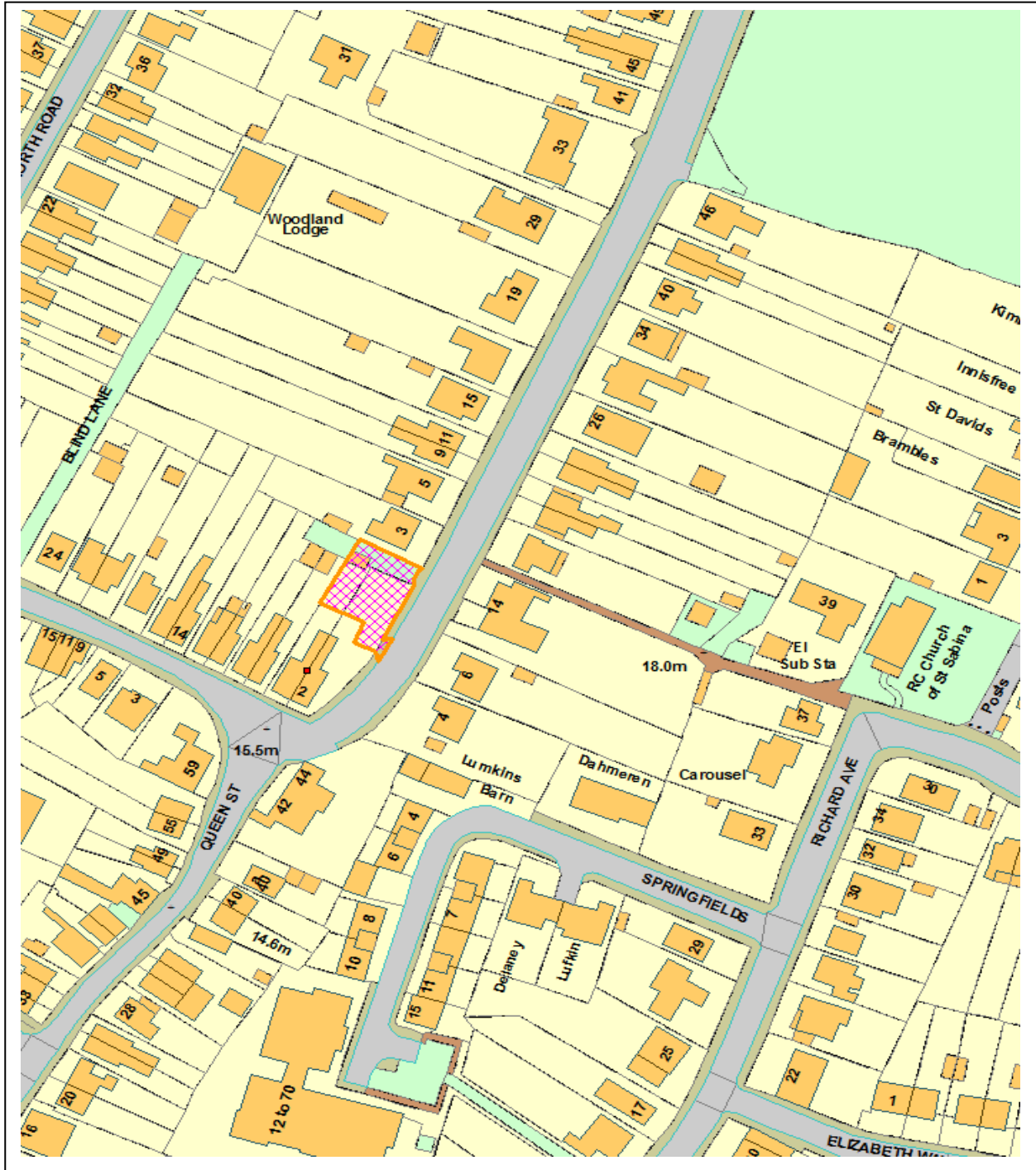


PLANNING COMMITTEE

8 AUGUST 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/00306/FUL - 2 SPRING ROAD, BRIGHTLINGSEA CO7 0PJ



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Application:	17/00306/FUL	Town / Parish: Brightlingsea Town Council
Applicant:	Mr & Mrs S Redfearn	
Address:	2 Spring Road Brightlingsea Colchester	
Development:	Demolition of existing garage and the creation of 1 no. dwellinghouse accessed from existing driveway to Regent Road and associated landscape works. Creation of two new off-road vehicle parking spaces with a new dropped kerb to be associated with 2 Spring Road.	

1. **Executive Summary**

- 1.1 The application is before Members as it has been called-in by Councillor Jayne Chapman.
- 1.2 The application seeks full planning permission for the sub-division of the garden serving 2 Spring Road and its redevelopment for the erection of a 2 bedroom chalet style dwelling with associated parking and garden areas following the demolition of an existing summerhouse and single garage. The proposed dwelling will front Regent Road and be accessed via the existing shared access running to the rear of the properties fronting Spring Road (shared access with 6 and 8 Spring Road).
- 1.3 The application also proposes the creation of a new vehicular access and 2 off-street parking spaces from Regent Road to serve the donor dwelling.
- 1.4 The principle of residential development on this site is acceptable as the site is located within the Settlement Development Boundary of Brightlingsea as defined by the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).
- 1.5 The development has been significantly amended from a 2 storey, 3 bedroom dwelling of a modern design and construction. The amended application is now for a 2 bedroom chalet style property of a traditional appearance and finish. Officers are satisfied that no material harm to visual amenity, neighbouring amenity or highway safety will result from the development. The application is therefore recommended for approval subject to conditions.

Recommendation: Approve

Conditions:

1. **Time Limit**
2. **Approved Plans**
3. **Removal of permitted development rights for extensions, additions or alterations to the roof, outbuildings and walls / fencing / enclosures**
4. **Removal of permitted development rights for the conversion of the garage.**
5. **Restriction of construction working hours**
6. **Hard and soft landscaping scheme**
7. **Details of boundary walls and enclosures**
8. **Materials**
9. **Any block paving / hardstanding to be permeable or porous**
10. **Visibility Splays provided prior to occupation and retained**
11. **Pedestrian visibility splays provided prior to occupation and retained**
12. **Parking provided prior to occupation and retained**

13. No unbound materials
14. No vehicular access gates

2. Planning Policy

NPPF National Planning Policy Framework
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
HG3 Residential Development Within Defined Settlements
HG9 Private Amenity Space
HG13 Backland Development
HG14 Side Isolation
TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth
SP1 Presumption in Favour of Sustainable Development
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP2 Housing Choice
LP4 Housing Layout
LP8 Backland Residential Development
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, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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 216 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.

3. Relevant Planning History

83/00768/FUL Dining room extn Approved 12.08.1983

4. Consultations

Building Control and
Access Officer

The timber cladding and window areas may cause an unprotected area problem on the rear elevation given the proximity to the boundary.

ECC Highways Dept

This has been removed as part of the amendments

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

For the new access

' Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 17 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' Prior to commencement/occupation of the development 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Other Matters

' Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' No unbound material shall be used in the surface treatment of the 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' At no point shall gates be provided at the vehicular access. The

access shall remain open and free for use in perpetuity.
Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' 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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' Any single garages should have a minimum internal measurement of 7m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

' No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Tree & Landscape Officer

The application site currently forms part of the curtilage of 2 Spring Road and is reasonably well populated with established shrubs and small trees ' the most significant of which is a young Silver Birch.

The amenity value of this tree could be relatively easily replicated and improved upon by new tree planting.

In terms of the appearance and character of the area the proposed loss of the garden area and its replacement with a dwelling will reduce the open character of the immediate vicinity, created by the rear garden of 2 Spring Road. However the site layout shows the planting of two new trees and this would go some way to softening the appearance of the development.

Should planning permission be granted then a soft landscaping condition should be attached to secure the indicative planting shown on the site layout plan.

5. Representations

5.1 Brightlingsea Town Council object to the application on the following grounds;

- Loss of privacy to adjoining properties.
- Over-development of site - insufficient amenity land.
- Access onto a dangerous junction.

5.2 A total of 6 letters of objection have been received;

4 letters of objection were received in response to the original application.

2 letters of objection were received in response to the amended proposal stating that their original objections remain the same.

The concerns raised can be summarised as follows;

- Mass, bulk and close proximity to boundary and neighbours.
- Overbearing and results in a sense of enclosure.
- Intrusive.
- Overdevelopment and cramped.
- Loss of light and overshadowing.
- Loss of privacy and harmful overlooking.
- Noise and disturbance from activity within private amenity area and open plan living area.
- Should be considered as backland development and not an 'infill'.
- No manoeuvring area for new parking spaces resulting in vehicles reversing into the highway.
- Minimum parking provision is not sufficient and will result in on-street parking.
- New access to 2 Spring Road will reduce space for on-street parking.
- New access located on a tight, busy and blind bend harmful to highway safety.
- Surface water flooding to shared access.

The material planning considerations have been addressed in the main assessment below.

Any rights of access or shared ownership disputes are a civil matter. Land ownership is not a material planning consideration.

6. Assessment

The main issues to be considered are:

- Site Context;
- Proposal;
- Principle of Development;
- Backland Residential Development;
- Layout, Design and Appearance;
- Residential Amenities;
- Private Amenity Space, and;
- Highway Considerations and Parking.

Site Context

6.1 The application relates to 2 Spring Road, a south-west facing, detached, double fronted Victorian dwelling located on the corner plot with Regent Road. The property fronts Spring

Road with an existing detached garage and access to the rear of the property fronting Regent Road. The dwelling is enclosed along its side and rear boundaries with a combination of close boarded fencing and walls all being around 1.8 metres in height with areas of hedging overtopping the fencing. To the bottom of the garden is an existing summerhouse.

- 6.2 2 Spring Road is a 2 storey dwelling being of the same scale and period as its neighbouring dwellings to its west. The immediate neighbour to the rear, 3 Regent Road, is a chalet style dwelling with 2 storey properties beyond.
- 6.3 The existing garage is accessed via a shared access also serving the detached garage building for numbers 6 and 8 Spring Road. This access runs adjacent to no. 3 Regent Road.

Proposal

- 6.4 The application seeks full planning permission for the sub-division of the garden serving 2 Spring Road and its redevelopment for the erection of a 2 bedroom chalet style dwelling with associated parking and garden areas following the demolition of an existing summerhouse and single garage.
- 6.5 The proposed dwelling will front Regent Road and be accessed via the existing shared access running to the rear of the properties fronting Spring Road (shared access with 6 and 8 Spring Road). The private amenity space serving the dwelling will be located to its southern side enclosed by a part brick, part fence 1.8 metre boundary treatment. The frontage will see a lower boundary wall and access gate with some scope for soft landscaping. The dwelling will be finished in facing red brick with a natural slate roof.
- 6.6 The application also proposes the creation of a new vehicular access and 2 off-street parking spaces from Regent Road to serve the donor dwelling.

Principle of Development

- 6.7 The application site is located within the Settlement Development Boundary of Brightlingsea as defined by the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The principle of residential development in this location is therefore acceptable.
- 6.8 Therefore the key consideration is whether the development proposed could be accommodated on the site in a satisfactory manner and without any material detriment to character, amenity or highway safety.

Backland Residential Development

- 6.9 The proposal is within the defined Settlement Development Boundary for Brightlingsea. The proposed dwelling will be sited to the rear of 2 Spring Road but have its own road frontage and access on Regent Road. The resultant garden space for the donor dwelling remains in accordance with policy requirements (covered in more detail below). For these reasons, the proposal does not constitute backland residential development when considered against the definition and criteria of backland development set out within Saved Policy HG13 of the adopted Local Plan and LP8 of the Draft Plan.

Layout, Design and Appearance

- 6.10 The character of the area is one of predominantly two storey detached, semi-detached and terraced dwellings. There is an occasional single storey and chalet style dwelling scattered throughout Regent Road with a bungalow (with rooflights) directly adjacent to the north of

the application site. Number 2 Spring Road is a 2 storey dwelling. There is a varied mix of materials within both Spring Road and Regent Road but red brick dominates. Figure Ground Plan PA05_A has been submitted by the Agent showing how a site fronting North Road to the west has been developed in a similar fashion to that proposed. This application was for a pair of semi-detached two storey dwellings within the rear garden of 44 Spring Road.

- 6.11 The proposed chalet style dwelling would be sited alongside number 3 Regent Road to the north, a single storey dwelling with accommodation within the roof served by rooflights. 2 Spring Road is a 2 storey dwelling with 2 storey and single storey rear projections. The height of the proposed dwelling would sit lower than the ridge of the donor dwelling and slightly higher than its neighbour to the north creating a staggered street scene arrangement. The height of the dwelling is not considered excessive and relates satisfactorily to its immediate neighbours.
- 6.12 The proposed dwelling is sited slightly further forward in its plot than the side elevation of 2 Spring Road and the front elevation of 3 Regent Road but a 4.5 metre set back from the footway edge would still be retained. The boundary treatment proposed to enclose the private garden area is a replacement for the existing. For these reasons, the proposed dwelling and its boundary enclosure would not appear unduly prominent or intrusive within the street scene.
- 6.13 The proposed dwelling would be served by an integral garage and carport area in a similar position to the existing garage to be demolished. The spacing to this side of the dwelling is therefore similar to the existing arrangement and cannot be considered significantly harmful in street scene terms. The garden area serving the dwelling is positioned to its southern side and the width of the shared access is to the northern side. 1 metre is retained to the rear boundary. The proposed dwelling is not considered to appear cramped within its plot or its setting.
- 6.14 The proposed dwelling is of a traditional design, appearance and finish with an oak framed central entrance porch, well proportioned dormer windows with decorative badge boards and a brick and slate finish. The dormer cheeks will be finished in off-white render which is a finish seen elsewhere in the locality.
- 6.15 The proposed parking spaces to serve the donor dwelling would result in a break in the boundary treatment breaking up the hard edge in close proximity to the back edge of the footway and cannot be considered harmful to visual amenity.
- 6.16 It is considered that the proportions, appearance and finish of the property would relate appropriately to the character and appearance of the area and sit comfortably within its setting.

Residential Amenities

- 6.17 The application has been amended and now proposes a 2 storey chalet style dwelling of a traditional cottage design reduced in scale from a 3 bedroom, 2 storey house of a modern appearance. The main ridge height has been lowered to 6.8 metres with a lower rear projection of 6 metres in height incorporating a half-hip roof form adjacent to the shared boundary with number 6 Spring Road. There are no first floor side or rear facing windows, only a single high level rooflight to the north east elevation adjacent to the shared access. Two dormer windows are proposed to the front elevation overlooking Regent Road.
- 6.18 The shared access width and distance to the neighbouring property means that 5 metres are retained between the side elevations of the proposed dwelling and number 3 Regent Road to the north. The proposed dwelling will be sited in a similar position to the existing

pitched roof garage but will result in an increase in height and depth to the current arrangement. The rear projection of the dwelling is hipped away from the neighbour minimising any impact. Whilst the proposed dwelling is higher and deeper than the existing garage, the separation distance retained is considered sufficient and the development will not result in any material loss of outlook or light. The proposed rooflight faces this neighbour but is high level and will not result in any overlooking or loss of privacy.

- 6.19 The proposed dwelling will be sited 1 metre from the shared boundary with number 6 Spring Road to the west with the rear projection positioned almost in line with the existing garage block to the rear of numbers 6 and 8 Spring Road. This rear projection is pitched away from the rear elevation of the properties in Spring Road with a half-hipped roof element directly adjacent to this boundary further minimising any impact. This rear projection has an eaves height of 2.9 metres and an overall height of 6 metres. The proposed dwelling will be sited 13 metres from the rear elevation of number 2 and 14 metres from 8 Spring Road. Due to the roof form being pitched away at its highest point the rear projection of the proposed dwelling retains a further 7+ metres from these dwellings with the main ridge of the dwelling being a total of approximately 17 metres away. No first floor windows are proposed within the rear or side elevations of the dwelling. For these reasons, the development will not result in any significant loss of light, outlook or privacy to the neighbouring dwellings fronting Spring Road.
- 6.20 In terms of the impact on the occupiers of the donor dwelling and future occupants of the proposed dwelling, the distance between the properties is considered sufficient to ensure that no loss of light will occur. There are no side facing windows in the proposed dwelling therefore having no impact on privacy to the donor dwelling. There is only a single first floor window within the rear elevation of number 2 Spring Road which does not serve a main living space. Therefore any overlooking into the private amenity area of the new dwelling would be limited and not harmful.
- 6.21 Any noise coming from the new dwelling and the living area cannot be considered as a nuisance given that the land is already used as garden land with a summerhouse also located in this location.
- 6.22 It is therefore concluded that any impact upon the neighbouring properties in terms of outlook, loss of light and loss of privacy would be minimal and not sufficiently detrimental to warrant a refusal of planning permission.

Amenity Space

- 6.23 Saved Policy HG9 of the Tendring District Local Plan (2007) relates to private amenity space and states that new dwellings with 2 bedrooms shall have a minimum of 75 square of private garden area and that dwellings with 3 or more bedrooms shall have a minimum of 100 square metres.
- 6.24 In this instance, the proposed 2 bed dwelling is to be served by a private amenity space just over 100 square metres with the donor dwelling retaining a garden area of approximately 120 square metres. Both dwellings will therefore be served by a private amenity area in excess of that required by the policy standards.

Highways Considerations & Parking

- 6.25 The Highway Authority has assessed this proposed development and considers it to be acceptable, subject to standard conditions relating to the parking standards, visibility splays and surface treatments.

- 6.26 The proposed dwelling will be served by a single garage and a parking space in front both being of the correct dimensions in accordance with the current adopted Parking Standards. A dwelling of this size requires 2 parking spaces which will be provided by the garage and area in front. The proposed garage and parking space is located in the same position as the existing and is therefore considered to have a neutral impact. The shared access arrangements will not increase and will still serve 3 dwellings overall.
- 6.27 The proposals can accommodate the pedestrian and vehicular visibility splays required by The Highway Authority.
- 6.28 2 parking spaces of 2.9m by 5.5m are proposed to serve the donor dwelling in accordance with the Council's current Adopted Parking Standards. Regent Road is an unclassified road. The provision of a new access and dropped kerb could therefore be carried out without the benefit of planning permission. The existing access and parking serving 2 Spring Road does not have a turning area and the new parking area would therefore be a similar arrangement providing direct access to Regent Road with no turning area. This is also typical of the majority of neighbouring dwellings in the locality. The new dwelling and donor dwelling would therefore deliver sufficient off-street parking.
- 6.29 Furthermore, the site is located within a highly sustainable location within easy walking distance of the main high street and beach facilities.
- 6.30 The additional traffic movements from a single dwelling cannot be considered excessive. It is therefore considered that the highway network can accommodate the development without any significant harm to highway safety.

Background Papers

None.