

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	5 <sup>th</sup> Feb 2020
Planning Development Manager authorisation:	TF	07/02/2020
Admin checks / despatch completed	CC	07/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XAO	07/02/2020

**Application:** 19/01188/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs D Barrett

**Address:** 33 Glebe Way Frinton On Sea Essex

**Development:** Proposed residential dwelling.

### 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 mitigation and conditions.

UU Open Spaces      No contribution is being requested from Public Realm on this occasion.

### 3. Planning History

04/00356/FUL      Alterations and additions (single storey rear extension)      Approved      15.04.2004

19/01188/FUL      Proposed residential dwelling.      Current

### 4. Relevant Policies / Government Guidance

National Planning Practice Guidance

Tendring District Local Plan 2007

NPPF National Planning Policy Framework February 2019

QL1 Spatial Strategy

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

HG9 Private Amenity Space

HG14 Side Isolation

TR7 Vehicle Parking at New Development

EN6 Biodiversity

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

SP1 Presumption in Favour of Sustainable Development

PPL4 Biodiversity and Geodiversity

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Glebe Road comprises a charmingly eclectic range of dwellings having very little uniformity of design, size, roof pitches. Having self-coloured roughcast render is one of the only common features that is present on most of the dwellings. All dwellings are set back from the pavement edge an average of 7m and, with the grassed verges containing a number of street-trees the area has a sense of openness. There are two exceptions to the relatively uniform siting and these are Nos. 31 and 33. No.31 is set 25m back from the pavement edge and only glimpses of it are possible through the established planting in the front garden. No. 33 Glebe Road is identical to No. 7 St. Mary's Road with only its flank elevation presenting to Glebe Road. No. 7 St. Marys Road has a structure on the common boundary with 33 Glebe Road which is of a substantial height.

The application site is the former west-facing rear garden of No. 33 Glebe Road which has a plot length of 38m and width of 12.7m

### Description of Proposal

Following concerns raised by the Local Planning Authority (LPA) in regards to the potential to adversely impact the amenities of No. 7 St Marys Road, revised amended plans were received indicating that the proposed dwelling would be sited further forward within the plot.

The development would arise following the subdivision of the rear garden of No. 33 Glebe Way. The divide would occur around 24m along the 38m length; resulting in a 24m deep rear garden of the donor dwelling and 14m of the proposed dwelling. A two storey dwelling would be sited centrally in context of the depth of the plot; retaining 4m separation to the rear boundary and around 3.3m separation to the front boundary. It would be off-set from the left-hand boundary a little over 1m and 4.6m to the right-hand boundary. A new single-width detached garage with a dual-pitched roof is now proposed towards the rear of the plot, against the right hand boundary with a parking space forward of the garage.

The dwelling itself would have a dual-pitched roof with the ridge running in an east-west direction, the ridge would be at 7.8m with eaves at about 4.3m; it would be 8.3m wide and typically 6.2m deep (excluding a shallow two-storey feature front gable).

### Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

### Appearance, Layout and Scale

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially-damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The District Planning Authority considers that the side spaces created between buildings are of the utmost importance in areas of medium and low density housing. In such areas, development up to a common side boundary normally appears cramped, often creating an unbalanced terraced effect. Indeed, in many locations even the minimum one metre side isolation space between a dwelling and the side boundary of the site, as specified in the policy, would appear unsatisfactory visually. In such instances larger side isolation space will be required. Policy H14 requires proposals for detached, semi-detached and end terraced dwellings to retain appropriate open space between the dwelling and the side boundaries of the plot. This to ensure that new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents and, in the case of undeveloped adjacent plots their satisfactory development at a later stage. As a guideline a minimum distance of 1 metre will be sought. Where circumstances warrant it, a greater distance will be expected. On balance, given the siting in relation to properties fronting Glebe Way the proposal would not appear cramped.

Externally the dwelling would be finished in brickwork with plain roof tiles to replicate those at No. 33 Glebe Way. In the apex of the two gable ends and front feature gable would also replicate these features present on No. 33 Glebe Way.

### Landscaping

Due to the small nature of the plot an extensive scheme of landscaping would not be viable; notwithstanding this - the retention of existing trees is essential for an overall softening of the proposed scheme. As such it is deemed necessary to condition that trees for retention and any proposed planting is shown on a separate plan.

### Highways/Access

The donor dwelling has 2+ bedrooms and the proposed dwelling has 2 bedrooms; as such each property needs to provide two off-street parking spaces. Parking standards require that each parallel parked bay is 5.5m x 2.9m; although the plans indicate that the bay proposed is 2.8m wide there is sufficient space around the parking provision to achieve the 2.9m width required. The dimensions of the garage comply with the standards and overall the proposal can achieve the required level of parking.

### Residential Amenities

The NPPF, at paragraph 17 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 Saved Plan 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 (June 2017).

The proposed dwelling would have two bedrooms and requires a private space of 75sqm or more; this is adequately shown on the plans. The donor dwelling, having three bedrooms or more requires a minimum of 100sqm; this is also shown on the plans. Overall the proposal is considered to secure a good standard of amenity for all existing and future occupants of land and buildings.

A sun/shade study was submitted by the applicant (taken on 20th September) which provides a record of the sun's movements from sunrise to sunset at the start of Autumn and Spring. The study shows that the proposed dwelling will cause some shading from late morning to early afternoon; however in comparison to the effect of the shadowing caused by their own existing development, the increase in shading in regards to their entire garden is not materially increased. As such, in regards to the adjacent neighbour at No. 7 St Marys Road; the dwelling scale is unlikely to have a materially damaging impact on daylight or other amenities of the occupiers due to the existing built form in their rear garden. No windows are proposed at either ground or first floor and, although rooflights are proposed in the north roofslope these would be sited sufficiently above the internal finished floor.

In regards to the adjacent neighbour at No. 31 Glebe Way; this property is set a significant distance back from around 25m from their front boundary and the front garden is highly visible in the public domain and first floor side-facing windows exist in the flank elevation of No. 29 Glebe Way. A first floor side-facing window is proposed; this would be obscurely-glazed.

In regards to the donor dwelling; no windows or rooflights are proposed at first floor. Patio doors are proposed at ground level which have a header around 2.2m and flank to rear separation distances in the region of 8.8m would exist.

Overall the development would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

#### Legal Obligation

No contribution is requested in regards to Public Realm on this occasion.

#### Habitat Regulations Assessment

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 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.

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### Other Considerations

Frinton & Walton Town Council's recommendation is to approve the proposal; the same recommendation was made following the subsequent consultation process following receipt of the amended plans.

No comments were received from occupiers of adjoining or adjacent properties as a result of either the first or second public consultation or the display of the site notice.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 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: 2475 1 revision A, 2475 2, 2475 3 revision A, 2475 4 revision A, 2475 5 revision A, 2475 6 revision A, 2475 7, 2475 8 and 2475 9 received 8th August 2019.

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

- 3 Prior to occupation of the dwelling, the new vehicular access for 33 Glebe Way 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 more than 4.5 metres (5 low kerbs) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. If the vehicle access is connected with No.7 St Mary's Road then the length is 8 low kerbs which is 7.2 metres wide, 4 low kerbs in front of each property.

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.

- 4 Prior to occupation of the new dwelling, the vehicular access 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 more than 4.5 metres (5 low kerbs) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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.

- 5 No unbound material shall be used in the surface treatment of either 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.

- 6 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 The dwelling shall not be occupied until such time as the car parking area, indicated on the plans, has 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 dwelling thereafter.

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

- 8 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.

- 9 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason - To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

- 10 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.

- 11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no first floor windows shall be inserted in the north, east or west elevations of the dwelling except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

- 12 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no dormers shall be inserted in the north, east or west roof slopes except in accordance with drawings showing the design and siting of such roof alterations/enlargements which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

- 13 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A, B and C 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), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing by the Local Planning Authority.

Reason - By virtue of the size of the plot and in the interests of the occupants of neighbouring properties.

- 14 The garage to be provided shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of

which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason – To ensure off-street parking is provided at a level commensurate with the requirements of the current parking standards.

## 8. Informatives

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.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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

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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO