

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	01/07/2019
Planning Development Manager authorisation:	AN	8/7/19
Admin checks / despatch completed	SB	09/07/19

Application: 19/00026/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Mr Strover

Address: Maltings Lodge Malting Lane Kirby Le Soken

Development: Proposed erection of two detached dwellings.

1. Town / Parish Council

Frinton and Walton Town Council

ORIGINAL COMMENTS

REFUSAL - against backland development and shared drives.

Poor access on a narrow/single track lane which is extremely busy as it leads to the local refuse site.

In close proximity to SSSI and an area which suffers from flooding.

Frinton and Walton Town Council

AMENDED COMMENTS

REFUSAL - against backland development and shared drives.

Poor access on a narrow/single track lane which is extremely busy as it leads to the local refuse site.

Area prone to flood.

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is located off a private road (Malting Lane) which has existing traffic calming features. The plot retains adequate room and provision for off street parking and turning, for the existing and proposed dwellings via an existing private vehicular access therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The double garage should have a minimum internal measurement of 7m x 5.5m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

2. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy

DM8.

3. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway 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:

Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

Informative 2:

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

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.

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Informative 2:

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 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 or by post to:

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

3. Planning History

01/00014/OUT	Proposed dwelling	Refused	20.03.2001
10/01426/OUT	Erection of detached two bedroom bungalow.	Refused	02.03.2011

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

HG13 Backland Residential Development

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL9 Listed Buildings

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the property known as Maltings Lodge to the eastern side of Malting Lane, Kirby-le-Soken. Maltings Lodge is a 1.5 storey detached dwelling set in a site of approximately 0.36 hectares in size to the rear of a row of dwellings fronting Maltings Lane accessed via a private driveway between numbers 5a and 6. The application site forms part of the curtilage of the host dwelling and is set to grass with a number of established trees along the southern and eastern boundary of the site.

The site lies within the Coastal Protection Belt area of Pennyhole Bay and The Naze. The site lies outside of the Kirby-le-Soken Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007 but lies within the extended boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The southern boundary of the site bounds the Kirby-le-Soken Conservation Area. Nearby listed buildings include Post Office House to the south and The Red Lion Public House to the west.

Description of Proposal

The application seeks full planning permission for the subdivision of the site and the erection of 2 dwellings to the south of Maltings Lodge

Following concerns with the layout and scale of the development and the potential impact on neighbouring amenities, the application has been amended and now proposes 1 no. 4 bed detached dwelling and single detached garage (Plot 1) and 1 no. 3 bed detached bungalow and single detached garage.

The dwellings are of a traditional appearance using a mixture of brick, render and weatherboarded finishes and plain roof tiles.

Assessment

The main considerations in this instance are;

- Planning and Appeal History;
- Principle of Development;
- Scale, Layout and Appearance (including backland development and impact on heritage assets);
- Coastal Protection Belt;
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Financial Contribution - Open Space/Play Space;
- Financial Contribution - RAMS; and,
- Representations.

Planning and Appeal History

Applications 01/00014/OUT and 10/01426/OUT are worthy of note in this instance. Both sought outline permission for the erection of 1 dwelling. Both were refused due to the location of the site outside of the defined Kirby-le-Soken Settlement Development Boundary, the impact on the Coastal Protection Belt, impact on the character of the area from its siting and potential impact on neighbouring amenities.

These applications both pre-date the National Planning Policy Framework 2019 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. There has been a material change if national and local plan policy since the determination of these applications. The principle of development is considered below setting out this material change in more detail.

Principle of Development

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The National Planning Policy Framework 2019 (NPPF) must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Plans and decisions should apply a presumption in favour of sustainable development. In line with Paragraph 11 of the NPPF, achieving sustainable development, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The 'development plan' for Tendring comprises the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Kirby-le-Soken is categorised as a Village within the adopted Local Plan and as a Smaller Rural Settlement with the emerging Local Plan. Each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen settlement boundaries have been drawn flexibly to accommodate a range of sites both within and on the edge of the villages and this enabling them to be considered for small-scale residential 'infill' developments provided that it does not detrimentally impact the historic or natural environment.

The site lies outside of the Kirby-le-Soken Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007. However, the extended boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 now incorporates the application property and application site.

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided 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. Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development.

Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

The principle of residential development on this site has therefore been established through the extension of the settlement development boundary. This is recognised as a socially sustainable location. The detailed considerations relevant to this proposal are set out below.

Scale, Layout and Appearance (including backland development and impact on heritage assets)

Paragraph 11 of the NPPF sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting,

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

Furthermore, saved Policy HG13 of the adopted Local Plan and emerging Policy LP8 of the draft Local Plan state that proposals for the residential development of backland sites will only be approved where it meets specific criteria.

The site cannot be considered physically isolated forming the side garden serving Maltings Lodge and being closely related with residential dwellings fronting Malting Lane to the north and west and those fronting The Street to the south. Whilst it is recognised that the development would be sited in a "backland" position behind properties fronting Malting Lane, they would be alongside an existing dwelling where backland development has been established. The development does not introduce harmful, out of character, backland development. The site is within the emerging settlement development boundary and is therefore recognised for potential infill development. The position of the dwellings would not encroach into the countryside nor have any wider landscape impact with any views of the properties being alongside, or against a backdrop of existing built form.

Plot 1 sits alongside the donor dwelling, set slightly further back into its plot with similar design features such as dormer windows, an external chimney and brick and render finishes. Although marginally taller, overall the scale and appearance of the dwelling does not dominate and will sit comfortably within the plot with ample spacing retained to all boundaries. Plot 2 has been reduced to a single storey dwelling and the layout amended positioning the single storey garage to the western boundary closest to the neighbouring dwellings fronting Malting Lane. This has allowed a more spacious development overall by reducing the scale of the built form and increasing the spacing around the dwellings. Again the bungalow is traditional in appearance and finishes.

Overall, the scale, appearance and finish of the dwellings are considered acceptable and the development will not be materially harmful to the character or appearance of the area.

Saved Policy EN17 of the adopted Local Plan states that development will be refused where it would prejudice the setting and surroundings of a conservation area or harm inward or outward views. Furthermore, saved Policy EN23 states that development that would adversely affect the setting of a listed building will not be permitted. These sentiments are carried forward within

emerging Policies PPL8 and PPL9 of the draft Local Plan. In this instance, the closest dwelling (Plot 2) is located approximately 50 metres from Post Office House to the south west. This distance and the dense mature trees and vegetation along the boundaries ensure that the dwellings will not be seen in conjunction with the listed property resulting in no harm to its setting. The boundary of the conservation area runs along the southern boundary of the site. Again, due to the dense vegetation on the boundaries, inward and outward views will not detract from the character and appearance of the Kirby-le-Soken Conservation Area.

Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan (2007) and Draft Policy PPL2 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development.

The proposal cannot be considered as having a significant impact upon the Coastal Protection Belt as the proposal is for a minor development of 2 dwellings in a location set well within land with built form and dwellings on 3 sides. The site is not open countryside, does not have the appearance of undeveloped coastal land and the development would not have an adverse impact on the character and appearance of the area.

Residential Amenities

The NPPF, in paragraph 127 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 Tendring District Local Plan (2007) 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

The Essex Design Guide provides guidance on back to back distances between dwellings to maintain an acceptable degree of privacy. This suggested distance is a minimum spacing of 25m between the rears of the properties. Although this is not the layout in this instance, this provides some indication on appropriate spacing between dwellings to ensure privacy is not compromised.

The amendments to the layout and scale of the application include; the garage to Plot 2 being sited along the shared boundary with the neighbouring dwellings fronting Malting Lane and Plot 2 being reduced to single storey. The garage is sited 1 metre from the shared boundary in accordance with the requirements of HG14. The roof of the garage is pitched away from the boundary with an overall height of 3.5 metres. The proposed dwelling itself is sited approximately 5.5 metres from the boundary with a facing gable height of 5.5 metres. This minimises the overall impact having regard to the change in land levels. The only western side facing window serves a bedroom and will be wholly screened by the boundary treatments.

The front elevation of Plot 1 is sited approximately 18 metres from the neighbouring western boundaries resulting in an approximate front to back distance of 40 metres. The first floor windows serve bedrooms only and no main living areas.

Furthermore, the site currently forms the side garden serving the donor dwelling and can therefore be used for socialising. The new garden areas will not result in a materially harmful impact upon noise and disturbance.

The donor dwelling and proposed dwellings are all served by ample private amenity space in excess of the requirements set out in saved Policy HG9 of the adopted Tendring District Local Plan 2007.

The additional traffic movements from 2 dwellings via an existing access cannot be considered materially harmful in terms of noise and disturbance.

Whilst it is recognised that the development will have a visual impact from rear windows and gardens of the properties fronting Malting Lane, the internal layout, separation distances, scale of

the dwellings and window placement will not result in a material loss of light, outlook or privacy that would warrant refusal of planning permission.

Access and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

The proposal is located off a private road (Malting Lane) which has existing traffic calming features. The plot retains adequate room and provision for off street parking and turning, for the existing and proposed dwellings via an existing private vehicular access.

The development does not create an additional access nor introduce vehicle movements to the site. The development of the site for 2 further dwellings will not intensify the use of the lane or access to a level that could be considered materially harmful to highway safety or amenity. Each property is served by a garage and parking space that accord with standards.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority who raise no objections.

Trees and Landscaping

Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement.

In order to show the extent of the constraint that the trees are on the development potential of the land and to determine the impact of the development on the trees the applicant has provided a Tree Survey and Report together with a plan showing the extent of the Root Protection Area (RPA) of each tree overlaid with the proposed development layout together. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

In terms of the potential impact of the development proposal on the retained trees; the development of the land can take place without causing harm to them as demonstrated by the supporting Tree Report and Plan. With regard to soft landscaping the site is secluded and there would be little public benefit gained from new planting. Nonetheless a hard and soft landscaping condition will be added to ensure the landscaping is appropriate to the development, provides details of the hard surfaced areas and incorporates enhancements to the additional boundary screen planting.

Financial Contribution - Open Space/Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of -14.12 hectares of equipped play in Frinton, Walton & Kirby. There is only one play area in Kirby Cross/Kirby Le Soken 0.8 miles from the development site.

However, it is not felt that the development would impact the nearest play area and no contribution is being sought on this occasion.

Financial Contributions - RAMS

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be a proportionate financial contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

Frinton and Walton Town Council recommend refusal on the following grounds (x3 letters);

- Against backland development and shared drives.
- Poor access on a narrow/single track lane which is extremely busy as it leads to the local refuse site.
- In close proximity to SSSI and an area which suffers from flooding.

14 individual letters of objection have been received (in response to both the original and amended plans). The material planning considerations raised can be summarised as follows;

- Loss of outlook.
- Loss of light.
- Loss of privacy.
- Change in levels exacerbates harm.
- Noise and disturbance.
- Over-development of the site.
- Harmful to rural setting and character of the area.
- Sets a harmful precedent for further backland development.
- Narrow, busy, private lane.
- Harm to trees.
- History of refusals.
- Lack of infrastructure.
- Backland development.
- Outside settlement development boundary.
- Adjacent to SSSI and Coastal Protection Belt.
- Unsustainable location – occupants dependent on car.
- Inadequate access.

These objections have been addressed in the main report above.

- Increase flooding.

The site is not within a designated flood zone. A condition will be added to ensure any hardsurfacing is permeable.

- Concerns for adequate disposal of foul water/sewage.

Drainage is dealt with through the building regulations stages of development.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

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 plan: 18-043-PL-01, 18-043-PL-04, 18-043-PL-05A, 18-043-PL-02B, 18-043-PL-03A and 18-043-PL06B.

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

- 3 The development hereby approved shall be carried out in strict accordance with the Tree Survey and Arboricultural Impact Assessment Proj. No 7092 Revision: A dated 12/02/2019 and Drawing No: 7092-D-AIA Rev: A.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 4 Prior to the commencement of any demolition or construction works, an Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall show how the trees will be physically protected for the duration of the construction phase of the development. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 5 Prior to occupation of the dwellings hereby approved, the parking, garages and turning area shown on the approved drawings shall be constructed, surfaced and maintained free from obstruction at all times for that sole purpose.

Reason - To ensure adequate parking and turning is provided and retained for the development, in the interests of highway safety.

- 6 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 Plot 2 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 - In the interests of residential amenities.

- 7 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and

1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance.

- 8 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 9 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been provided within the application.

- 10 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 11 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To ensure that the development is appropriate within its setting.

- 12 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the area.

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

Informative 1:

Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

Informative 2:

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

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.

Informative 4:

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway to ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.

Building Control Informative

Access for firefighting appliance required.