

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	25/07/2022
Planning Development Manager authorisation:	AN	26/07/22
Admin checks / despatch completed	SH	26.07.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.07.2022

**Application:** 22/00690/FUL **Town / Parish:** Frinton & Walton Town Council  
**Applicant:** Kaizen UK Developments Ltd  
**Address:** Land adjacent 211 Walton Road Walton On The Naze Essex  
**Development:** Proposed one new dwelling.

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

FRINTON & WALTON TOWN COUNCIL  
07.06.2022

Recommend approval

### **2. Consultation Responses**

ECC Highways Dept  
13.06.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The site is located within an existing residential street both the host and proposed dwelling appear to have adequate space for off-road parking. To the east of the proposed dwelling and existing garage exists a footway leading from Clays Road to Walton Road, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage of the host and proposed dwelling. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the dwelling 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 each 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 in accordance with policy DM1.

3. 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 in accordance with policy DM1.

4. Prior to occupation of the dwelling a new vehicular access for the host dwelling 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), 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.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

5. 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 to ensure accordance with policy DM1.

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

7. 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 in accordance with Policy DM8.

8. 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 free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

9. The ease of passage over footway to the east of the proposed dwelling leading to Clays Road shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies 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: 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.

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)

Tree & Landscape  
Officer  
18.05.2022

There are no trees or other significant vegetation on the application site.

There is little scope for new soft landscaping associated with the development proposal although there may be space for a small single tree in the grassed area to the front of the property.

UU Open Spaces  
15.06.2022

Response from Public Realm  
Open Space & Play

Application Details

Application No: 22/00690/FUL

Site Address: 211 Walton Road Walton on the Naze Essex CO114 8 NB

Description of Development: Proposed one new dwelling

Current Position

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby.

Recommendation

Due the size and location of this development it is unlikely to have an impact on current facilities. Therefore no contribution is being requested on this occasion.

Building Control and  
Access Officer  
10.05.2022

No adverse comments at this time.

### 3. Planning History

20/01583/OUT

Proposed dwelling house.

Approved

16.03.2021

22/00318/FULHH	Proposed 4m drop kerb to create driveway.	Approved	16.05.2022
22/00690/FUL	Proposed one new dwelling.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- LP1 Housing Supply
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL4 Biodiversity and Geodiversity
- PPL10 Renewable Energy Generation
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- DI1 Infrastructure Delivery and Impact Mitigation
- CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

#### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal**

### Proposal

This application seeks permission for a three bedroom single storey dwelling with two car parking spaces and amenity space. The application site was once the rear/side garden of 211 Walton Road in Walton on the Naze.

### History

A previous outline planning application with all matters reserved, reference 20/01583/OUT proposing a detached dwelling on this application site was approved.

### Assessment

The main considerations in this instance are;

- Principle of Development
- Scale, Layout and Appearance
- Access, Parking and Highway Safety
- Residential Amenities
- Financial Contribution – Recreational Disturbance
- Other considerations

### Principle of Development

The proposal involves a new single storey dwelling which is located within the Settlement Development Boundary, as defined within the Tendring District Local Plan 2013-2033 and Beyond Section 2.

Policy SPL2 states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle of residential development on this site is therefore established. This is recognised as a socially sustainable location.

### Scale, Layout and Appearance

Paragraph 130 of the National Planning Policy Framework 2021 states that planning should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Adopted Policy SP7 encourages the same principles stating that all new development must meet high standards of urban and architectural design while Policy SPL3 seeks to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form.

The front elevation of the proposed new dwelling is level with that of the neighbouring properties, providing infill to complete the linear form along Walton Road. The distance between the proposed dwelling and the neighbouring dwellings is acceptable, with a public footpath along the eastern side creating further separation from 215 Walton Road. The proposed layout is a clear response to the immediate area. The proposed dwelling respects the scale of neighbouring properties which are all bungalows and complements the street scene.

The external finish of the dwelling offers a contemporary aspect using white render, timber cladding, a slate roof and grey framed windows and doors which are considered acceptable.

The application site was once part of the garden of 211 Walton Road. Following a site visit it is evident that the detached single garage has been demolished and the application site is now subdivided from 211 Walton Road by closed board fencing. Due to the size and scale of the development the opportunities for soft landscaping are restricted however a single Cherry tree is proposed in the front grassed garden area as recommended by the Council's Tree and Landscape Officer to help the new development assimilate in its surroundings in the interest of visual amenity.

The proposal is considered to be acceptable and would result in no material harm to visual amenity.

#### Access, Parking and Highway Safety

Policy SPL3 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 off road car parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres.

The proposal utilises an existing dropped kerb access from the highway and provides two off road parking space which meets the required standard.

Essex County Council as the Highway Authority were consulted on the application and confirmed that they had no objections subject to a number of conditions relating to visibility splays, the use of no unbound materials, vehicular access for the host dwelling (211 Walton Road), no discharge of surface water onto the highway, boundary planting 1 metre back, cycle parking, travel pack and passage over the footway to the east. The host dwelling (211 Walton Road) does not form part of the consideration of this application, however the new access subject of application 22/00318/FULHH has already been constructed and therefore a condition in this respect is neither reasonable nor necessary. A condition was also requested for cycle parking; however given the site is of a sufficient size to accommodate bicycle storage within the private amenity area this condition was not considered reasonable or necessary on this occasion. It is also not considered reasonable to impose a travel pack condition on a single dwelling so that has not been imposed. The other conditions will be imposed in the interests of highway safety on the grant of planning permission.

#### Residential Amenities

Paragraph 130 of the National Planning Policy Framework 2021 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. Policy SPL3 states that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents; and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Due to the single storey nature and position of the proposed three bedroom dwelling there will be no significant impact in terms of loss of light, privacy or outlook to any neighbouring properties.

A usable private amenity space of over 190 square metres is provided to the north of the proposed dwelling which is considered adequate.

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The dwelling provides 109.8 square metres which exceeds the requirements of a three bedroom, 6 person single storey dwelling as specified within the nationally described space standards.

#### Financial Contribution – Recreational Disturbance

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with 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

The Tendring District Council Building Control and Access Officer has no adverse comments at this time.

The Council's Open Space Team have been consulted as part of the application process and they have confirmed that although there is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby however due the size and location of this development it is unlikely to have an impact on current facilities and therefore no contribution is being requested on this occasion.

Frinton and Walton Town Council recommend approval of the application.

No other letters of representation have been received.

#### Conclusion

In the absence of any conflict with the key and most important policies (for the determination of this application) and the absence of any material harm resulting from the development, the application is recommended for approval subject to necessary conditions.

### **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/Rev:  
0966\_A\_SC\_05/A  
0966\_A\_SC\_06/A  
0966\_A\_SC\_04/A

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

- 3 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage of the proposed dwelling. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

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

- 4 Prior to occupation of the dwelling 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.

- 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 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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

- 8 Prior to any above ground works, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order, prior to first occupation of the dwelling.

Reason - In order to promote sustainable transport.

- 9 The ease of passage over footway to the east of the proposed dwelling leading to Clays Road shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage and accessibility of the public on the definitive right of way.

## **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 Informatives

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](mailto:development.management@essexhighways.org)

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. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.