/01014/TCA	Eucalyptus trees - Trim overhanging branches	Approved	19.07.2018
18/02063/FUL	Variation of condition 20 of application 15/00984/FUL (demolition of existing nursery buildings and erection of two dwellings) to substitute amended plans altering the design of the properties.	Approved	21.05.2019
20/00885/FUL	Proposed replacement outbuilding.	Withdrawn	25.08.2020

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

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

EN1 Landscape Character

EN2 Local Green Gaps

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the northern side of Church Lane within the settlement of Great Holland. The site measures approximately 0.63 hectares in size and comprises of the currently redundant Great Holland Nursery, which was once an established horticultural nursery that comprised of commercial glasshouses and storage buildings. The majority of the glasshouses have now been demolished and work has commenced on site for the construction of 2 detached dwellings.

Access to the site is via an existing driveway located between the dwellings known as 'The Hawthorns' and 'Greenways'. A public footpath runs along the western side of the driveway which is in the ownership of the applicant but divided with a fence. The site is divided into two main sections the eastern half is largely open and comprises of scrub grassland and the western half is occupied by vacant nursery buildings. The site boundaries contain a number of trees, particularly the northern boundary of the site which is lined by mature Oak Trees.

To the south of the site are detached residential properties that front onto Church Lane. The dwellings on the western side of the access driveway are served by deeper gardens than those on its eastern side which share a common boundary with site.

The site lies within the Great Holland Conservation Area and is located adjacent to the churchyard of All Saints Church.

Proposal

The application seeks a variation of condition 17 (approved plans) of application 18/02063/FUL (original reference 15/00984/FUL) to adjust elevation drawings to record minor revisions to the detailed design of the dwellings and the erection of an outbuilding to serve plot 2 (in the same position as a former outbuilding).

Assessment

The principle of siting two dwellings on this site has been established through the granting and implementation of planning permission 15/00984/FUL varied by 18/02063/FUL.

Summary of Changes

Plot 1:

Front Elevation

- Garage doors revised

West Elevation

- Solar pv panels added
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East Elevation

- Window added
- Solar pv panels added

Rear Elevation

- One dormer window removed
- Roof window added
- C Solar pv panels added

Plot 2:

Front Elevation

- Width of window reduced
- Roof window added

West Elevation

- Width of window reduced
- Roof window added
- Solar pv panels added
- One roof window removed
- Loggia enclosed

East Elevation

- One roof window removed and two repositioned
- Roof window added
- Solar pv panels added
- One roof window removed
- Window removed
- Lean-to roof removed and window revised

- Door replaced with window

Rear Elevation

- One dormer window removed
- Roof window added
- Solar pv panels added
- Window added
- Loggia enclosed
- Door repositioned from East elevation

Rear garden/layout

- Outbuilding added

Impact of Changes

The design and fenestration changes and addition of solar panels do not materially alter the appearance of the approved dwellings and the resultant development will appear acceptable in design terms being sympathetic to the conservation area setting and the setting of the nearby listed church.

The size and layout of the dwellings and distance to neighbouring properties means that the fenestration amendments will not result in any impact upon the residential amenities currently enjoyed by the occupants of neighbouring dwellings.

The proposed outbuilding is of a similar siting, height and proportion to the former nursery outbuilding. The lean-to roof design is angled away from neighbouring boundaries. For these reasons, the addition of the outbuilding will not result in material harm to neighbouring amenities of the occupants of Kinchyle, Holland Wood and Hedgerows to the south.

Conditions

Work on site has commenced so pre-commencement conditions will be re-worded to reflect those details previously approved under a discharge of condition application and where shown on the submitted plans.

RAMS/Public Open Space Financial Contributions

The original planning permission has been implemented through the commencement of works on site. This application is a section 73 variation and relates to aesthetic changes to the appearance and layout of the dwellings and does not propose to increase the number of dwellings built. It is the Council's view that it would be unreasonable to seek mitigation measures in respect of RAMS or a public open space contribution in this instance.

Representations

Frinton and Walton Town Council recommend approval of the application.

No further letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the amended proposal, the application is recommended for approval subject to all necessary conditions attached to the previous permission.

6. Recommendation

Approval - Full

7. Conditions

- 1 The approved scheme of landscaping shown on drawing no. 77 A shall be implemented 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. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting 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.

- 2 The approved screen walls and fences, as shown on drawing no. 77 A, shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - To ensure a satisfactory development of the site in the interests of amenity and the conservation area setting.

- 3 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 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 all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 Prior to the proposed access for any dwelling on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 6 Prior to the occupation of the proposed development the vehicular turning/parking areas, as shown on approved drawing no. 71 C, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear and adequate parking provision is provided, in the interests of highway safety.

- 7 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the nearside edge of carriageway of the existing road.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 8 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 25m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 9 Construction work shall be carried out in accordance with the Construction Method Statement document (dated 31st October 2016) and within associated drawing no. 78, as approved under planning reference 17/00031/DISCON.

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

- 10 At the completion of the construction phase, the adjacent PRoW, Footpath No 4 (Great Holland) shall be resurfaced and compacted with recycled road planings or a similar material and all obstructing vegetation removed from site to provide a minimum clear width of 1.5m and also clear to a height of 2.0m across the entire sites western boundary to the footpath.

Reason - To ensure the continued safe passage of pedestrians on the definitive right of way.

- 11 The removal of any vegetation from the site shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 12 All external illumination shall only be installed in accordance with the details stipulated in sections 3.18 to 3.21 of the 'Ecological Management and Mitigation Plan', as prepared by Liz Lord Ecology and approved under planning reference 17/00031/DISCON.

Reason - To ensure adequate safeguarding of the amenity of nearby properties, protected species and prevent the undesirable, disruptive and disturbing effects of light pollution.

- 13 The development shall be carried out in accordance with the protection species mitigation measures/recommendations as set out in the submitted 'Ecological Management and Mitigation Plan', as prepared by Liz Lord Ecology and approved under planning reference 17/00031/DISCON.

Reason - To preserve and enhance the biodiversity of the site.

- 14 The hereby approved development shall take place fully in accordance with the tree/hedgerow protection measures set out in the submitted Arboricultural Impact Assessment and the accompanying Tree Protection Plan (Ref no. - TPSarb5161214 TSCP) (prepared by Tree Planning Solutions dated 9th May 2015).

Reason - In order to suitably protect the existing trees/hedges on the boundaries of the site for the benefit of the character and appearance of the surrounding area and the ecology of the site.

- 15 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, walls or other enclosures, shall be erected on the site 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 to preserve the character of the surrounding area and the setting of the adjacent Grade II* Listed All Saints Church.

- 16 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E 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), there shall be no additions to the dwellings, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or

building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that development would not adversely impact on the setting of the conservation area and the Grade II* Listed All Saints Church.

17 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's.

- 153C Site Plan and Block Plan
- 71C Block Plan (showing access details)
- 72C Plot 2 - Proposed Ground Floor Plan
- 73C Plot 2 - Proposed First Floor Plan
- 74C Amended Plot 2 - Proposed Front Elevation
- 75D Amended Plot 2 - Proposed West Elevation
- 76D Amended Plot 2 - Proposed East Elevation
- 85D Amended Plot 2 - Proposed Rear Elevation
- 80B Plot 1 - Proposed Ground Floor Plan
- 81C Plot 1 - Proposed First Floor Plan
- 82C Amended Plot 1 - Proposed Front Elevation
- 83C Amended Plot 1 - Proposed Rear Elevation
- 84D Amended Plot 1 - Proposed East and West Elevation
- 152B Outbuilding - Proposed Floor Plan and Elevations
- 77A Landscaping Plan

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

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.

Building Control Informative

Drive must be capable of taking a fire appliance of 12.5 tonnes and the existing tree should not obstruct its access.

Highway Informatives

The public's rights and ease of passage over Public Footpath No4 (Great Holland) shall be maintained free and unobstructed at all times.

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.

CO4 9YQ.

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