

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	04/09/23
Planning Manager / Team Leader authorisation:	ML	05/09/2023
Planning Technician final checks and despatch:	ER	08/09/2023

Application: 23/00665/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Adam Voller

Address: Sapper Cottage 4 The Street Kirby Le Soken

Development: Siting of single Glamping Pod for Air BnB/short holiday lets.

1. Town / Parish Council

Frinton and Walton Town Council No comments received.

2. Consultation Responses

Environmental Protection 14.07.2023 (revised comments following submission of additional information) Thank you for your email containing the proposed noise mitigation for the above application.

I have reviewed this document and it contains an explanation why the applicant does not believe the noise will be an issue which I accept in part.

However, and without being too intrusive by suggesting recommendation on conditions, I would expect to see some controls around outside noise. This may include controls on noise from amplified music and so on. I would suggest that the applicant includes something around monitoring noise from the use of the pod and if it is believed that the noise is in issue, steps will be taken to mitigate this (such as asking for music to be turned down and so on). With this addition to the submitted document, I would have no further comments to make.

ECC Highways Dept 21.08.2023 (revised comments following submission of additional information) The 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 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.

Given the submission of additional drawings, from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The proposed Air B&B/short holiday lets shall not be occupied until such time as the vehicle parking area indicated on submitted plan no. 100/649/2023 Rev C* has been hard surfaced. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other

than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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.

*With exception of the visibility splay, which is drawn incorrectly.

Informative:

i. 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

ii. 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.

iii. 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.

ECC Highways Dept
30.06.2023 (initial
comments)

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. As far as can be determined from the submitted plans the proposal does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear which is considered essential in the interests of road safety. The proposal, if permitted, would therefore be likely to lead to inappropriate parking practices to the detriment to highway safety, and as such is contrary to policy DM1 and DM8 of the Highway Authority's Development Management Policies

Note:

The B1034, The Street is classified as a Main Distributor Route within Essex County Council Development Management Policies February

2011 Route Hierarchy. The function of a Main Distributor Route is outlined as, 'the carrying of traffic safely and efficiently between major centres within the County'. The B1034 in the vicinity of the proposal is a heavily trafficked road subject to a 30 mph speed limit. It is the duty of the Highway Authority to protect the function of the route and minimise potential hazardous conflict.

With the proposed layout, vehicles will be forced to reverse out onto the B1034 (The Street) given the very limited space available for turning within in the site frontage. This could lead to dangerous conditions and undue interference with the safe and free flow of traffic on this important traffic route, to the detriment of highway safety.

Additionally, the additional drawings submitted on 15 June do show correctly drawn visibility splays at the access.

Consequently, the Highway Authority is unable to recommend approval until the applicant can provide satisfactory evidence to comply with current standards.

Tree & Landscape Officer
06.06.2023

The position of the proposed glamping pod is such that it is within the Root Protection Area (RPA) of a large and established Oak situated on land adjacent to the application site.

Taking into account the scale and nature of the proposed structure along with the separation distance between the tree and the unit it is considered that the implementation of the development proposal will not cause harm to the health, condition or long-term viability of the tree.

There appears to be little public benefit to be gained by soft landscaping associated with the proposed development.

Environmental Protection
23.06.2023
(Initial comments)

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

Noise

This is an unusual proposal of which gives rise to some concern over the potential impact for noise on nearby existing residents. Given the site is surrounded by existing residential properties and considering the nature of the proposal (not ancillary to the use of the residential premises and will be intended for commercial use) the EP Team would like to seek to ensure any noise generated by customers using the "Glamping Pod", does not cause unreasonable interference with the use and enjoyment of neighbouring properties. Therefore, prior to the determination of this application we are requesting information from the Applicant outlining proposals on how to address/limit the noise that will be generated by the intended use, such as that of amplified sounds etc.

REASON: In the interest of protecting the amenity of existing nearby residential dwellings.

Lighting

Should this application be approved and where applicable the EP team are requesting that the applicant ensure that any lighting (if proposed) of the development will be located, designed and directed

or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

3. Planning History

N/A

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

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

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the

Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

The application site is a property known as 'Sapper Cottage', which is at 4 The Street within the parish of Kirby-le-Soken. The building is a two-storey residential dwelling, with further residential development running along to the east and west. There is further residential development to the south, with the character being more rural to the north.

The site is within the Settlement Development Boundary for Kirby-le-Soken within the adopted Local Plan 2013-2033, with the Kirby-le-Soken Conservation Area sited to the west and a Coastal Protection Belt to the north.

Description of Proposal

This application seeks full planning permission for the erection of a single glamping pod within the rear garden area of Sapper Cottage. The pod will measure 3 metres width, 6 metres depth and 2.56 metres height, and will include one bedroom, lounge, kitchen, dining room, toilet area and decking area to the front.

Assessment

1. Principle of Development

Paragraph 84 of the National Planning Policy Framework (NPPF) (2021) states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. In addition, it should support sustainable rural tourism and leisure developments which respect the character of the countryside.

Adopted Local Plan Policy PP8 (Tourism) sets out that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors.

The application would result in the erection of one glamping pod, which in turn will provide for a minor increase in the District's tourism offering. Accordingly, the development aligns with the above national and local planning policies, and the principle of development is acceptable subject to the considerations discussed below.

2. Visual Impact

Paragraph 130 of the NPPF (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The site is the rear garden area of 'Sapper Cottage' and is well set back from the street scene. Accordingly, there will be no views of the pod from the street scene along The Street to the south. While the land to the north is open and rural in character, the northern boundary of 'Sapper Cottage' is heavily vegetated and therefore there will be no views of the pod from the north. Overall, therefore, Officers conclude there will be no harmful visual impacts as a result of the proposed development.

3. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

There are neighbouring properties located to the east and west of 'Sapper Cottage', notably Numbers 2 and 6 The Street. In terms of the impact to the amenities of both properties, while it is noted the pod will be visible, it is well set back into the garden area and is only 2.56 metres in height, so will not appear oppressive or result in any significant loss of sunlight/daylight.

The Council's Environmental Protection team initially raised concerns in relation to the noise impacts that might be generated as a result of the pod. To address this, the agent for the application has provided a document listing noise mitigation measures, including insulation materials and reducing volume of any music playing, as well as noting it is a single pod that would not attract large groups. Following this, no further objections are raised in this regard.

Taking the above into consideration, Officers conclude there will not be significant harm to the amenities of neighbouring properties.

4. Highway Safety

Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking. Adopted Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

Essex Highways Authority have been consulted and initially raised objections as the proposal resulted in inadequate facilities to enable a vehicle to turn on site and enter the highway in forward gear. This would then lead to inappropriate parking practices, contrary to highway safety. In order to address this, the agent for the application has provided an amended plan that shows there is sufficient space for two parking spaces and a turning area. Following this, Essex Highways have now confirmed they no longer raise an objection.

In respect of parking provision, it is acknowledged that the proposal, along with the existing residential unit, would generate a need for three parking spaces measuring 5.5 metres x 2.9 metres. However, while the submitted plans show a total of two parking spaces, Officers are content that the site is within a sustainable location in walking distance to the local facilities within the area. As such, on balance, Officers are content that this minor shortfall in parking provision is not harmful enough to warrant a reason for refusal.

5. Tree Impacts

The Council's Tree and Landscape Officer has been consulted and has provided the following comments:

“The position of the proposed glamping pod is such that it is within the Root Protection Area (RPA) of a large and established Oak situated on land adjacent to the application site.

Taking into account the scale and nature of the proposed structure along with the separation distance between the tree and the unit it is considered that the implementation of the development proposal will not cause harm to the health, condition or long-term viability of the tree.

There appears to be little public benefit to be gained by soft landscaping associated with the proposed development.”

There are therefore no concerns raised in relation to impacts to existing trees.

6. Renewable and Energy Conservation Measures

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

The proposal includes for a development that may have the potential to incorporate renewable and energy conservation measures, although given the nature of the use and its minor size Officers conclude that it would not be reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures.

7. Financial Contributions - RAMS

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 635 metres from the Hamford Water SPA, SAC and RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites 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 unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

Frinton and Walton Town Council have not provided any comments.

There have been two letters of objection received, with the following concerns:

1. Highway safety impacts;
2. Noise impacts;
3. Insufficient parking; and

4. Security issues.

In answer to this, points 1, 2 and 3 are addressed within the main body of the report above. In response to point 4, Officers do not consider that a glamping pod would result in undue security concerns and could therefore not justify recommending a refusal reason on this basis.

Conclusion

The proposal will see a small, but important, increase to the District's tourism offering and is supported in principle. The visual impacts are considered to be of a limited nature, and following the submission of noise mitigation measures there will be no harm to any neighbouring amenities. Following the submission of amended plans, Essex Highways Authority now raise no objections, and while there is a slight deficit in car parking provision Officers do not consider this to be harmful enough to warrant a reason for refusal. Therefore, the application is considered to be policy compliant and is recommended for approval.

6. Recommendation

Approval.

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 100/647/2023, 100/648/2023 Rev A, 100/649/2023 Rev C and the document titled 'Noise Mitigation Measures' Revision A.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 **CONDITION:** Prior to first occupation of the hereby approved development, the vehicle parking area indicated on the approved plans shall be hard surfaced and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

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 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.