

**DELEGATED DECISION OFFICER REPORT**

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	04/10/2018
Planning Development Manager authorisation:	ANJ	4/10/18
Admin checks / despatch completed	ML SB	05/10/18 05/10/18

**Application:** 18/01065/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs A R Cochrane

**Address:** Islay House 198 Frinton Road Holland On Sea

**Development:** Erection of 3 bedroom detached bungalow and garage within the garden of 198 Frinton Road. Reconfiguration of existing accesses, boundary treatments and new hard surfacing to 198 Frinton Road.

**1. Town / Parish Council**

Clacton non parished.

**2. Consultation Responses**

ECC Highways Dept  
**ORIGINAL COMMENTS**

**HOLDING RESPONSE: REQUEST FOR ADDITIONAL INFORMATION**

Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

The applicant should be invited to provide such additional information as listed below:

- The applicant should be requested to provide written authority from the owners of the tree required to be removed that it can be removed and that;
- Confirmation the proposed location for the replacement tree is able to support a tree and will not affect any underground utilities / equipment

Upon receipt, the Highway Authority may properly consider this proposal.

ECC Highways Dept  
**AMENDED COMMENTS**

**ADDITIONAL INFORMATION AND AMENDED PLANS - DRAWING NUMBERED 1847-01 REV B.**

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 first occupation of the proposed development, the proposed vehicular accesses shall be constructed or reconstructed at right angles to the highway boundary and to a width of 3.5 metres each and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in

accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 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 of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 The development shall not be occupied until such time as the car parking facilities, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

6 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

7 Prior to the first occupation of the proposed dwelling the applicant shall provide a replacement tree to be located in the vicinity of the existing tree (T2). The species, precise location, method of planting and its future maintenance shall be approved in writing by the Local

Planning Authority in consultation with the Highway Authority.  
Reason: To preserve the fabric and integrity of the highway and in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

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

Tree & Landscape Officer  
**ORIGINAL COMMENTS**

There are a few small trees on the application site that make a moderate contribution to the appearance of the area. However none of them meet the criteria under which they would merit formal legal protection by means of a tree preservation order.

In terms of soft landscaping there appears to be little opportunity for new planting.

The creation of the new access from the highway will necessitate the removal of a small highway tree and it is noted that a replacement for this has been recorded on the site layout plan.

Tree & Landscape Officer  
**AMENDED COMMENTS**

The information provided satisfactorily addresses the issues concerning tree removal, retention and replacement.

No additional information is required.

**3. Planning History**

None.

**4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development Within Defined Settlements

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application relates to Islay House, 198 Frinton Road, Holland-on-Sea and the land to the rear adjacent to 1a Edison Road. Islay House is a detached apartment building located on the corner of Frinton Road and Edison Road with its vehicular access off Edison Road. There are amenity areas wrapping around the building with private amenity to the rear enclosed by close boarded fencing with a large balcony area at first floor level. Edison Road and the adjoining roads are characterised by detached bungalows.

### Description of Proposal

The application proposes the erection of a 3 bedroom detached bungalow and attached garage within the garden of 198 Frinton Road. The proposed dwelling would front Edison Road being sited to the northern side of 1a Edison Road.

The application also requires the reconfiguration of the existing accesses and boundary treatments to 198 Frinton Road together with some additional hard surfacing.

### Appraisal

The main considerations in this instance are;

- Principle of development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Access and Parking; and,
- Representations.

### Principle of development

The site is located within the Settlement Development Boundary of Holland on Sea as defined within both the adopted and emerging Tendring District Local Plans. Within these defined settlements local plan policies support the principle of residential development subject to the detailed considerations in relation to design and impact as addressed below.

### Scale, Layout and Appearance

The proposed bungalow will be sited adjacent to number 1a Edison Road in an area characterised by detached bungalows. The bungalow will be sited in line with number 1a with only its bay window projecting further toward the road. The development will retain 3.5 metres set back from the back edge of the footway with its front boundary being enclosed by a low level wall similar to that at 1a. The bungalow will therefore appear as a continuation of the existing linear residential development, being acceptable in street scene terms and being in keeping with the character of the area.

The bungalow itself is modest in scale and design with a fully hipped roof arrangement to the dwelling and its attached garage. The dwelling will be finished in farmhouse red pantiles and Leicester red facing brick and includes a square bay window feature and entrance door canopy to the side. Edison Road is predominantly characterised by bungalows with a rendered finish but the

dwelling will sit between 198 Frinton Road and 1a Edison Road which are both finished in facing brickwork. Bay windows and hipped roofs are typical for the immediate locality. 1 metre is retained to the southern side boundary with 1a in line with saved Policy HG14 of the adopted Tendring District Local Plan 2007. The garage is built on the northern boundary but is well setback, attached to the north eastern corner of the dwelling therefore retaining a spacious feel within the street scene.

The bungalow will be served by the single garage and driveway accessed via a new access off Edison Road. This will require the re-configuration of the existing access to the application plot and the existing access to the garage and parking to the rear of 198 Frinton Road. The new layout and extended hard surfaced area provides a turning area for 198 Frinton Road. The new access arrangement requires the removal of an existing street tree which has been indicated on the amended plan as being replaced in a suitable alternative location.

Overall, the design, appearance and layout of the development will sit comfortably within its plot and within the street.

#### Residential Amenities

The proposed development is single storey in scale and will not result in any overlooking or loss of privacy to the existing neighbouring properties surrounding the site. The garage serving the new dwelling will act as a screen from views from 198 Frinton Road enclosing the garden area of the new dwelling ensuring a good level of amenity for future occupants.

The distance to the boundary, siting and fully hipped roof results in acceptable relationship with the existing adjacent residential properties and the development will not result in a material loss of light or outlook.

The new dwelling will be served by a private amenity area of 120 square metres and 204 square metres will be retained for the donor properties, together with the large balcony area both according with policy standards set out within saved policy HG9.

#### Access and Parking

Essex County Council raise no objection to the development subject to conditions which will be imposed where necessary.

The re-configuration of the access and parking to 198 Frinton Road results in the retention of the same level of parking but benefits from a new turning area. The new dwelling will be served by a garage and driveway providing 2 parking spaces in accordance with parking standards.

For these reasons, there can be no objection on highway grounds.

#### Representations

The site is located within the non parished area of Clacton on Sea.

No letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

### **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: 1847-01 revision: B.

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

- 3 Prior to first occupation of the proposed development, the proposed vehicular accesses shall be constructed or reconstructed at right angles to the highway boundary and to a width of 3.5 metres each and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 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 of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

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

- 5 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 6 The development shall not be occupied until such time as the car parking facilities, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

- 7 Prior to the first occupation of the proposed dwelling the applicant shall provide a replacement tree to be located in the vicinity of the existing tree (T2). The species, precise location, method of planting and its future maintenance shall be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason - To preserve the fabric and integrity of the highway and in the interests of highway safety.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - To ensure that an acceptable level of private amenity space is retained for the new dwelling and to safeguard residential amenities.

- 9 The development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment and Preliminary Method Statement Reference No. TPSarb8870818 dated 22nd August 2018 with the approved protective fencing shown within Appendices 2 and 3 being provided and retained throughout the construction phase.

Reason - In the interests of visual amenity and highway safety.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Highways Informatives

1. 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.

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SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
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CO4 9YQ

2. 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.