

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	28/05/2021
Planning Development Manager authorisation:	SCE	28.05.2021
Admin checks / despatch completed	DB	28.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	28/05/2021

Application: 20/01720/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Ms Coe - SPML Museum Ltd

Address: Rear of The Old Bakehouse Rectory Road Great Holland

Development: Construction of a new dwelling and landscaping.

1. Town / Parish Council

Frinton and Walton Town
Council
24.05.2021

Recommends: REFUSAL - against back land development and garden grabbing.

Out of context with the street scene and would detract from the open vista of the corner plot.

Does not enhance the area and is of poor design.

Against tandem parking.

2. Consultation Responses

Essex County Council
Heritage
06.05.2021

This application is for the construction of a new dwelling and landscaping.

The Old Bakehouse is located in an important part of the Conservation Area at the confluence of roads. The building is considered a non-designated heritage asset, as are a number of the adjacent buildings.

I consider a new dwelling on this site in principle is only acceptable if an application were to be accompanied by a legal agreement safeguarding the Old Bakehouse from previously consented demolition.

I have no objection to this design. I recommend conditions are attached to any permission pertaining to the following:

- Details (samples where relevant) of all external materials;
- Details of windows and doors;
- Details of colour of render; and
- Details of all surface treatments.

ECC Highways Dept
27.05.2021

The revised information that was submitted in association with the application has been fully considered by the Highway Authority. No

site visit was undertaken in conjunction with this revised planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The site is close to a blind bend, a public house with frontage parking and an irregular junction with Church Lane with some on-street parking opposite the proposed site. As per the previous application it is imperative that a reasonable degree of intervisibility of users of the proposed access and those already within the highway is provided. The wall fronting the site may require being removed entirely to provide the required intervisibility and a replacement boundary treatment provided behind that visibility splay, as indicated, it appears the vehicular access will be required to be provided at the western end of the site to provide the required intervisibility.

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 proposed access being brought into use the applicant shall provide a 2.0m wide parallel band visibility splay across the entire site frontage to

Rectory Road which shall be retained free of obstruction above 600mm at all times.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM1.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to the first occupation of the proposed dwelling, the sole means of access / proposed vehicular access shall be constructed at the western end of the site to a maximum width of 3.6m (equivalent to 4 low kerbs) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway 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 and in accordance with Policy DM1.

4. As indicated on the proposed block plan drawing, no unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

5. Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter and retained free of obstruction

above 600mm at all times.

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

6. The proposed tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles. Any vehicular parking space which is bounded by walls or other construction shall have minimum dimension width of 3.4 metres.

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

7. 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.

8. 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.

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.

9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

10. Prior to the occupation of the proposed dwelling the footway across the entire sites frontage shall be extended to a minimum of 1.5m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9.

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.

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.

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

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

Essex County Council
Archaeology
25.01.2021

The above planning application has been identified as having the potential to harm non-designated heritage assets and potential archaeological remains.

The proposed development lies within the Conservation Area of Great Holland. The church retains elements of a 15th/16th century tower and the village is likely to have originated in the medieval or late medieval period. Historic maps reveal that the settlement was concentrated in two locations around the Church and around the junction with Church Lane, Rectory Road and Manor Road. The proposed development lies within the core of the historic settlement within the grounds of a house which is depicted on the 1st edition maps and therefore predates c.1870 and adjacent to an early 18th century row of houses which are listed buildings. Historic mapping suggests there was a small building set forward along this stretch of road within a parcel of open land. Remains of this building may be preserved below ground within the development area. There is potential for evidence relating to earlier settlement within the area of the proposed house.

The following recommendations are made in line with the National Planning Policy Framework:

Archaeological evaluation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in part 1.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

If you have any questions about this advice, please do not hesitate to contact me.

3. Planning History

TRE/95/22	Works to trees	Current	20.07.1995
18/01383/TCA	1 No. Ash and 1 No. Hawthorn - remove and plant replacements elsewhere	Approved	10.09.2018
18/01534/TCA	Reduce T6 Sycamore by 30%. Re-pollard T7 and T8 Sycamore.	Approved	08.10.2018
18/02089/FUL	Demolish existing dwelling and replace with new dwelling and garage.	Approved	13.02.2019
19/00593/TCA	2 No. Hawthorn - remove, 2 No. Conifer - remove, 1 No. Tree of Heaven - remove, Old Hedge Line - remove, 2 No. Sycamore - remove, Various dead fruit trees - remove, 2 No. Ash trees - reduce by 50% and pollard, 1 No. Unidentified - remove	Approved	16.05.2019
20/00055/OUT	Proposed erection of 2No. 4 bedroom detached dwellings and demolition of existing outbuilding.	Withdrawn	21.04.2020

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL9 Design of New Development

- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG9 Private Amenity Space
- HG14 Side Isolation
- EN17 Conservation Areas
- EN23 Development Within the Proximity of a Listed Building
- EN6A Protected Species
- COM6 Provision of Recreational Open Space for New Residential Development
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to land to the rear of the Old Bakehouse, Rectory Road, Great Holland. The site is situated within the Settlement Development Boundary of Great Holland within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site also lies within the Great Holland Conservation Area.

There have been several amendments to this application to overcome heritage concerns.

Site History

Under planning reference 18/02089/FUL there is an extant permission for a replacement dwelling following the demolition of Seaview.

Proposal

1. Principle of development

The site is situated within the defined settlement limits of Great Holland as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

2. Design and Appearance and Heritage

Paragraph 193 of the National Planning Policy Framework (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the National Planning Policy Framework (2018) states less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

Paragraph 197 of the National Planning Policy Framework (2018) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 201 of the National Planning Policy Framework (2018) states not all elements of a Conservation Area will necessarily contribute to its significance, however a loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

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. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

Policy EN17 of the Adopted Local Plan states that development should look to either preserve or enhance the character and appearance of a conservation Area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site is located on the western edge of the Great Holland Conservation Area, and also sited in close proximity to 'Tudor Cottages', a row of Grade II Listed cottages. Accordingly within a future planning application a detailed Heritage Statement should be supplied to justify how the proposal will either preserve or enhance both the character and appearance of the Great Holland Conservation Area and the setting of 'Tudor Cottages'.

Within the Great Holland Conservation Area review there is brief mention of Sea View, where it is highlighted that it is one of the four main buildings that are a cornerstone of what is known as 'The Square'. The review states 'the quality of this space derives from the sense of enclosure generated by the buildings surrounding it'. Sea View and other surrounding adjacent properties are therefore non-designated Heritage Assets, although it is noted there is planning permission to replace Sea View itself.

The Historic Environment Officer was originally consulted and stated that this application is for the construction of a new dwelling and landscaping. The Old Bakehouse is located in an important part of the Conservation Area at the confluence of roads. The building is considered a non-designated heritage asset, as are a number of the adjacent buildings. The officer considered that a new dwelling on this site in principle is only acceptable if an application were to be accompanied by a legal agreement safeguarding the Old Bakehouse from previously consented demolition. The officer did not support the original proposed plans in their current form. With regard to landscaping the officer recommends the height of the existing wall is retained considering the character of the streetscape rather than creating a dwarf brick wall. Justification will also need to be given for the block paving as the officer believes gravel had been previously discussed.

The main concern with this application relates to the form of the proposed building. This is a sensitive location and as such a high quality and bespoke response is required, this has not been realised. Features such as the arrangement of the fenestration in the front elevation do not reflect the character of the Conservation Area and roof lights to forward pitches will not be supported. The building also appears to be higher than 1.5 storeys (even though there are eve dormers) and as such the officer recommends the elevation is shown in the context of the adjacent buildings. The detail of features such as windows is also lacking. The proposal also includes a porch which should be considered in the context of the wider streetscape.

Should no alterations be made to this scheme, it will fail to preserve or enhance the character and appearance of the Conservation Area and this harm should be considered under paragraph 196 of the NPPF. The poor quality and inappropriate design should also be considered under paragraph 200 and 192c of the NPPF.

Amended plans were provided by the agent and after several amendments and discussions with the Historic Environment Officer the following comments were made; the Old Bakehouse is located in an important part of the Conservation Area at the confluence of roads. The building is considered a non-designated heritage asset, as are a number of the adjacent buildings.

The officer considers a new dwelling on this site in principle is only acceptable if an application were to be accompanied by a legal agreement safeguarding the Old Bakehouse from previously consented demolition. This has been addressed under section 9.

The Historic Environment Officer has no objection to this design and recommend conditions are attached to any permission pertaining to the following; details (samples where relevant) of all external materials, details of windows and doors, details of colour of render; and details of all surface treatments.

Saved Policy HG9 of the adopted Tendring District Local Plan (2007) sets out the minimum requirements for private amenity space for the new dwelling and the existing dwelling

- Three or more bedroom house - a minimum of 100 square metres
- Two bedroom house - a minimum of 75 square metres
- One bedroom house - a minimum of 50 square metres

The proposed dwelling comprises of two bedrooms and can accommodate sufficient private amenity space in line with Policy HG9 of the Tendring District Local Plan (2007).

3. Trees and Landscaping

The soft landscaping scheme submitted with the development proposal is acceptable. Although culinary fruit trees have been selected by the applicant rather than decorative species they will enhance the appearance of the development and contribute positively to the appearance of the public realm.

4. Impact upon 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 the neighbouring dwelling to the north west, number 1 Tudor Cottage, Seaview to the south east and number 3 Gt Holland Court.

The proposed dwelling maintains at least 1 metre to all neighbouring boundaries in line with Policy HG14 of the Tendring District Local Plan 2007. In terms of the impact upon number 1 Tudor Cottages, there is a first floor window serving a bedroom however a condition will be imposed to ensure that this is obscure glazed to reduce any overlooking onto neighbouring amenities. Due to the distance to the neighbouring boundary as well as the one and half storey nature of the proposed dwelling to be in line with the height of the neighbouring dwellings, it is considered that the proposal will not cause any impact upon neighbouring amenities.

To the south east of the application site is Seaview, although the proposal will be visible, it is considered that due to the distance to the boundary as well as its scale, it is not considered to cause any impact upon neighbouring amenities.

The Essex Design Guide states that where habitable rooms are located at the rears of neighbouring properties and the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required. An intervening fence or other visual barrier of above eye-level height (as viewed from the potential vantage point) should be incorporated to maintain an adequate level of privacy. Where the rears of neighbouring properties face each other at an angle of more than 30°, the minimum spacing may be reduced to 15m from the nearest corner. The above provisions also apply to the sides and flanks of houses.

In this instance the dwelling has a back to side relationship with the neighbouring dwelling number 3 Gt Holland Court. As the angle is more than 30 degrees, the distance of 15 metres from the rear façade of the proposed dwelling and the side of number 3 Gt Holland Court, it is considered that the proposal will not cause such significant loss of privacy to the neighbouring dwelling to justify refusing planning permission on these grounds.

5. Highway Safety and Parking Provision

Essex Highway Authority has been consulted on this application and have stated that the revised information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this revised planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The site is close to a blind bend, a public house with frontage parking and an irregular junction with Church Lane with some on-street parking opposite the proposed site. As per the previous application it is imperative that a reasonable degree of intervisibility of users of the proposed access and those already within the highway is provided. The wall fronting the site may require being removed entirely to provide the required intervisibility and a replacement boundary treatment provided behind that visibility splay, as indicated, it appears the vehicular access will be required to be provided at the western end of the site to provide the required intervisibility. The Highway Authority have no objection subject to conditions relating to visibility splays, pedestrian visibility splays, vehicular access, no unbound materials, boundary hedging, tandem vehicular parking, tandem vehicular parking space, cycle parking, residential travel pack, construction method statement and footway access. The cycle parking condition will not be imposed as sufficient space is provided to the rear of the dwelling to

accommodate cycle parking and the application is for minor development only and therefore the residential travel pack condition will not be imposed.

Essex Parking Standards state that there should be a minimum parking provision of 2 spaces for a dwelling with two or more bedrooms with parking spaces measuring 5.5 metres by 2.9 metres or garages should measure 7 metres by 3 metres. As the application incorporates tandem parking, the parking space should measure 2.9 metres x 11 metres. A block plan has been provided demonstrating that the proposed dwelling can accommodate sufficient parking in line with Essex Parking Standards.

6. Archaeology

Place Service Archaeology team have been consulted on this application and have identified as having the potential to harm non-designated heritage assets and potential archaeological remains.

The proposed development lies within the Conservation Area of Great Holland. The church retains elements of a 15th/16th century tower and the village is likely to have originated in the medieval or late medieval period. Historic maps reveal that the settlement was concentrated in two locations around the Church and around the junction with Church Lane, Rectory Road and Manor Road. The proposed development lies within the core of the historic settlement within the grounds of a house which is depicted on the 1st edition maps and therefore predates c.1870 and adjacent to an early 18th century row of houses which are listed buildings. Historic mapping suggests there was a small building set forward along this stretch of road within a parcel of open land. Remains of this building may be preserved below ground within the development area. There is potential for evidence relating to earlier settlement within the area of the proposed house. The following conditions have been recommended to this permission, a programme of archaeological investigation, no development or preliminary groundworks can take place until the complete of this investigation and a post excavation assessment to be submitted within six months of completion of the fieldwork.

7. Financial Contribution - Open Space

Policy COM6 of the adopted Local Plan 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". The financial contribution would be secured through a legal agreement.

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

There is only one play area in Great Holland and will likely see the biggest impact from this development. A contribution towards open space and play is therefore both relevant and justified for this application. Whilst there have been some improvements to the play area in Pork Lane/Main Road there are still improvements to be made. Any contribution would be used to improve the play area at Pork Lane/Main Road

A completed unilateral undertaking has been received to secure this financial contribution

8. Financial Contribution - RAM's

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 3.2km metres from Hamford Water Ramsar Site and SPA. 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 received to secure this financial contribution. This will 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.

9. Legal Agreement

A legal agreement has been sought to ensure that following the commencement of this development, the demolition and replacement of the dwelling Seaview, Rectory Road, Great Holland approved under planning reference 18/02089/FUL will not be permitted.

10. Other Consideration

Frinton and Walton Town Council recommends refusal against back land development and garden grabbing. Out of context with the street scene and would detract from the open vista of the corner plot. Does not enhance the area and is of poor design. Against tandem parking.

The above concerns have been addressed within the report.

Great Holland Residents Association have commented on this application and have states that the application site is within the Conservation area and the proposed building appears 'cramped' within the plot which currently forms part of the garden of the Old Bakehouse. The design is bland and fails to enhance its setting within the conservation area. From the elevational drawings submitted it cannot be established if the building will have a detrimental effect on the adjacent listed building. The association would be keen to maintain the existing red brick boundary wall, save for a new vehicular entrance, as this forms an important view within the street scene.

The above concerns have been addressed within the report.

1 letter of support has been provided stating the following:

One of the direct neighbours and fully support this application. These neighbours have been respectful and considerate towards others living in the village. We believe this development will be carried out showing the same consideration for others, and wish the family the best of luck with this planning application.

4 letters of objection have been received raising the following concerns:

Concern that the development goes against the principle of the Great Holland Conservation Area, building a new property in between such historical buildings is totally appropriate.

The above has been addressed in the report by the Historic Environment Officer.

Concern that wildlife and its habitat will vanish due to the construction work and landscaping that is planned to take place in this development.

The effect on unprotected wildlife would be minimal in the context of the wider site.

Concern that the land was sold with a covenant - Land Registry Title Deed (EX904587) that states: "The property shall be used primarily as garden land and that no other building other than any hut or shed to be used in the enjoyment of the property know as Seaview".

Covenants are separate from planning and therefore this has not been taken into consideration when determining the application.

Concern that the development will be out of keeping in the area.

Amended plans have been provided as mentioned within the report and the approved set of plans are considered in keeping with the character of the area and Conservation Area.

Concern that the road at this point the village is fairly narrow and is not far from the junction with Manor Road and Church Lane.

ECC Highways have been consulted on this application and have no objection.

Concerns that the village has no amenities

The application is located within the settlement boundary and therefore the principle is acceptable.

Concerns that this is an infill development whilst there are other estates being building within 3 mile radius. Concerns why this house is to be built when there are already dwellings in the immediate area which have been on the market for over a year and are yet to be sold and big estates being built around the area.

Although there are other larger scale developments approved in the local area, this application has been assessed against National planning policies and the local plan policies and is considered acceptable, please see above for further details.

Concerns that the footprint of the proposed dwelling along with the associated hard standing and block paving will take away the natural soakaway of the present undeveloped land rendering yet more surface water pouring down Church Lane.

A condition will be imposed to ensure that all hardstanding is constructed from porous materials.

Concern that the potential for another two vehicles on the village and surrounding roads for school / work travel.

ECC Highways have been consulted on this application and have no objections.

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-

- Drawing No. 01.356.20 B
- Drawing No. 02.356.20 B
- Drawing No. 03.356.20 G
- Drawing No. 01.356.20 J

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

- 3 Prior to the proposed access being brought into use the applicant shall provide a 2.0m wide parallel band visibility splay across the entire site frontage to Rectory Road which shall be retained free of obstruction above 600mm at all times.

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

- 4 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

- 5 Prior to the first occupation of the proposed dwelling, the sole means of access / proposed vehicular access shall be constructed at the western end of the site to a maximum width of 3.6m (equivalent to 4 low kerbs) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway 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

- 6 As indicated on the proposed block plan drawing, no unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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

- 7 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter and retained free of obstruction above 600mm at all times.

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

- 8 The proposed tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles. Any vehicular parking space which is bounded by walls or other construction shall have minimum dimension width of 3.4 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety

- 9 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

- 10 Prior to the occupation of the proposed dwelling the footway across the entire sites frontage shall be extended to a minimum of 1.5m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development

- 11 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason - In the interests of archaeology

- 12 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in part 1.

Reason - In the interests of Archaeology.

- 13 A post excavation assessment will need to be submitted within six months of the completion of the field work, unless otherwise agreed in advance with the Local Planning Authority. This document will need to be submitted to and approved in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - In the interests of Archaeology.

- 14 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 proposed serving the Bed 2 to the first floor on the Master Bedroom and the En-suite to the first floor on the north western elevation shown on Drawing No. 04.356.20 shall be non opening and glazed in obscure glass prior to first occupation and shall thereafter be permanently retained in this approved form.

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

- 15 Before any work is commenced drawings to a scale of not less than 1:20 fully detailing the new windows and doors and their surrounds to be used and indicating: materials; cross sections for glazing bars, cills, heads etc at a scale of 1:20; and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application relates to a non designated heritage asset located in the Conservation Area and adjacent to Listed Buildings.

- 16 No development shall be commenced until a schedule of external finish materials including details of the colour of render and details of surface treatments shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and permanently maintained as such.

Reason - To ensure materials are of a very high quality to respect the building and its setting.

- 17 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details - Drawing No. 03.356.20 G 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 interest of visual amenity and the character of the area.

- 18 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.

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.

Highways

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.

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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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.

Legal Agreement Informative

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: A legal agreement has been sought to ensure that following the commencement of this development, the demolition and replacement of the dwelling Seaview, Rectory Road, Great Holland approved under planning reference 18/02089/FUL will not be permitted.

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