

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	02/05/2019
Planning Development Manager authorisation:	SCE	03.05.19
Admin checks / despatch completed	<i>[Signature]</i>	03/05/19.

**Application:** 19/00325/FUL **Town / Parish:** Frating Parish Council *ER*

**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 the Highway Authority subject to the following conditions:

1. The new boundary wall shall be constructed as shown in the Front Boundary Wall Plan and Elevations Block and Location Plans, drawing no. 18/189/01A.

Reason: Interest of highway safety in accordance with policy DM1..

2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carrageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carrageway (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### Informative 1:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

#### Informative 2:

Prior to the construction of the wall the applicant would be advised to visit Essex Highways website under Highway status enquiries to request a copy of the definitive map showing the extent of the highway boundary at the front of the property. To ensure the wall does not encroach onto the Publicly Maintainable Highway verge.

#### Informative 3:

Any work within or affecting the highway is to be laid out and

constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

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

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.	Approved	27.11.2018
19/00325/FUL	Remove existing hedge and construct front boundary wall.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019  
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. A hedge used to be in situ alongside the access but this has been removed since the approval of previous application reference 18/01671/FUL. 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, measuring 1m at its lowest point, with the pillars resulting in a maximum height of 1.7m. The application is a resubmission of planning permission 18/01671/FUL to alter the proposed brickwork of the main wall to from Maldon Antiques brick to Weinberger Old County Rustic. Weinberger Tawny Buff brick is still proposed for the capping. The height and design remain as approved.

### **Assessment**

The main consideration of this application is the visual impact of the wall due to the change of material proposed.

The adopted Tendring District Local Plan (2007) Policies QL9 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.

### **Visual Amenity**

The change of brick to be used on the main extent of the wall is considered acceptable as the surrounding area has a variety of different boundary treatments and brick types. Furthermore, the Weinberger Old County Rustic brick now proposed is not dissimilar to the Maldon Antiques brick that was already approved. This variation is not considered to appear out of character with the locality or have any adverse visual impact upon the street scene. The amendment to the development is considered acceptable and all other aspects of design remain as previously approved.

### **Highways**

Nothing relating to highway impact has changed since the previously approved application. Essex County Council Highways have been consulted on this application and confirm that the proposal is

acceptable subject to the wall being built in accordance with the plans and a condition relating to building materials being clear of the highway.

### Other Considerations

Frating Parish Council has not commented on the application.

No letters of representation have been received.

The Council's Tree and Landscape Officer commented that the hedge makes a pleasant contribution to the appearance of the area, but does not fall within the scope of formal protection. The hedge was already removed at the time of the officer site visit, but prior approval for removal of the hedge was not required.

### 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: Drawing titled 'New Amended Front Elevation' and detailing proposed brickwork, File: 02 and File: 03.

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

- 3 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## Highways Informatives

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653 The Crescent,  
Colchester.  
CO4 9YQ.

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