

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	14/09/2022
Planning Development Manager authorisation:	AN	14/9/22
Admin checks / despatch completed	ER	15/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15/09/2022

Application: 22/00876/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Harminder Rai - Taylor Wimpey London

Address: Turpins Farm Elm Tree Avenue Kirby Le Soken

Development: Proposed addition of two feature walls by site entrance of previously approved planning application 20/00307/DETAIL.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
11.08.2022

RECOMMENT REFUSAL on the grounds that the wall is too high and not in keeping with the street scene. The Town Council request that Essex County Highways advice is sought.

2. Consultation Responses

ECC Highways Dept
05.09.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a previous site visit. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that the proposal will be set back from the highway and any visibility splay and is similar to the previously approved feature under planning application 20/00307/DETAIL, considering these factors:

The Highway Authority does not object to the proposals as submitted.
Informative:

1: 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

2: 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.

3. Planning History

16/00031/OUT	The erection of up to 210 dwellings with access from Elm Tree Avenue, including green infrastructure, children's play areas, school drop off and parking facility and other related infrastructure.	Approved	01.03.2017
20/00307/DETAIL	Reserved matters for outline approval 16/00031/OUT including appearance, landscaping, layout and scale.	Approved	24.03.2022
21/01436/TPO	8 No. English oak - Crown lift The east side of the crowns to approx. 4m to allow for boundary fences to be erected and to reduce selected limbs on the eastern side of the crown to reduce the over hang in to the new purposed development gardens	Approved	15.09.2021
22/00701/NMA	Non-material amendment of approved application 20/00307/DETAIL to change a substation to 2 visitor parking bays by plot 96.	Approved	27.06.2022
22/00702/DISCON	Discharge of condition 4 (Details of the estate roads and footways, including layout, levels, gradients, surfacing, traffic calming and means of surface water drainage) of application 20/00307/DETAIL.	Approved	17.05.2022
22/00703/DISCON	Discharge of condition 2 (Details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction) of application 20/00307/DETAIL.	Approved	11.05.2022
22/00704/DISCON	Discharge of condition 24 (Scheme of hard and soft landscaping works for the site, which shall include 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.) of application 21/01667/VOC.	Approved	18.05.2022

22/00718/DISCON	Discharge of condition 7 (Details of cycle parking for those properties without a garage) of application 20/00307/DETAIL.	Approved	16.05.2022
22/00876/FUL	Proposed addition of two feature walls by site entrance of previously approved planning application 20/00307/DETAIL.	Current	
22/01193/FUL	Proposed temporary construction access to Walton Road and discharge of Condition 6 (Construction Method Statement) of application 21/01667/VOC	Approved	08.09.2022
22/01201/S106A	Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 10th February 2017 linked to outline planning permission 16/00031/OUT - To change the affordable housing requirement from 30% to 20%.	Current	
22/01291/DISCON	Discharge of condition 8 (electric vehicle charging) of application 20/00307/DETAIL.	Current	
22/01333/FUL	Proposed re-plan of part of site to provide 102 additional smaller units.		

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL3 Sustainable Design

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.

5. Officer Appraisal

Proposal

This application seeks permission for the erection two feature walls at the site entrance of the housing development approved under reference 20/00307/DETAIL. The walls will be finished in an Ibstock, Dorking Red Brick.

Appraisal

The proposal for new feature walls at the entrance to the new housing development, known as Samphire Meadow will create a sense of place for those that will live there and offers clear signposting for those visiting or passing through. The feature walls will be set back significantly from Elm Tree Avenue so as not to appear conspicuous in the existing street scene while they are characteristic in terms of materials and design of the new housing that will be constructed on this site. The feature walls are in proportion to the width and scale of the site entrance with proposed landscaping approved under 20/00307/DETAIL that includes a new tree (*Carpinus betulus*/Common Hornbeam) behind each wall that will soften the red brick appearance. The design and scale of the feature walls would result in no material harm to visual amenity.

Following consultation with Essex Highways they confirm that the proposal will be set back from the highway and any visibility splay and therefore they do not object to the proposals.

Other Considerations

Frinton and Walton Town Council recommend refusal of the application on the grounds that the wall is too high and not in keeping with the street scene. The concerns have been addressed above.

No other letters of representation have been received.

Conclusion

In the absence of any 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 plans:

Drawing No. 21641/ARC/3003 Revision C3
Drawing No. 21641/ARC/3010 Revision C3
Drawing No. 21641/ARC/3020 Revision P1
Drawing No. 21641/ARC/3060 Revision P1

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

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.

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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.

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