

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | LN | 23/11/2018 |
| Planning Development Manager authorisation: | SCE | 26.11.18 |
| Admin checks / despatch completed | ER | 27/11/18 |

Application: 18/01671/FUL **Town / Parish:** Frating Parish Council

Applicant: Mr A Wiltshire

Address: St Edmunds Bromley Road Frating

Development Remove existing hedge and construct front boundary wall.

1. Town / Parish Council

Frating Parish Council No comments received.

2. Consultation Responses

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:

All development shall be entirely clear of the limits of the highway.
Reason: To preserve the integrity of the highway in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative: No new or altered vehicular access is proposed.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester CO4 9YQ

Tree & Landscape Officer The existing boundary hedge makes a pleasant contribution to the appearance however it does not fall within the scope of any legislation under which it could be formally protected.

The consent of the Council is not required prior to the removal of the hedge.

3. Planning History

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|--------------|--|----------|------------|
| 99/00284/FUL | Extension and alterations | Approved | 19.04.1999 |
| 02/02267/FUL | Rear and front extensions. Roof conversion. | Approved | 13.01.2003 |
| 18/01671/FUL | Remove existing hedge and construct front boundary wall. | Current | |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018
National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the east of Bromley Road, inside the development boundary of Frating Green. The site serves a detached chalet style bungalow, constructed of brick and render with a tile roof. A detached garage is located to the rear of the dwelling. The front of the site is entirely paved for parking at least 2 no. cars with a wide access on the front boundary which sits alongside a 2m high hedge. There is a grass verge between the front boundary and the road, but no public footpath is present.

Proposal

The application proposes the removal of the existing front boundary hedge and the construction of a brick boundary wall. The proposed brickwork will be Maldon Antiques for the main wall with Weinberger Tawny Buff capping.

The application originally proposed the materials to be the other way round but the main wall being constructed of buff brickwork was not considered to blend sympathetically with the area so amendments to the brickwork were requested.

Assessment

The main considerations of this application are the design and visual amenity and the impact on the highway.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

The National Planning Policy Framework at Paragraph 108 states that, amongst other things, decisions should take account of whether 'safe and suitable access to the site can be achieved for all users'. Policy TR1A of the Tendring District Council Local Plan 2007 states that 'proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated'. In addition, Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) refers to 'access to the site being practicable and the highway safety network being able to safely accommodate the additional traffic the proposal will generate'.

Design and Visual Amenity

The existing front boundary is a mature hedgerow that is 2m in height. The neighbouring boundary to the south of the site is served by an existing brick boundary wall which is over 1m in height. The wider surrounding area has a mixture of different boundary treatments, consisting of walls, fencing (above and below 1m), open frontages and hedgerows/shrubs planted.

The development proposes the removal of the existing hedgerow and erection of a brick boundary wall measuring 1m in height at its lowest point, rising to a maximum height of 1.7m for the 3 no. proposed pillars. The access to the site is a width of 4.5m and remains unaltered by the development. Parking arrangements at the site are also unaffected.

Due to the mixed nature of property frontages that currently exist in the area, and as a result of a similar boundary wall directly adjacent to the site setting a precedent for the development, it is considered that due to the design and use of brickwork proposed the wall will be sympathetic to the existing street scene and the development would not appear out of character to the area.

Impact on the Highway

ECC have commented on the application and confirm that the proposal is acceptable subject to a condition to confirm that the development shall be entirely clear of the limits of the highway. It is also noted within their comments that no new or altered access is proposed.

As the development replaces a hedge of a similar height and the existing wide access is unaltered, providing the above ECC highways recommendations are adhered to it is considered that the development is acceptable in highway safety terms. The development will not alter the visibility when entering the highway or cause hazards or inconvenience to traffic and is acceptable in this regard.

Other Considerations

The Council's Tree and Landscape Officer has confirmed that the hedge cannot be formally protected and the consent of the Council is not required for the removal of the hedge.

No comments have been received from Frating Parish Council.

No letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and 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: Untitled Drawing showing proposed elevation and detailing proposed brickwork received 15 November 2018, File: 03 and File: 02.

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

- 3 All development shall be entirely clear of the limits of the highway.

Reason - To preserve the integrity of the highway, 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, 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:

Informative 1: No new or altered vehicular access is proposed.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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CO4 9YQ

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