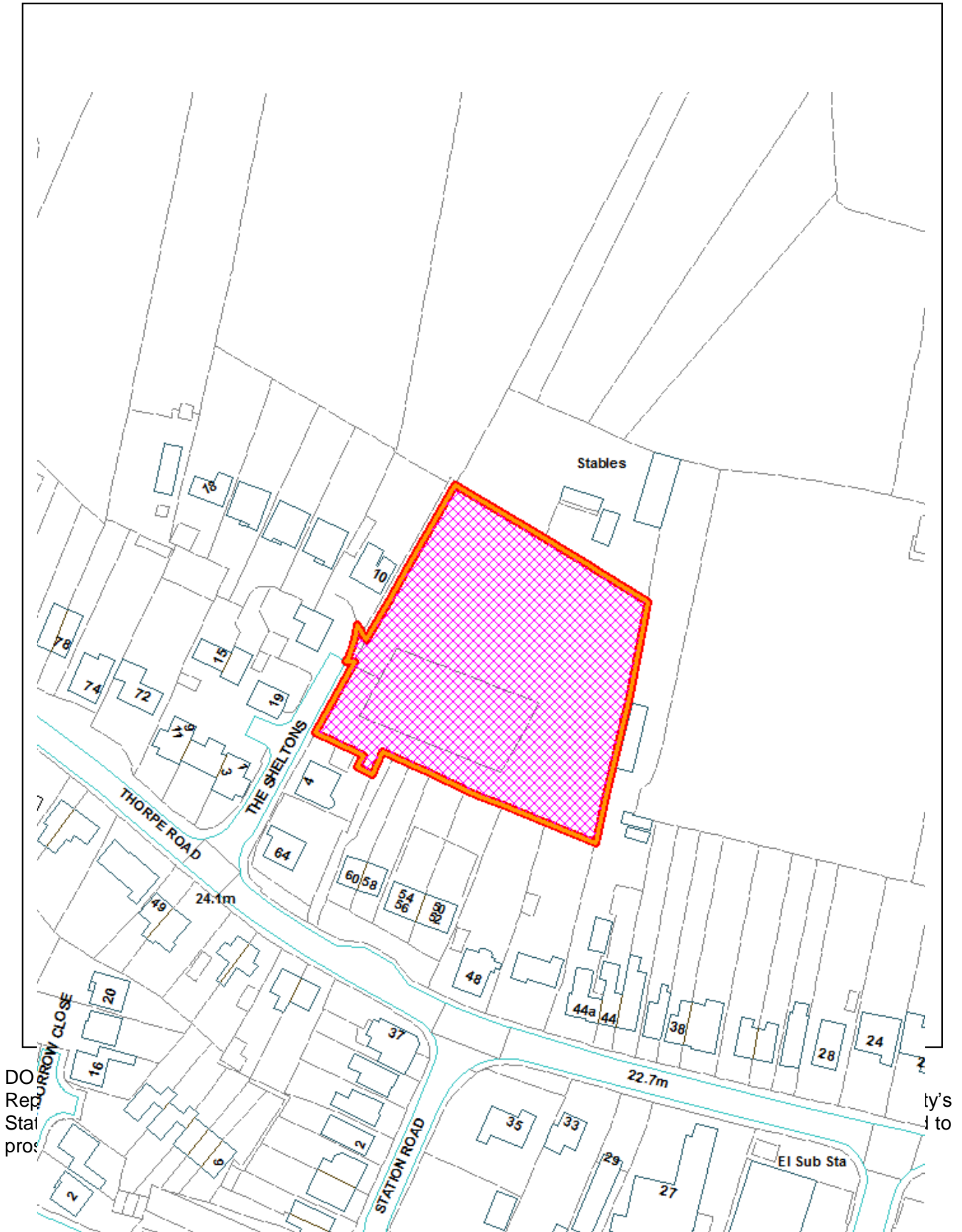


PLANNING COMMITTEE

17th November 2015

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATIONS - 15/01053/DETAIL - LAND AT THE SHELTONS
KIRBY CROSS, CO13 0LX,**



Application:	15/01053/DETAIL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr T Hill	
Address:	Land at The Sheltons Kirby Cross CO13 0LX	
Development:	Submission of details for the development of 9 detached dwellings with associated garaging and parking together with details of an arboricultural survey and ecological enhancement scheme.	

1. Executive Summary

- 1.1 This application is referred back to the Planning Committee following deferral by Members at the 20th October 2015 committee meeting. The application was originally presented with a recommendation for approval and the original Officer's report is reproduced below for information.
- 1.2 Following discussion by the Committee, it was resolved that consideration of this application be deferred to enable the Officers to hold discussions with the applicant and Essex County Council, as appropriate, with a view to satisfactorily resolving the Committee's concerns in relation to:
 - The impact of the proposed access upon the residents of no.21 The Sheltons, in respect of light from vehicle headlights shining through the occupants front windows and the potential for conflict between users of the access and users of the property's front entrance.
- 1.3 Officers have been in discussion with the Applicant and with Essex County Council Highways, and as a result The Applicant has submitted amended plans which show the vehicular access being relocated further south. Officers are of the view that the revised position of the access would alleviate the Member's concerns stated above, as by moving its position southwards any headlights from users of the access would now shine out over the driveway serving no.21 The Sheltons and not directly at their front elevation, significantly reducing the impact upon the resident's amenity.
- 1.4 The re-positioning of the access has also allowed for the inclusion of additional soft landscaping fronting onto The Sheltons in the position where the access was previously to be located, improving the visual appearance of the development and enhancing the outlook for the residents at no.21 The Sheltons.
- 1.5 Essex County Council Highways have confirmed that they are satisfied with the position of the new access from a highway safety viewpoint as the required visibility splays, as shown on the amended plan, can still be achieved.
- 1.6 The access would now run alongside the flank elevation of plot 9. However, this elevation only accommodates a single first floor window and any future residents of this property would be aware of this arrangement. Plot 9 also loses two parking spaces due to being shifted southwards. However, it still retains 2 spaces in the form of a single bay and a garage, and therefore still meets the requirements of the Council's Parking Standards.
- 1.7 Officers therefore consider that the revision position of the vehicular access suitably overcome the Member's concerns in respect the impact upon the residents of no.21 The Sheltons, is acceptable from a highway safety viewpoint and would allow for additional

planting on the site's frontage to The Sheltons enhancing the appearance of the development.

Original Report to 20th October 2015 Planning Committee

- 1.8 This application has been referred to Planning Committee at the request of Members in approving the outline planning permission 14/00610/OUT at the Planning Committee meeting on 19th August 2014.
- 1.9 The application seeks reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 9 detached two storey dwellings and associated garages, parking and landscaping.
- 1.10 The application site is situated on the eastern side of The Sheltons and extends to 0.48 hectares of paddock land which is largely laid to grass. The application site is located outside, but abutting, the defined settlement boundary of Kirby Cross, as depicted on the Policies Map of the Tendring District Local Plan (2007), and Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).
- 1.11 The principle of residential development was accepted in the grant of outline planning permission and the detail provided within this application raises no objection in relation to design, landscape impact, highway safety or impact on neighbours.
- 1.12 The vehicular access serving the development would cross a Public Right of Way. The Essex County Council Public Right of Way Officer has confirmed that this arrangement is acceptable and very common place. No separate consent is required to cross the PROW.

Recommendation: Approve

Conditions:

- 1. Approved plans**
- 2. Construction in Accordance with Tree Survey/Report**
- 3. Car Parking/Garages/Visitors Spaces to be provided before occupation**

2. Planning Policy

National Policy

National Planning Policy Framework (2012)

The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Local Plan Policy

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG9 Private Amenity Space
- EN1 Landscape Character
- EN2 Local Green Gaps
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

- SD1 Presumption in Favour of Sustainable Development
- SD2 Urban Settlements
- SD5 Managing Growth
- SD8 Transport and Accessibility
- SD9 Design of New Development
- PEO1 Housing Supply
- PEO4 Standards for New Housing
- PEO5 Housing Layout in Tendring

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

3. Relevant Planning History

02/02365/FUL	Stables	Refused	26.02.2003
12/00243/OUT	Outline application for housing development comprising of 15 no. mixed market and affordable housing.	Refused	26.06.2012

12/00931/FUL	New detached 5 bedroom dwelling.	Refused	09.01.2013
14/00610/OUT	Outline planning permission with all matters reserved for the residential development to create 9 detached dwellings with associated garaging and parking.	Approved	26.08.2014
15/01053/DETAIL	Submission of details for the development of 9 detached dwellings with associated garaging and parking together with details of an arboricultural survey and ecological enhancement scheme.	Current	

4. **Consultations**

Environmental Health - No comments

Anglian Water Services – No comments

ECC Highways Dept - 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 means of access from The Sheltons shall be provided in precise accord with the details shown in Drawing numbered 1269-20 Revision C.

2 No unbound materials being used in first 6m of accesses.

3 Prior to the proposed access from The Sheltons being brought into use, vehicular visibility splays of 17m by 2.4m by 17m being provided.

4 Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m.

5 Prior to the proposed accesses being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides.

6 All off street parking shall be in precise accord with the details contained within the current Parking Standards.

7 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

8 Prior to commencement of the proposed development, details of the provision for storage of bicycles shall be submitted.

9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority.

Environment Agency – Outside scope no response received.

Principal Tree & Landscape Officer - There are no trees or other significant vegetation on the main body of the land. There are, however, a number of trees on the boundary of the application site that are a pleasant 'backdrop' to the development.

The Tree report identifies the extent of the constraint that trees are on the development potential of the land and shows how retained trees will be protected for the duration of the construction phase of any consent that may be granted. It identifies the need to work on one tree and fell 4 others. This work is required irrespective of the development proposal. The information relating to soft landscaping is sufficient.

5. Representations

5.1 Frinton & Walton Town Council – Recommends refusal lack of parking provision, traffic issues for incoming and outgoing traffic and for emergency services. Disregard District Council's request on outline permission to move entrance/exit road. Blocking of access to horses and stables in fields behind.

5.2 9 letters of objection have been received from local residents including objections received from Cllr Robert Bucke. The objection letters concern the following;

- Danger to highway safety in respect of additional traffic and access sited close to blind bend in The Sheltons. (The principle of siting 9 dwellings on the site and the associated traffic movements have already been approved in principle within the outline planning permission 14/00610/OUT. Essex County Council Highways have confirmed that they have no objections to the development and are satisfied that providing the appropriate visibility splays are afforded to the access the development would not be contrary to highway safety.

- Loss of habitat (As stated above the principle of siting 9 dwellings on the site has already been approved. Notwithstanding this point, the majority of the site is currently laid to grass and used for paddock purposes. The ecological importance of the site is therefore limited. It is however proposed to retain the boundary trees and introduce additional soft landscaping to create ecological enhancement opportunities.

- Impact on trees/felling of trees on private land (The development can be implemented without requiring the felling of the trees located on the boundary of the site. Whilst the report states that it would be desirable to fell several trees based on their current condition, it is evident that several trees are located on private land. As such the applicant does not have the right to fell these specimens.

- Parking Concerns (The development shows 2 spaces per dwellings and also visitor parking provision. The development accords with the parking standards).

- Crossing of Public Right of Way (The access would cross Public Right of Way no. 29. However, Essex County Council Highways do not object as sufficient visibility is provided).

- Access located opposite no.21 The Sheltons (The access position is most optimum from a highway safety viewpoint).

6. Assessment

The main planning considerations are:

- Site Context
- Proposal
- Visual Impact/Design

- Residential Amenities
- Highway Safety
- Trees/Ecological Impacts

Site Context

- 6.1 The application site is a broadly square area of approximately 0.48 hectares lying to the north of Thorpe Road. It is predominately laid to grass but contains a small manege and three timber outbuildings in its southern half. The western boundary abuts a public footpath running northwards from Thorpe Road, initially on the eastern side of the access road into The Sheltons, a small 21st century residential estate. North of the access road the footpath continues northwards between No.10 The Sheltons and the site. The site's southern boundary adjoins the side garden of No.4 The Sheltons and the back gardens of several dwellings fronting Thorpe Road itself. The eastern boundary is a mature hedge being part of the western boundary to the back garden of a further Thorpe Road property. The northern boundary continues the line of the northern boundary of The Sheltons estate and similarly looks onto open land used for horse grazing. There is a stable block immediately north of the site.
- 6.2 The site measures approximately 78 metres along its southern boundary, and 58 metres along its northern boundary, and 74 metres along its western boundary with the public footpath. This equates to approx. 0.48 hectares.
- 6.3 The application site is located outside, but abutting, the defined settlement boundary of Kirby Cross, as depicted on the Policies Map of the Tendring District Local Plan (2007), and Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

Proposal

- 6.4 The application seeks reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 9 detached dwelling with associated garaging and parking.
- 6.5 The layout is as shown on the indicative plans submitted with the outline planning application (14/00610/OUT) incorporating an oval road located around a soft landscaped central area. There have been small amendments to provide visitor's parking spaces and garages in accordance with the dimensions of the parking standards and changes to the footprint and orientation of several dwellings.
- 6.6 The 9 dwellings would comprise of several design types. Plots 2 & 3 and plots 7 & 8 would comprise of the same designs. A range of differing materials is proposed including contrasting brick bands, facing render and red brickwork. Concrete tiles are proposed to the roof of each dwelling. Four of the properties would feature 4 bedrooms and the remainder 5 bedrooms.

Visual Amenity/Design

- 6.7 The development of the site with 9 detached two-storey dwellings would largely reflect the character of the existing properties located on the western side of The Sheltons. The layout to incorporate an oval access road sited around a soft landscaped central area with the dwellings arranged around it would mirror the illustrative drawings submitted at outline stage and give the development a sense of spaciousness. The introduction of soft landscaping and the retention of existing trees present on the site boundaries would help to soften views into the development from The Sheltons and neighbouring properties and assist in assimilating the development into its surroundings. Plot 9 would front onto The Sheltons and suitably address the street scene.

- 6.8 In respect of the design of the dwellings, the height and proportions of the proposed properties relate appropriately to the existing properties in The Sheltons and the use of contrasting styles and materials assists in ensuring the development appears varied and aesthetically pleasing. The introduction of contrasting brick bands, window headers and entrance door features would give the dwellings added interest.
- 6.9 The dwellings are set on similar width plots to those in the locality and would retain appropriate side isolation to the boundaries of each plot to ensure the development would not appear cramped or out of character in this location. Each property would be served by private amenity space in excess of that required by saved policy HG9 of saved local plan.
- 6.10 Overall the development would relate acceptably to the character of the area in terms of its layout, spacing and design and with the introduction of soft landscaping to supplement the existing perimeter trees the development would represent an appropriate response to its surroundings.

Residential Amenities

- 6.11 The dwellings and their various openings have been arranged to avoid any potential impact upon existing residents residing in The Sheltons as well as future residents of the proposed dwellings. The spacing and orientation of the properties ensures that there would not be any impact in terms of loss of light or outlook and the windows have been arranged to avoid overlooking into private areas. The siting of Plot 9 has the potential to cause overlooking to the rear garden serving plot 8, however the plans show that the only rear facing first floor window would serve an en-suite bathroom and therefore consist of obscure glazing. Plots 6 – 8 would be sited adjacent to the rear gardens serving dwellings fronting onto Thorpe Road to the south. However, the dwellings would be located up to 40m away from the rear elevations of these dwellings, removing the potential for overlooking or loss of outlook and according with the provisions of the Essex Design Guide which requires a 25m separation distance. Plot 1 would be located further set back than no.10 The Sheltons, but given the degree of separation and the absence of any windows serving main habitable rooms on the facing flank wall of the property, any impact upon the amenity of those residents residing at no.10 would not so significantly adverse as to warrant a refusal.
- 6.12 The access road into the site would be located opposite the front elevation of no.21 The Sheltons. Whilst it is noted that this property would experience some additional noise from traffic movements, as there is an existing highway and public footpath sited in between any additional noise would not be so significant as to be highly detrimental to the resident's amenity.

Highway Safety

- 6.13 At the outline stage Essex County Council Highways confirmed that they had no objections to the development. They requested a number of conditions relating to the provision vehicular/pedestrian visibility splays to the site access, no unbound materials to be used within 6m of any vehicular access, each access being constructed to a width of 3.7m if single and 5.5m if shared and provided with an appropriate crossing of the highway, all parking bays and garaging being in accordance with the parking standards, details of the estate road, intended bicycle storage and construction method statement being provided prior to commencement.
- 6.14 The submitted plans reflect these requirements and Essex County Council Highways have again confirmed no objections and re-iterated the conditions they previously requested. The precise details of the estate road, construction method statement and bicycle storage remain conditions on the outline permission and will be discharged at a later date.

- 6.15 Informative no.6 on the outline permission stated that the access should be re-located to a position further south to avoid an impact on the residential amenity of those residing at no.21 The Sheltons. The applicant's agent within the submitted planning statement has confirmed that this was given careful consideration. However, due to the requirement for appropriate visibility splays, a turning facility and to avoid positioning the access at the end of the existing road it was considered that the proposed location is the safest from a highway safety viewpoint.
- 6.16 To the western boundary of the site runs Public Footpath no.29 and therefore the proposed access would cross over the footpath. Concern has been raised by numerous objectors over the legality of doing this from a pedestrian safety viewpoint. Consequently the Public Rights of Way Officer for Essex County Council Highways was consulted. The officer responded by confirming the arrangement of crossing a Public Right of Way is acceptable for vehicles and is very common place. The officer confirmed that the crossing of the PROW would not be any more problematic in view of this proposal and that no additional consent is required from Essex County Council Public Rights of Way Dept. The response also including additional information for the developer including closure of the footpath arrangements if deemed necessary, requirement to not change the surface height of the footpath although edging kerbs are acceptable, control methods to ensure no conflict during construction phase and if any damage occurs to the surface of the footpath that it must be returned to its original state. These would be included on permission as informatives.
- 6.17 Further to this response Essex County Council Highways confirmed that providing the access over the footpath is provided with the required visibility splays, a reasonable degree of intervisibility between pedestrians and users of the access would exist, ensuring that they would not be able to defend an objection at appeal stage.

Trees/Ecological Matters

- 6.18 The submitted Tree Survey confirms that no trees are required to be felled to implement the proposed development. The Council's Trees and Landscaping Officer has reviewed the report and confirms that the report identifies the extent of the constraint that trees are on the development potential of the land and shows how retained trees will be protected for the duration of the construction phase of any consent that may be granted. Whilst it is evident that the report identifies that 4 trees could be felled due to their current condition, several of these are not situated on the applicant site and the requirement to fell is not as a result of the proposed development. It was also confirmed that submitted soft landscaping scheme is sufficient and would enhance the appearance of the development.
- 6.19 An ecological enhancement plan is required pursuant to condition 11 of the outline permission. The application supporting documents confirm that the site is of low habitat value given that it is largely laid to grass and been used for the grazing of horses. An initial walkover of the site confirmed this and in the absence of any nearby water sources it is concluded that the development would not harm any protected species.
- 6.20 In respect of ecological enhancement considerations, the landscaping proposals show extensive planting throughout the site and the retention of perimeter trees which will aim to ensure long-term biodiversity gain for the local area. It is also proposed to retain the connective hedging to the eastern boundary to provide opportunity for nesting birds and bats to forage. The additional planting of berry and flower bearing shrubs within the oval landscaped area to the centre of the site will benefit invertebrates.

Background Papers.

None