

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	11/10/2019
Planning Development Manager authorisation:	TF	14/10/2019
Admin checks / despatch completed	CC	14/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

**Application:** 19/01242/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** R Rapley

**Address:** Land adjacent 14 Fifth Avenue Frinton On Sea

**Development:** Variation of conditions 2 and 10 of application 18/00547/FUL to vary the drawing number to reference new drawing (P01D) showing retention of existing lean-to rear extension on host property.

### **1. Town / Parish Council**

Frinton and Walton Town Council      Approval

### **2. Consultation Responses**

ECC Highways Dept      The Highway Authority does not object to the proposals as submitted.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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](mailto:development.management@essexhighways.org) or by post to:

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

### **3. Planning History**

18/00547/FUL      Proposed new dwelling.      Approved      03.07.2018

### **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
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- 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
- LP4 Housing Layout
- CP2 Improving the Transport Network

### 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.

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 14 Fifth Avenue Frinton on Sea, specifically the land to the west on the corner with School Road. The site is located within the Settlement Development Boundary of Frinton on Sea and outside the Conservation Area. Currently the site forms part of the side and rear garden areas serving number 14 Fifth Avenue with vehicular access off School Road leading to two parking spaces to the rear.

The side boundary addresses the back edge of the footway on Fifth Avenue and School Road and is well vegetated with trees and hedgerows. The rear boundary adjacent to the parking spaces is open and the property currently has little fully screened, private amenity space. There is a slight change in site levels with the site sloping upward in a northerly direction. The property to the rear is a more modern detached chalet bungalow. Frinton Primary School is located directly to the west on the opposite side of School Road.

### Description of Proposal

The application seeks the variation of conditions 2 and 10 of application 18/00547/FUL to vary the drawing number to reference new drawing (P01D) showing retention of existing lean-to rear extension on host property.

### Appraisal

The main considerations are;

- Principle of Development;

- Design, Layout and Visual Impact;
- Residential Amenities;
- Access and Parking; and,
- Representations.

### Principle of Development

The principle of development has been established through the approval of 18/00547/FUL.

### Design, Layout and Visual Impact

As the lean-to addition is in situ, its retention will not result in any additional visual impact.

### Residential Amenities

As the lean-to addition is in situ, its retention will not result in any harmful neighbouring impact.

In terms of the private amenity space retained for the donor dwelling, the retention of the lean-to extension will result in an undersized garden when considered against requirements of Saved Policy HG9 of the adopted Tendring District Local Plan (2007). The donor dwelling requires 100 square metres but will retain 93 square metres as a result of retaining the rear addition. This shortfall is not considered materially harmful due to the highly sustainable location of the site within easy walking distance of Frinton on Sea Town Centre and does not alter the new dwelling or the garden provision to serve the new dwelling.

Overall, the development remain acceptable in terms of residential amenities.

### Access and Parking

The variation relates to the host dwelling only and does not alter the approved parking arrangements.

### Financial Contribution - RAMS

Having considered the proposed avoidance and mitigation measures, Tendring District Council conclude that in this instance it would be unreasonable to seek mitigation measures. This application seeks a variation to the approved plans attached to a previously approved application. This is not a full application but a variation only, under Section 73 of the Town and Country Planning Act 1990.

Furthermore, the amendments are minor and relate to the host dwelling only, do not alter the approved dwelling and do not increase the number of dwellings proposed.

Having made this appropriate assessment of the implications of the plan or project for the site it is concluded that the application does not fall within the scope of RAMS and as such a contribution will not be sought.

### Representations

Frinton and Walton Town Council recommend approval.

No individual letters of representation have been received.

### Conclusion

In the absence of any material harm resulting from the amended proposal, the application is recommended for approval subject to all original conditions as no discharge of condition applications have been made and no development has commenced on site.

## **6. Recommendation**

## 7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from 03.07.2018.

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: amended DWG. NO. 1462/P01d.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D 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 to the dwelling hereby approved nor 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 - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that adequate usable private amenity space is retained and to protect the amenity of neighbouring residents.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access and parking area.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 All new driveways, 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 or surface within the respective curtilage of that dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 6 Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 7 No development 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 details of the replacement street tree 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 provides a satisfactory setting.

- 8 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 satisfactory implementation of the approved landscaping scheme, so that the development provides a satisfactory setting.

- 9 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.

- 10 The development shall not be occupied until such time as the car parking facilities indicated on Drawing Numbered 1462/PO1D for both the new and donor dwellings have been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 11 Prior to the first occupation of the proposed dwelling, a replacement street tree to be located on Fifth Avenue shall be provided. Details of the species, precise location, method of planting and its future maintenance shall be submitted concurrently with the hard and soft landscaping scheme and shall be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason - To preserve the fabric and integrity of the highway and in the interests of highway safety.

- 12 Prior to the occupation of the dwelling hereby approved, the proposed vehicular access onto Fifth Avenue shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

## **8. Informatives**

### Positive and Proactive Statement

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

### Highways Informative

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](mailto:development.management@essexhighways.org) or by post to:

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

#### Landscaping Informative

The landscaping scheme shall include details of the hedgerow planting to the front of the new dwelling to the eastern side of its entrance path shown as no higher than 1 metre to allow for vehicular visibility when leaving the site. The planting to the western side of the path and around the remainder of the side boundary should be shown as being maintained to a minimum height of 1.8m to ensure that the garden area provided is private.