

5. 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 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: 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 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: 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.

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3. Planning History

99/01131/FUL	Reinstatement as 4 detached dwellings (including part demolition of rear extensions/links to The Cedars (Nth) and Cranbrook (Nth & Sth)only) and formation of new vehicle crossovers. Cranbrook North & South and The Cedars North & South.	Approved	23.09.1999
99/01132/CON	Part demolition of rear extensions/links to The Cedars (North) and Cranbrook (North & South), The Esplanade, Frinton on Sea	Approved	23.09.1999

02/00669/TCA	Reduce and shape height by 20%-25% of one Cedar tree in front garden	Approved	29.04.2002
02/01273/FUL	Detached garage	Approved	27.08.2002
02/02304/FUL	Entrance lobby	Approved	27.01.2003
10/01243/TCA	1 No. Pine - fell, replace with Silver Birch	Approved	22.11.2010
15/00902/FUL	Extension and alterations to the existing property to create ground floor dining extension, second floor bathroom extension and re-modelling of the roof and second floor elevation.	Approved	06.08.2015
19/00893/FUL	Removal of low level brick wall and construction of new rendered wall with railings.	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

EN17 Conservation Areas

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PPL8 Conservation Areas

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the north west of The Esplanade, inside the development boundary of Frinton on Sea, and inside the Frinton Conservation Area. It serves a three storey dwelling constructed of render with a slate roof. The front of the site is predominantly paved with sufficient off road parking for at least 2 no. cars. Some shrubs are planted in borders on the boundaries and an Acer Negundo tree (Box Elder) adjacent to the front boundary is subject to a provisional Tree Preservation Order (ref: 19/00005/TPO). An existing low level brick wall is located across part of the front boundary.

Proposal

The application proposes the removal of low level brick wall and construction of new rendered block wall with piers and railings. The wall and railings will be 1.2m tall, with the 3 no. central pillars at 1.5m in height at the 2 no. outer pillars at 1.7m in height with decorative balls giving a maximum height of 2.3m.

The works will also comprise of the realignment of the two front South boundary fence panels to facilitate the construction of the new wall.

Through amendment to the application the width of the wall has also been reduced to enable sufficient space for cars to access the off road parking area. The access was originally 1.5m wide, the plans now show a new access width of 3.1m.

The original submission included the removal of the Acer Negundo tree, but since this time the Council's Tree and Landscape Officer has confirmed that the tree merits protection. A provisional Tree Preservation Order is in place and the removal/works to the tree have been removed from the application submission.

Representations

Frinton and Walton Town Council recommend approval.

Two letters of objection have been received from the neighbour at No. 19 The Esplanade raising concerns over:

- The removal of the tree (This has since been protected and proposed works have been removed from the application)
- Boundary dispute and realignment of fence panels (A boundary dispute is a civil matter between neighbours and the agent for the application was contacted regarding the ownership of the site and has confirmed that the application site is in the applicant's full ownership.)

The Council's Tree and Landscape Officer has commented on the quality of the now protected tree, stating it is a well-established feature in the conservation area. He has confirmed that there is sufficient separation between the tree and the wall to facilitate the demolition and rebuild of the wall as well as the retention of the tree, and has requested that the foundations of the wall, in the area closest to the tree, are design in such a way to avoid causing harm to the roots. A condition is imposed requesting details of the foundations to avoid harm being caused to the protected tree.

Assessment

The main considerations of this application and the design, impact on visual amenity and the conservation area, residential amenity and highway safety.

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, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

Policy TR1a 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.

Design and Impact on Visual Amenity and the Conservation Area

The proposed rendered wall with pillars and railings is considered to be appropriate to the site and the surrounding area. The use of render will blend the wall with the main dwelling. To ensure the wall fully reflects the style of the main dwelling, a condition is imposed to ensure the render is painted cream to match the main dwelling.

The existing wall is a less attractive feature and the new wall and railings is considered to improve the visual amenity of the area, in this prominent seafront location. There are various other examples of brick and rendered front boundary walls of similar heights and designs; some with railings and some with hedging. Due to this and as the wall is a replacement of the existing the precedent for some form of front boundary treatment has been set.

The site is situated within the Frinton Conservation Area, and a Heritage Statement has been submitted alongside the application. The statement states that the development will "improve and enhance the visual amenity within this element of the conservation area". As the development is an improvement of the existing boundary wall, it is agreed that the development will be an attractive feature that will enhance the appearance of the conservation area.

Impact on Residential Amenity

The boundary wall is situated at the front of the site adjacent to the public highway. The development is therefore not considered to cause any adverse impact on the privacy and other amenities currently enjoyed by neighbouring property.

Highway Safety

Essex County Council Highways have been consulted on this application and confirm that there is adequate provision for off street parking and turning and that other properties have upgraded their boundary walls. They further consider that the impact of the proposal is acceptable in terms of highway safety, subject to conditions and informatives. Conditions imposed will relate to pedestrian visibility splays, no unbound materials and positioning of gates.

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 No. 1908/01A and Drawing No. 1908/02B scanned 5 August 2019.

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

- 3 The render to be used on the wall will be painted cream to match the colour of the main dwelling.

Reason - In the interests of the visual amenity, as the site is situated within the conversation area.

- 4 Prior to construction of the new wall, details of the foundation design shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that no harm is caused to the roots of the protected tree, in the interests of visual amenity.

- 5 Prior to the first use of the revised vehicular access a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 0.5 metres from the back edge of the footway.

Reason - In the interest 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

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 to ensure that appropriate loading / unloading facilities are available and to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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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.

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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:		NO