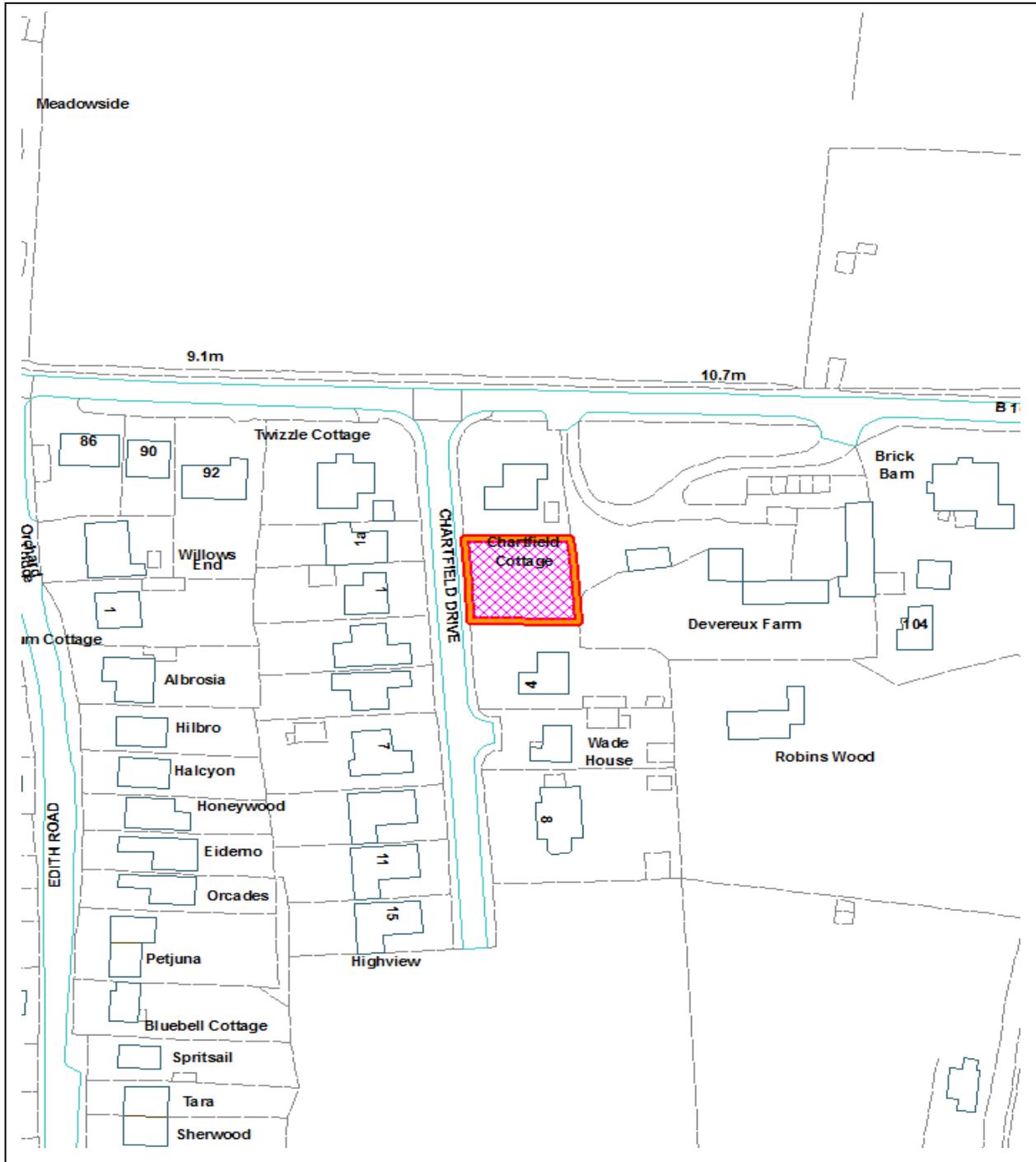


PLANNING COMMITTEE
7 SEPTEMBER 2016
REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATIONS - 16/00597/FUL - LAND ADJACENT CHARTFIELD COTTAGE, CHARTFIELD DRIVE, KIRBY-LE-SOKEN, CO13 0DB



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	16/00597/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr Gary Chisnall	
Address:	Land adjacent Chartfield Cottage Chartfield Drive Kirby Le Soken CO13 ODB	
Development:	Detached dwelling with detached garage.	

1. Executive Summary

- 1.1 This application has been referred to committee at the request of Councillor Bucke in response to strong local objection and concerns about the potential negative affects on the surrounding area. It is however Officers' opinion that the proposed development would be acceptable and that has been amended in order to minimise negative impacts on surrounding residential properties.
- 1.2 The application site is within the development boundary of Kirby le Soken located just inside its periphery.
- 1.3 Due to the number of representations received and the objection maintained by Councillor Bucke this application has been recommended to committee. It is an Officers opinion that this application should be approved as it would accord with Local Policy QL9, QL10 and QL11, no refusal can be sustained.

Recommendation: Approve

That the Head of Planning be authorised to grant planning permission for the development subject to planning conditions in accordance with those set below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

Conditions:

- 1) Time Limit (3 Years)
- 2) Compliance with approved plans
- 3) Details of materials, fencing, walls and landscaping
- 4) Access dimensions and visibility splays
- 5) No use of unbound materials for vehicular access
- 6) Inclusion of vehicle turning facility
- 7) Compliance with parking standards

2. Planning Policy

NPPF National Planning Policy Framework

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
- HG3 Residential Development Within Defined Settlements
- HG6 Dwelling Size and Type
- EN1 Landscape Character
- TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

Status of the Local Plan

2.1 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

3. Relevant Planning History

16/00597/FUL Detached dwelling with detached garage. Current

4. Consultations

Play and Open Space There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby. However, there is more than adequate formal open space across the area. This is broken down as follows:

	Local Plan Requirement	Local Provision
Play Areas	15.23	1.11
Formal Open Space	<u>30.46</u>	<u>60.85</u>
	45.69	61.96

Any additional development in Kirby will increase demand on already stretched play areas. The nearest play area to the proposed development is 1 mile away in Halstead Road, Kirby. The site is well used by the local community and would struggle to cope with any additional usage.

Recommendation

Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. However, Frinton, Walton and Kirby are well provided for in terms of open space and we do not consider that a contribution towards formal open space is necessary or relevant to this application.

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. Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres 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 access for any dwelling on the proposed development 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 maintained in perpetuity free from obstruction clear to ground. 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 access throughout.

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. Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

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 commencement of the proposed development, details of the provision for the storage of bicycles 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

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. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, 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 or by post to: SMO1 ' Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

5. **Representations**

- 5.1 3 representations have been received; 8 prior to amendments to the plans and 5 following the amendments. The main points mentioned are:

Pre amendments:

- The proposed bungalow would be a dominant and oppressive feature.
- Its will be in close proximity to prosed developments of adjoining development at Brick Barns (15/00494) and contrary to requirements of Design Guide.

- Obstruction of view from development
- Soil type is not ideal for development as water would not sufficiently soakaway
- Development not in keep with general character of the area, considered overdevelopment as a two storey dwelling.

Post amendments:

- The proposed bungalow is not in line with adjacent neighbouring properties, the bungalow is positioned too far forward and out of character.
- Drainage issues of the site have not been assessed still; flooding will be a problem as site is near a hill and has inappropriate soil for drainage.
- The proposal will detract from the sense of spaciousness along the street.
- The driveway of the proposal could create issues with entering and existing as it is opposite a neighbouring drive.
- The site is too small to accommodate a dwelling and will obstruct views.

5.2 Councillor Robert Bucke has also maintained an objection to the proposed dwelling based on it representing an overdevelopment of the site as well as creating issues related to overlooking and concerns related to flood risk.

5.3 Frinton and Walton Town Council recommend refusal for this application based on overdevelopment of the site, too great a bulk and mass and garden grabbing.

6. Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of development;
- Design and impact on character of the area;
- Impact on neighbour amenities;
- Highways;
- Other considerations; and,
- Conclusion.

Site description

6.2 The site is located on the eastern side of Chartfield Drive, within the Settlement Development Boundary for Kirby Le Soken. The site measures approximately 0.05 hectares and comprises part of the rear garden land associated with Chartfield Cottage; an existing detached bungalow.

6.3 To the south of the site, Chartfield Drive is lined to the east and west by detached dwellings with a range of layouts and designs. The dwellings along Chartfield Drive are set back from the road, behind landscaped gardens and parking areas. At the western corner of Chartfield Drive lies Twizzle Cottage which is a large modern two and a half storey dwelling, which fronts onto Walton Road.

Proposal

6.4 This application seeks planning permission for the erection of a detached bungalow with associated access, parking and ancillary works at Chartfield Cottage, Walton Road, Kirby Le Soken. The proposed bungalow is situated to the rear of the Chartfield Cottage, in an area currently used as garden. The proposed bungalow is set 5 metres from the front boundary of the site in line with the side elevation of Chartfield Cottage. It provides 3 bedrooms and has an integral garage, with two car parking spaces to the front. The proposed materials are brickwork with a concrete interlocking tile roof.

- 6.5 It should also be noted that an application (14/01449/FUL) had been submitted for the replacement of Chartfield Cottage, this application was refused due to scale and impact on neighbouring residents, this proposal was two stories and was clearly an overdevelopment of the site not inline with Local Policy.

Principle

- 6.6 The site is located within the Settlement Development Boundary for Kirby Le Soken. Policy HG3 of the Saved Plan states that 'within the defined development boundaries of towns and villages, development will be permitted providing it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area'.

Design and impact on character of the area

- 6.7 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of the National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design.
- 6.8 Policies QL9, QL10 and QL11 of the 2007 Local Plan aims to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Policy SPL3 of the Draft Plan carries forward the sentiments of these Saved Policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.
- 6.9 The proposal has undergone significant redesign to accommodate Local Policy Criteria with neighbour notifications of the amendments sent out with only three representations received in response. The first submitted plans proposed a dwelling significant in scale and form which appeared to over dominate the plot being in close proximity to neighbouring boundaries along the flank and to the rear. The agent has since addressed concerns raised and submitted an amended plan significantly reduced in scale and improved form relating well within the site.
- 6.10 The design submitted is now a bungalow style property with a hipped roof including a slightly projecting lowered hipped roof element on the principle elevation, its is approximately 6m height to ridge and occupies an area of 156 sqm with 206 sqm of rear garden amenity. The detached garage is in the same location and design. Overall the low key design, scale and form of the bungalow would address many of the design concerns, however it is still felt by some in the comments received that the dwelling is too far forward in the plot and out of sync with surrounding properties. It is an officer's opinion that the placing of the dwelling is acceptable and would not negatively impact the character of the surrounding dwellings; it is in line with the adjacent dwelling to the north which has a similar form with nearby properties also varying in design and scale.
- 6.11 Overall the amended proposal is, in Officers' opinion, acceptable design wise.

Impact on Neighbours Amenities

- 6.12 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will

not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

- 6.13 The amended plans submitted have considerably lowered the height and general scale of the dwelling to a single storey bungalow therefore it is considered that the proposed dwelling is situated a sufficient distance away from existing neighbouring residents both to the rear such as 10 Walton Road (in excess of 20m) and to the sides Connemara Lodge (4m) and 15 Chartfield Drive (9m). It would not result in any material harm to amenity. The proposed dwelling also retains 206sqm of personal amenity space to its rear. Councillor Bucke has maintained an objection to the dwelling after seeing amended plans. It is Officers' opinion however that the amended dwelling would offer no material harm to neighbouring amenity and to the wider character of the area, therefore should be considered for approval within a sustainable location.

Highways

- 6.14 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SPL3 of the Draft Plan.
- 6.15 The proposed dwelling provides 3 bedrooms. The Council's Adopted Parking standards require that a 3 bed dwelling has a minimum of 2 off-street parking spaces. The proposal meets these criteria; therefore it is considered that there is adequate off-street parking provision.
- 6.16 Essex County Council Highways have been consulted on the application and have raised no objections in terms of highway safety subject to controlling conditions recommended.

Other considerations

- 6.17 A number of representations have mentioned the environmental impact of a further development along the street. It is felt due to the scale of the dwelling and its sustainable location that no negative impact upon the environment, specifically drainage issues will occur and therefore it should be considered acceptable.

Conclusion

- 6.18 Overall the amended proposal has due regard to Local Policy and therefore it is Officers' opinion that it should be considered acceptable.

Background Papers

None.