

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	09/01/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	MP	09/01/2025
Assistant Planner final checks and despatch:	ER	09/01/2025

Application: 24/01721/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: K Biddle - Orwell Homes Ltd

Address: 2 Ruskin Close Kirby Cross Essex

Development: Householder Planning Application - Garage conversion and installation of an air conditioning unit to rear of property.

1. Town / Parish Council

Frinton & Walton Town Council Recommend Approval

2. Consultation Responses

Environmental Protection 12.12.2024 The Environmental Protection team have reviewed the application and recommend the following comments:

- Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- No materials produced as a result of the construction works shall be burned on site.
- The Environmental Protection team requests that the applicant submits a MCS 020 noise impact assessment for the installation of the air source heat pump to the local planning authority for approval. The assessment shall be prepared in accordance with MCS 020, the Planning Standard for air source heat pumps. This is to establish if the proposed location of the air source heat pump(s) has a noise level lower than the permitted development noise limit of 42 dB (A). <https://mcscertified.com/wp-content/uploads/2021/10/MCS-020.pdf>

3. Planning History

24/01721/FULHH Householder Planning Application - Current
Garage conversion and installation of an air conditioning unit to rear of property.

4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>.

There are currently no neighbourhood plans for this area.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework December 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. **Officer Appraisal (including Site Description and Proposal)**

Application Site

The application site is located on the southern side of Ruskin Close and consists of a bungalow which faces north-west. The site has an open frontage with a small post and chain fence demarcating the front boundary. Hardstanding covers the entirety of the front garden. The rear garden is a mix of hard and soft landscaping with close board fencing and some vegetation enclosing it on all side. A public footpath runs along the eastern side of the application site which allow access to a large green open space. The site lies within the Settlement Development Boundary for Frinton, Walton and Kirby Cross.

Proposal

This application seeks planning permission for the conversion of the existing double garage and installation of an air conditioning unit at the rear of property.

The conservatory to the rear of the property will also be demolished. However, as this is not in a Conservation Area, this does not require planning permission. In addition, the existing bay window to the front of the property will be replaced for a flush fit window, whilst the rear of the property will

see a new external sliding door installed and an existing window removed and bricked up. As the property still retains its Permitted Development rights, these elements of the proposal have not been assessed as part of this application.

Assessment

The key considerations of this application will be Design and Appearance, Impact upon the Neighbours, Environmental Impact, Highway Safety and Other Considerations.

Design and Appearance

Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.

The proposed conversion of the double garage will be noticeable from the public realm. However, the actual development is considered minor in nature with the only visible alterations being the removal of the existing garage doors and the installation of 1no. white uPVC window which matches the colour and style of the windows in the host dwelling. Because of the nature of the works and there being an acceptable set back distance from this element of the proposal to the edge of the highway, the impact posed by these elements are considered to pose no significant degree of harm to the visual amenities.

The proposed air conditioning unit being located to the rear of the host dwelling, will be completely screened from views from the street scene and will therefore pose no harm. The proposal is considered modest in size being an acceptable addition to the dwelling which does not appear incongruous. The rear garden is deemed to be of a sufficient size to be able to accommodate the proposal and still retain adequate private amenity space.

Impact to Neighbours

The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

The site adjoins the properties known as 4 Sunnydale Way to the west. To the east lies 4 Ruskin Close; however, a public footpath separates this neighbouring property to the host dwelling. The conversion of the garage, which is single storey in nature, is devoid of any openings along the side elevation while the air conditioning unit is small of stature which is completely screened from the view of the neighbouring properties by the existing boundary treatment. As a result of the above, the proposal is not considered to pose any harm to the amenities of the neighbours to the east and west.

Environmental Impact

Paragraph 198 of the NPPF states: Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Local Plan Policy SP7 states that all new development must protect the amenity of existing and future residents and users with regards to noise. Part C of the SPL3 seeks to ensure new development (including changes of use) will not have unacceptable levels of pollution through noise.

Due to the potential noise impact the Environmental Protection Team have been consulted on this application. Unfortunately, they were consulted on an air source heat pump which is already in existence and does not form part of this application. Having liaised with them about the proposed air conditioning unit they have stated that due to its modest nature it would be unreasonable to request a noise impact assessment. However, to ensure there will be no noise impact to the neighbours a condition will be placed on the decision to ensure the air conditioning unit is maintained as per the manufacturer's guidance. Further, if the air conditioning unit is no longer required then it should be removed from the property.

It was advised that a condition be placed restricting the working hours on Monday to Saturdays with no working of any kind permitted on Sundays and a condition which ensured that no materials produced as a result of the construction works would be burned on site. However, as the site still retains its Permitted Development rights further development can be carried out at the site without first needing planning permission and which is not restricted by the advised operating hours. As such a condition to restrict working hours is not considered justified. Further, it would be extremely difficult to enforce the advised condition regarding the burning of waste as there is no definitive way to prove the waste being burnt is as a result of the development. Therefore, this condition will not be attached to this decision.

Highway Safety

Local Plan Policy CP2 states that 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. Furthermore, The Essex County Council's Parking Standards; Design and Good Practice states that where a house comprises of two or more bedrooms, 2no. parking spaces will be retained. These parking spaces should measure 5.5m x 2.9m per space or in relation to a garage/carport should measure 7m x 3m internally.

The existing garage does not comply with Essex County Council requirements for a garage to measure 7 x 3 metres internally in order to be considered an acceptable parking space. Further, there is adequate space located to the front of the dwelling to accommodate parking for a dwelling of this size and scale. The Local Planning Authority therefore deem the application to be acceptable in terms of highway safety.

Other Considerations

Frinton & Walton Town Council support the application.

No letters of representation have been received.

Ecology and Biodiversity

General Duty on all Authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40

states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for householders and is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests. Further, the proposed development is consistent with the above mentioned national and local planning policies and, in the absence of material harm the proposal is recommended for approval.

8. Recommendation

Approval - Full

9. 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 No. 1559/23/05 Revision B.

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 MAINTENANCE OF AIR CONDITIONING UNIT

CONDITION: The hereby approved air condition unit shall be maintained in accordance with the manufacturer's guidance for the lifetime of the equipment. If the air condition unit is no longer operational/required it shall be removed from the property.

REASON: To ensure the equipment is in correct working order to minimise any potential adverse noise impact to nearby residential properties. To ensure redundant equipment is removed from the site in the interests of visual amenity.

10. 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.

Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<u>NO</u>
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Are there any third parties to be informed of the decision? If so, please specify:	YES	<u>NO</u>
Has there been a declaration of interest made on this application? No Declarations Of Interest Made	YES	<u>NO</u>