

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	12/09/2019
Planning Development Manager authorisation:	TF	25/09/2019
Admin checks / despatch completed	SB	27/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	27/09/19

Application: 19/00661/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Mr Jeff Strachan

Address: Viking Cottage Green Lane Walton On The Naze

Development: Proposed 3no. detached dwellings & garages

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL

2. Consultation Responses

Tree & Landscape Officer There are no trees or other significant vegetation on the application site that merit retention or protection by means of a Tree Preservation Order.

The site layout plan shows indicative proposed soft landscaping however it appears that there is additional scope for tree planting on the land that would help to enhance the appearance of the development, provide a degree of screening and increase the numbers of trees growing in the locality.

The Landscaping should be enhanced by the addition of 4 trees in the in the grassed areas to the front of the properties fronting Green Lane. Further details of this planting and the indicative planting shown on the site/block plan should be secured by a condition attached to any planning permission that may be granted.

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 proposed accesses being brought into use, a 1.5m.x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

2. Prior to first occupation of the proposed dwellings, the proposed primary vehicular access shall be constructed to a width of 5.5m for the first 6m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/ highway verge to the specifications of the Highway Authority.

3. Prior to first occupation of the proposed dwellings, the other proposed vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (standard width of 4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge

4. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

5. Prior to first occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

7. All garages should be in accordance with drawing nos. 17.1623.58a and 17.1623.59a.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

9. 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.

10. 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.

11. 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.

UU Open Spaces

Current Position

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby. However, there is more than adequate formal open space across the area.

Any additional development in Walton-on-the-Naze will increase demand on already stretched play areas.

Recommendation

Due to the significant lack of play facilities in the area a contribution towards play is justified and relevant to the planning application, any contribution received would be spent on the ongoing improvements at Bathhouse Meadow.

3. Planning History

03/01755/OUT	Chalet bungalow	Refused	04.11.2003
09/00905/FUL	Erection of 9 no. dwellings (consisting of 2 no. 2 bedroom and 1 no. 3 bedroom dwellings fronting Green Lane and 6 no. two bedroom dwellings adjacent to existing Lifeboat Museum); associated car parking and garaging following demolition of Four Oaks and Viking Cottage; Alteration to existing vehicular accesses.	Refused	04.11.2009
12/00498/FUL	Erection of 8 dwellings.	Refused	09.07.2012
12/01001/FUL	Erection of 6 dwellings and detached garage building.	Approved	15.01.2014
14/01037/DISCON	Discharge of Condition 10 (mitigation strategy) and Condition 11 (bat survey) of approved planning permission 12/01001/FUL.	Approved	28.08.2014
15/00965/FUL	Erection of 4 new dwellings (incorporating the variation of design and layout of plots 4-6 under planning permission 12/01001/FUL with associated works and one new dwelling).	Approved	05.08.2015
16/00703/FUL	Variation to design plots 4-6 to incorporate one additional dwelling to that approved under planning permission 12/01001/FUL with associated works 4 to 5 units beach change design contemporary.	Approved	
16/00953/FUL	Variation of design, plots 4-6 contemporary design.	Approved	
16/02029/DISCON	Discharge of conditions 3 (Materials), 4 (Landscaping), 6 (Details of pretection for trees), 8 (Walls and Fences), 12 (Water, energy and resource), 20 (Bin and Refuse area), 22 (Construction	Approved	24.01.2017

method statement) and 24 (Screen) of approved planning application 12/01001/FUL.

Discharge of conditions 2 (External materials), 3 (Landscaping), 6 (Fencing / Walls), 14 (Bin store), 15 (Construction Method Statement) and 18 (Balcony screening) of approved Planning Application 15/00965/FUL. Approved 30.01.2018

19/00661/FUL Proposed 3no. detached dwellings & garages Current

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

HG9 Private Amenity Space

HG14 Side Isolation

EN6 Biodiversity

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

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.

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 site is located within the defined settlement limits of Walton-on-the-Naze and within the boundaries of the Urban Regeneration Area. The site is outside the flood risk area. The site is located between Green Lane and East Terrace approximately 70m from the coast.

The character is one of residential comprising of detached, semi-detached and terraced dwellings is mixed unique design. The site forms part of a wider development site for which planning permission for 7 units has been granted. The 4 units to the south-east of the site are nearing completion and will take access from the application site.

To the south of the site is a grade II listed building known as the Old Lifeboat Museum and to the west is a listed dwelling known as no. 44 Hall Lane.

Proposal

The application proposes the erection of 3 no. 4 bedroom dwellings with associated parking, bin/cycle storage and private gardens. The properties will front onto Green Lane and vehicular access to a recently constructed development of 4 dwellings to the rear will be sited centrally between the proposed properties.

The dwellings on plots 2 and 3 are of an identical albeit handed design that incorporates an offset projecting gable and rooflights to the roof slope. The dwelling proposed on plot 1 is a larger property with a central gable that is extensively glazed.

The proposal also includes a garage building to serve a property to the rear.

Planning History

A planning application to develop the site for 9 dwellings was refused permission in 2009. A revised application for 6 dwellings (3 to Green Lane and 3 to the rear) was approved in 2014. A further planning application to increase the 3 dwellings to the rear to 4 dwellings was approved in 2015 under reference 15/00965/FUL. The 2015 permission noted above has since been implemented and works on site have commenced.

This application seeks to amend the layout and design of the 3 properties fronting the Green Lane section of the overall site.

Policy Considerations (including principle of development)

The site lies within the defined settlement limits and is not safeguarded within the 2007 or emerging Local Plan for alternative uses. Accordingly the principle of residential development is acceptable. Local Plan policies place great emphasis on the creation of sustainable development and the most efficient reuse of previously developed land. This is reflected in the NPPF. However, it is also recognised that development must be of a high quality of layout and design and must respect the prevailing pattern of development, whilst being in keeping and in character with its surroundings. Furthermore, local plan policies seek, amongst other things, to protect the special qualities of Conservation Areas and the setting of listed buildings (including views into and out of the site). Thus whilst the principle of residential development is acceptable, the scheme to redevelop the site falls to be judged against a range of other factors.

Design and Layout

The proposal incorporates contemporary style dwellings utilising render and stone surrounds to the proposed anthracite windows. Viewed against the mixed and diverse character of properties in Green Lane this approach is considered to be acceptable. The proposed street scene elevations show that the dwellings would adopt similar building heights and scales to those properties either side whilst accounting for the slight drop in site levels.

In terms of the layout the development respects the current building line of properties along Green Lane whilst providing each dwelling with over 100sqm of private amenity space and parking provision. The dwellings are set forward slightly of no. 48 to the west but in line with its detached garage that is set in front of the dwelling. Each property is served by cycle and bin storage.

The central vehicular access will serve the dwellings nearing completion to the rear and follows the arrangement on the previously implemented planning permission.

A landscaping scheme is to be secured via condition and will seek the planting of trees to the front gardens of the dwellings to assist in enhancing the overall appearance of the development.

Overall, the proposed development is considered to be acceptable, and in accordance with policies QL9, QL11, HG3 and HG9 of the 2007 Local Plan, and policy SPL3 of the emerging local plan.

Highways and Parking

The proposal is considered to be acceptable to ECC Highways subject to several conditions including access width and parking dimensions. These requirements have been incorporated on the revised block plan.

With regards to parking, the proposal is in accordance with the adopted 2009 Parking Standards. Each dwelling is allocated two parking spaces served by accesses directly onto Green Lane. An additional garage is proposed to the rear to serve one of the proposed properties. The open bay parking serving the 4 units to the rear remains unaffected as they sit outside the application site.

Impact upon Residential Amenity

The properties would retain sufficient spacing to the neighbouring dwellings not too cause an adverse impact upon the resident's amenity in terms of loss of outlook, light or privacy. Plot 3 is set forward of no. 48 to the west ensuring that the quality of the rear amenity space serving that dwelling would not be diminished in terms of outlook. The facing flank elevation of no. 48 is served by a first floor window that serves a wardrobe and a wraparound window that serves an en-suite bathroom. Due to the nature of these rooms and the orientation of the dwelling on plot 3 any impact upon the resident's amenity through loss of light or outlook would be minimal.

To the east is no.1 Eastcliffe which contains several windows facing the site. However, several of these windows are secondary in nature and due to the spacing between this dwelling and the proposed properties any impact upon the residents through loss of light would be negligible.

Setting of Listed Building

To the west of the site is no.44 Hall Lane (Grade II Listed). Given the siting and scale of the newly erected dwelling at No.48 Hall Lane, clear views will not be possible beyond the listed building, and therefore this proposal is not considered to have a detrimental impact to the setting of the listed building.

To the south of the site is a recently listed building known as the Old Lifeboat House. A heritage statement has been provided which concludes the following;

- There is an extant planning permission for three plots along the road frontage to Green Lane and this latest scheme seeks to build upon, and improve that permitted design.

- It is the southern terrace of properties, nearing completion, that has the greatest impact on the setting of the listed building and these do not form part of the current application.
- The proposed frontage plots are set well away from the Old Lifeboat Station and are seen in the context of 48 Green Lane, a detached house, immediately to the west.
- It is not considered that the proposed frontage plots impinge on the setting of the listed building which is considered to be limited to the immediate east and west sides and to the front of the building.

Officers agree with the conclusions of the heritage statement in so far that the proposed development does not alter the important views of the principle front elevation of the building. Moreover, it is also noted that historically its setting has been one of being set within a compact townscape and this remains unchanged.

As such it is considered that the development would not have a detrimental impact upon the setting of the Old Lifeboat Station.

Legal Obligations

The applicant has completed a unilateral undertaking for both the play space and RAMS contributions. The play space contribution would be put towards ongoing improvements at Bathhouse Meadow play area.

In respect of RAMS, 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 the RAMS level 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. The contribution is secured by unilateral undertaking. There is therefore certainty 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.

Other Considerations

Frinton & Walton Town Council recommends approval.

1 letter of representation has been received from a local resident requesting consideration be given to incorporating renewable energy measures within the development.

6. Recommendation

Approval

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: 17.1623.51D, 17.1623.52A, 17.1623.53A, 17.1623.54A, 17.1623.55A, 17.1623.56A, 17.1623.57A, 17.1623.59A and 17.1623.60A.

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 enhance the visual impact of the proposed works.

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.

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.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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.

Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

