

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	31/01/2019
Planning Development Manager authorisation:	SCE	04.02.19
Admin checks / despatch completed	RW	5/2/19

Application: 18/02052/FUL **Town / Parish:** Clacton Non Parished ER

Applicant: Mr Paul Woodward

Address: 5 Lupin Way Clacton On Sea Essex

Development: To move co-linear antenna to the opposite side of property. Install a cobweb antenna and 2m beam to the roof. Retention of the HexBeam antenna incorporating a tower and installation of a HF antenna (part retrospective).

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

N/A

3. Planning History

16/01935/FUL	To erect amateur radio aerials above 3m and to reinstall previous antenna beams above roof (part retrospective).	Approved	13.02.2017
18/02052/FUL	To move co-linear antenna to the opposite side of property. Install a cobweb antenna and 2m beam to the roof. Retention of the HexBeam antenna including the erection a tower and installation of a HF antenna to the top of HexBeam antenna (part retrospective).	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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site is located to the south of Lupin Way, inside the development boundary of Clacton on Sea. It serves an end of terrace two storey dwelling constructed of bricks and a tile roof with an attached garage set back from the side elevation to the east. The rear garden area has outbuildings along the rear boundary, a shed located 1m away from the property, and a patio and artificial lawn. Two no. freestanding aerials currently exist in the rear garden and one is attached to the roof of the dwelling.

Proposal

The application, which is part retrospective, proposes:

- The relocation of the co-linear antenna located on the roof of the dwelling. These works have been carried out. This aerial was approved under application reference 16/01935/FUL to originally be located on the east side gable of the main dwelling.
- A freestanding HexBeam antenna located in the rear garden, including a tower and HF antenna. The HexBeam antenna is already in situ.
- Installing a cobweb antenna and 2m beam on the roof of the dwelling. The cobweb antenna (without 2m beam) is currently installed as a freestanding aerial in the rear garden.

Background

Application 16/01935/FUL sought approval for various aerial masts attached to the dwelling and garage, and a freestanding aerial within the rear garden of the property. At the time of the officer site visit for this current application all aerials granted approval under 16/01935/FUL were no longer in situ.

Representations

One letter of objection has been received from a neighbour raising the following concerns, which are addressed in the officer's report below:

- Too big in design, size and appearance
- Number of aerials in residential area - overdevelopment and not in keeping
- Drawings inaccurate

Assessment

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

Policy Considerations

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.

Policy QL9 of the Tendring District Local Plan (2007) seeks to ensure that all new development should make a positive contribution to the quality of the local environment, new structures must be well designed and maintain or enhance local character and distinctiveness, and development must relate well to its site and surroundings particularly in relation to its scale, massing, form and design. It goes on to state that development should respect or enhance views and skylines. Policy QL10 states that planning permission will only be granted if structures are orientated to ensure adequate outlook. Policy QL11 states that development will only be permitted where it will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. The sentiments of these policies are carried forward in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Design and Impact on Visual Amenity

The aerials to be retained and erected as part of this application are considered to be structures of an excessive scale that will be visually prominent and intrusive from several vantage points around the site. The aerials, including the free standing HexBeam aerial in the rear garden, are publicly visible from Lupin Way, Marigold Avenue and Ruaton Drive and are considered cumulatively to have a detrimental impact on the street scene.

Whilst it is noted that a neighbouring property in Ruaton Drive has a large aerial on the side gable of their property, and the aerials approved under 16/01935/FUL set a precedent for some form of similar development to be erected, it is considered that the proliferation of the proposed antennas, in terms of their scale, mass and form have a significant adverse impact on the character of this residential area.

The application drawings, which are not drawn to scale and only give some metric measurements, are clearly inaccurate in terms of the scale of the development. In particular, the HexBeam antenna when viewed from the surrounding roads far exceeds the roof line of the host dwelling, whilst the rear elevation drawing submitted alongside the application indicates a structure that is level with the base line of the first floor windows. The submitted drawings therefore do not give an accurate representation of the structures and are misleading. It is considered that with the addition of the cobweb antenna on a two metre beam on the dwellings roof alongside those already in situ, would contribute to creating overly dominant and bulky features and collectively be visually intrusive to the surrounding area.

Impact on Residential Amenity

The proposed aerials can be seen from various properties and private garden areas of neighbours in the immediate vicinity of the application site. The introduction of such alien features into this built up residential area would appear intrusive and out of character, adversely affecting the outlook of neighbours by reason of the aerial's height and appearance and is therefore considered an unacceptable form of development that will adversely affect the residential amenity of the area.

Conclusion

For the reasons set out above the development is considered contrary to the aims and aspirations of the aforementioned local and national policies and is therefore recommended for refusal.

6. Recommendation

Refusal - Full

7. Conditions

- 1 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.

Policy QL9 of the Tendring District Local Plan (2007) seeks to ensure that all new development should make a positive contribution to the quality of the local environment, new structures must be well designed and maintain or enhance local character and distinctiveness, and development must relate well to its site and surroundings particularly in relation to its scale, massing, form and design. It goes on to state that development should respect or enhance views and skylines. Policy QL10 states that planning permission will only be granted if structures are orientated to ensure adequate outlook. Policy QL11 states that development will only be permitted where it will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. The sentiments of these policies are carried forward in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The aerials to be retained and erected as part of this application are considered to be structures of an excessive scale that will be visually prominent and intrusive from several vantage points around the site. The aerials, including the free standing HexBeam aerial in the rear garden, are publicly visible from Lupin Way, Marigold Avenue and Ruaton Drive and are considered cumulatively to have a detrimental impact on the street scene and it is considered that the proliferation of the proposed antennas, in terms of their scale, mass and form have a significant adverse impact on the character of this residential area. Furthermore, the introduction of such alien features into this built up residential area would appear intrusive and out of character, adversely affecting the outlook of neighbours by reason of the aerial's height and appearance and is therefore considered an unacceptable form of development that will adversely affect the residential amenity of the area, contrary to the aforementioned national and local planning policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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