

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	21/08/2019
Planning Development Manager authorisation:	GJ	21/8/19
Admin checks / despatch completed	ER	22/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	22/08/19

Application: 19/00833/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Turnbull

Address: 57 Third Avenue Frinton On Sea Essex

Development: Proposed external storage structure to side of existing dwelling and new front garden wall, incorporating motorised sliding wrought iron gates and pedestrian access gate forming an 'in-out' driveway.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

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 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 and for each vehicle 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 in accordance with policy DM1.

2. 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 in accordance with policy DM1.

3. Any gates provided (pedestrian gate) shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway.

Reason: In the interest of highway safety in accordance with policy DM1

(Continued....)

4. The new boundary wall shall be constructed as shown in the proposed elevations, **drawing nos. 0616_DD_A_05 Rev B**

and 0616_DD_A_06 Rev A.

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

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.

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

12/00202/TCA	1 No. Lime - pollard. T1, T4 Robinia - reduce height by 30%	Approved	22.03.2012
15/01344/TCA	1 No. Lime - pollard to just above previous cutting points. 1 No. Elm	Approved	29.09.2015

- reduce by 50%. 1 No. Elm - (neighbour's tree) - reduce by 35-40%. 1 No. Bay - (neighbour's tree) - reduce in height by 50%

17/02134/TCA	1 No. Lime - re-pollard and re-shape. 1 No. Elm - reduce	Approved	16.01.2018
19/00833/FUL	Proposed external storage structure to side of existing dwelling and new front garden wall, incorporating motorised sliding wrought iron gates and pedestrian access gate forming an 'in-out' driveway.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
NPPG - 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
TR7 Vehicle Parking at New Development
EN17 Conservation Areas

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)

Application Site

The application site comprises of a east facing detached dwelling with hardstanding to the front.

Proposal

This application seeks planning permission for the erection of a proposed single storey side extension and front garden wall and railings incorporating motorised gates.

Background

Since receipt of the proposal the plans have been amended to show some landscaping behind the proposed railings to soften their appearance. The amended plans also show a reduction in height of the railings to ensure they appear consistently within the streetscene.

Assessment

Design and Appearance

The area is characterised by detached properties many of which have low boundary walls and fences to the front some of which already incorporate metal railings. The proposal will be sited to the front and therefore publicly visible.

The existing house at present has an open frontage and therefore the introduction of a front wall with railings will be a noticeable change. The proposal will be set back from the main highway by 4m and landscaping will be introduced behind them to reduce their prominence within the streetscene. Similar examples of front boundary treatment are visible within close proximity to the application site comprising of a range of walls, fencing and railings.

It is therefore considered that whilst the proposal will change the overall appearance of the site due to similar development within the area the introduction of the proposal would be appropriate to the area and would not detract from its character or appearance.

The side extension will be visible when viewing the property however as a result of its set back from the front of the site and its single storey design will not appear prominently within the streetscene.

The side extension is of an appropriate size and design to the existing house and will be finished in materials which match the host dwelling.

Heritage Impact

The site is located within the Frinton Conservation Area however is not awarded special mention within the Frinton Conservation Area Appraisal Document.

The proposal will be a noticeable feature to the conservation area however as a result of other development within the immediate area will not result in a harmful impact to the appearance or character of the conservation area. Furthermore soft landscaping has been proposed to soften the appearance of the front railings within the conservation area.

The proposed side extension is of a design and size in keeping with the main dwelling and will be set back from the front of the site which will prevent it from having a harmful impact to the appearance and character of the conservation area.

A Heritage Impact Assessment has been provided detailing the impacts of the proposal on the Conservation Area in line with the requirements of the NPPF.

Highway Safety

As a result of the proposals close proximity to the highway Essex County Council Highways consider the proposal to be acceptable subject to conditions regarding visibility splays, materials within surface treatment, positioning of gates and that the development is carried out in accordance with the approved plans.

The Essex County Council Parking Standards state that where a property comprises of two or more bedrooms that two parking spaces should be retained at the site measuring 2.9m by 5.5m per space. The house is set back from the highway with sufficient parking for vehicles in line with the aforementioned standards.

The proposal will therefore not result in a harmful impact in terms of highway safety.

Impact on Neighbours

The proposed wall and railings will be sited to the front and will be suitably sited away from neighbouring properties and would therefore not result in a loss of residential amenities to the neighbouring properties.

The proposed side extension will be visible to the neighbour to the north. This neighbouring dwelling is set off of the shared boundary and sited away from the application house. As a result of its minor nature and design this enlargement would not result in an undue loss of residential amenities to this neighbour.

Other Considerations

Frinton and Walton Town Council have recommended approval for the application. No further letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed 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 plan: 0616_DD_A_05 Rev B, 0616_DD_A_06 Rev A and Heritage Impact Assessment dated 11/07/2019.

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

- 3 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 and for each vehicle 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.

- 4 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.

- 5 Any gates provided (pedestrian gate) shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway.

Reason - In the interest of highway safety.

- 6 The approved scheme of landscaping shown on drawing no. 0616_DD_A_05 Rev A shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

8. Informatives

Highways Informative

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 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.

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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.