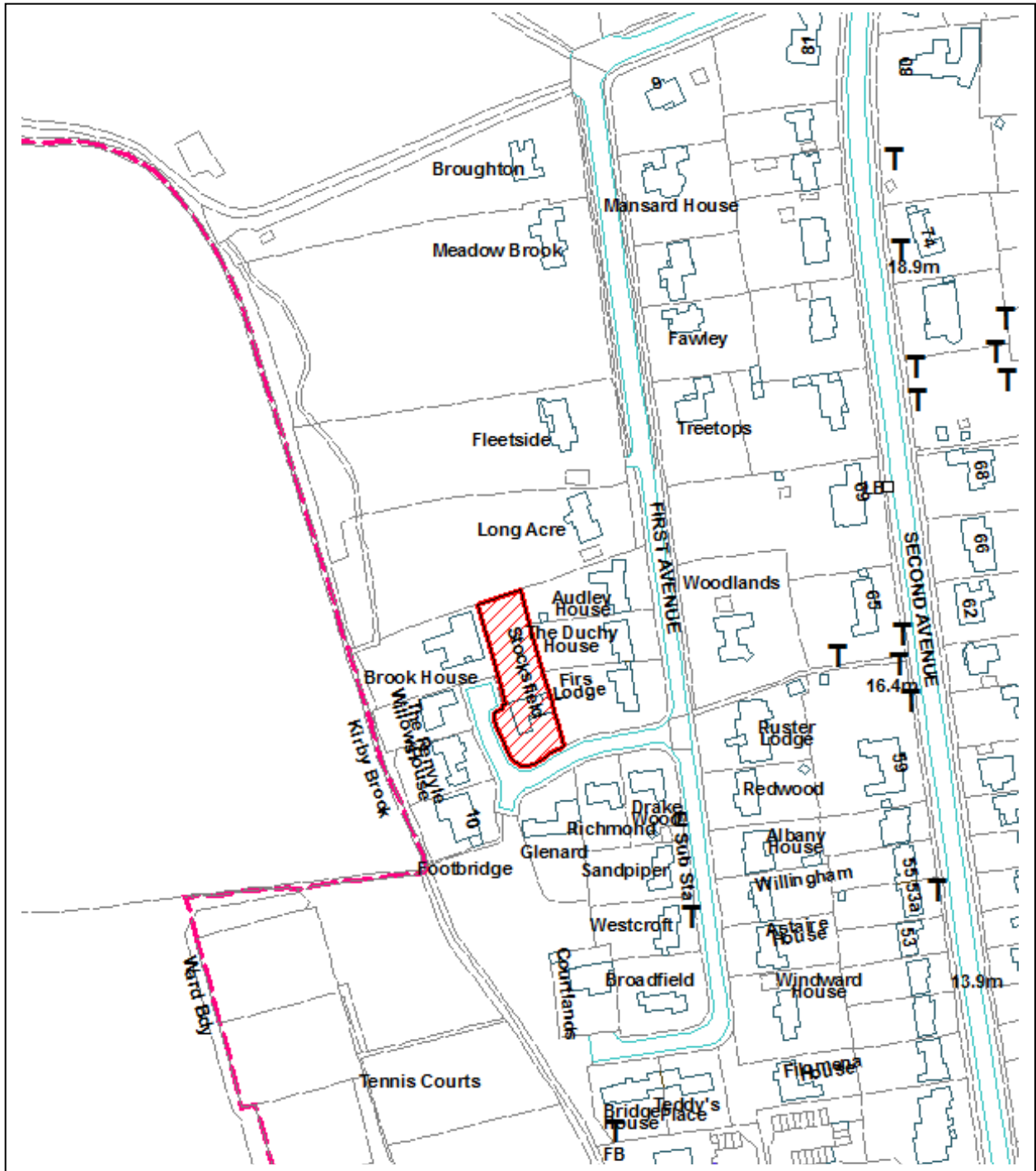


PLANNING COMMITTEE

30 MAY 2018

REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 18/00418/FUL – STOCKSFIELD, FIRST AVENUE, FRINTON-ON-SEA, CO13 9EZ**



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<b>Application:</b>	18/00418/FUL	<b>Town / Parish:</b> Frinton & Walton Town Council
<b>Applicant:</b>	Mr K O'Phelan	
<b>Address:</b>	Stocksfield First Avenue Frinton On Sea CO13 9EZ	
<b>Development:</b>	Proposed wrought iron gates (painted black) to driveway.	

## 1. Executive Summary

- 1.1 The application is referred to the Planning Committee by Councillor Turner due to the proposal being out of keeping, with fencing in properties leading to a defensive mind-set.
- 1.2 The application seeks planning permission for wrought iron gates to the front of the application site serving the existing driveway of Stocksfield.
- 1.3 The proposal will result in a slight visual improvement, will not harm the character of the Frinton and Walton Conservation Area and will result in a neutral impact to existing neighbouring amenities

**Recommendation: Approve**

**Conditions:**

1. Three Year Time Limit
2. Approved Plans

## 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

EN17 Conservation Area

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

SPL3 Sustainable Design

PPL8 Conservation Area

### 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The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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

TPC/98/9	Crown reduction by 30% to 2 Willows	Current	23.02.1998
01/00204/TCA	Remove one Willow tree and lop one Willow tree	Approved	13.03.2001
02/00446/FUL	Single storey ground floor extensions	Approved	21.06.2002
02/02020/FUL	Proposed alterations and extension and new pitched roof	Approved	06.12.2002
04/00843/TCA	Remove Lime tree infested with spidermite in front garden. Reduce by 40% Willow tree in rear garden.	Approved	24.05.2004
13/01370/TCA	T1 - Lime - reduce by around 30%. T2 - Willow - pollard back to previous points.	Approved	02.01.2014
16/00576/FUL	Two and a half storey rear extension.	Approved	13.06.2016
16/01274/TCA	1 dead Willow - fell. Lime tree, Silver Birch - reduce by 30%	Approved	05.09.2016
17/01196/FUL	Proposed single storey and two storey extension, single storey outbuilding and 3 no. air source heat pumps.	Approved	11.09.2017
17/01902/TCA	1 No. Birch, 1 No. Maple - fell	Approved	28.11.2017
18/00418/FUL	Proposed wrought iron gates (painted black) to driveway.	Current	

#### **4. Consultations**

ECC Highways Dept                      Normally the Highway Authority requires gates to be setback at least 6m from the highway boundary thereby allowing vehicles to wait clear of the highway whilst the gate is opened.

However, in this location where traffic volume and speed is very low, this Authority is content that the proposal will not cause a highway safety or efficiency issue.

#### **5. Representations**

5.1      Frinton and Walton Town Council objects to this application due to the proposal being too high, set against a defensive frontage and the proposed gate will be detrimental and out of keeping with the streetscene.

5.2      No letters of representation have been received.

#### **6. Assessment**

6.1      The main planning considerations are: Principle of development, Visual Amenity, Impact on neighbouring amenities, Parking and Highways, Impact on Conservation Area.

##### Site Context

6.2      The application site is located to the western side of First Avenue within a cul-de-sac. Having regard to both the Saved Tendring District Local Plan (2017) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies within the defined Settlement Development Boundary of Clacton on Sea.

6.3      The site comprises of a two and a half storey dwelling, located with a cul de sac of detached large dwellings, with Frinton Tennis Club located to the South West of the application site.

##### Proposal

6.4      This application seeks planning permission for the erection of wrought iron gates which will serve the driveway of Stocksfield. The gate will measure 4.8 metres in length with the height of the gate being 1.6 metres to the eastern end and 1.75 metres to the western end, due to the dwelling being situated on a slope. The proposal will be situated in between existing laurel hedging.

##### Visual Amenity

6.5      Policies QL9, QL10 and QL11 in the adopted Local Plan and Policy SPL3 in the emerging Local Plan set out the criteria against which all development proposals are judged, including requirements for development to be well designed, appropriate to their surroundings and undertaken with minimal adverse impacts.

6.6      The proposed gates will be visible to the streetscene of First Avenue as they are located to the front of the application site. However, due to the proposal being set back 1 metre away from the highway and the existing hedging which will help to screen the proposal, it is considered that the gates will not cause any significant impact upon the street scene of First Avenue.

### Impact on Neighbouring Amenities

- 6.7 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).
- 6.8 The application site is located on a corner plot and as a result the proposal will not be visible to the neighbouring dwelling to the north 'Brook House', as the proposal is situated to the south of the application site. The proposal will not be visible to the neighbouring dwelling to the east as the existing hedging will help to screen the proposal and due to the minor nature of the gate, it is considered that there will not be any significant impact upon neighbouring amenities.

### Parking and Highways

- 6.9 Essex County Council Highways have been consulted on this application and raise no objections.
- 6.10 The proposal will not impact upon any of the existing parking arrangements and therefore it is considered that the proposal will not cause any impact upon highway safety.

### Impact on Conservation Area

- 6.11 Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. Policy EN23 states that development within the proximity of a Listed Building will not be permitted if the development would adversely affect its setting.
- 6.12 The application site falls within the Frinton and Walton Conservation Area and as such the applicant has submitted a Heritage Statement in order to justify that the proposal will either preserve or enhance the character of the area. The proposed gate is considered to be a relatively minor addition and will result in slight visual improvement, thereby meeting the requirements of Policy EN17.

### Conclusion

- 6.13 Overall, the proposed gates in this location is acceptable, and the proposal represents no visual harm, detrimental impacts to neighbouring amenities, impact upon the conservation area or any highway concerns.

### Background papers

None