

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	05/06/2018
Planning Development Manager authorisation:	SCF	08.06.18
Admin checks / despatch completed	EN	8/6/18

Application: 18/00302/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr P Link

Address: 4 The Common Little Clacton Road Great Holland

Development: Erection of one replacement detached dwelling with associated access, parking, landscaping and ancillary works.

1. Town / Parish Council

Frinton & Walton Town Council See document dated 16.03.18

2. Consultation Responses

ECC Highways Dept

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

' 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 the site maximum 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 occupation of the development the vehicular turning 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 forward gear 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.

' Prior to occupation of the development 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 less than 5.5 metres 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 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.

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

Note: With reference to the above condition the applicants attention should be drawn to the recent alterations to householder 'permitted development' in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run-off and overloading of sewers.

' Each new property shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

SMO1 ' Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

INF02 Cost of Works - 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.

Tree & Landscape Officer

There is a single Eucalyptus on the land forming part of the application site. The tree is in such a position that it will not be affected by the development proposal. There are no other trees or

other significant vegetation on the application site.

It should be noted that the application site is situated on the edge of the 'Clacton and the Sokens Clay Plateau' Landscape Character Area (LCA) as defined and described in the Tendring District Council Landscape Character Assessment.

The Landscape Character Assessment document identifies the need to consider the impact of any development on the margins of the plateau landscape to ensure built development does not intrude onto the highly sensitive crests of slopes where it would be conspicuous on the skyline or restrict important views.

In this respect it will be important to consider the impact of the development when viewed from the adjacent 'lower lying' LCA's such as 'The Holland Coastal Slopes' and the 'Holland Brook River Floodplain'.

If the principle of development is considered acceptable in this location the careful treatment of its boundaries with the adjacent countryside should be carefully considered.

Boundaries should be demarcated by low post and rail fences with hedgerows planted on the boundary comprising indigenous species. Alternatively taller chain-link fencing could be used as this will not appear as an incongruous feature in the landscape.

Close board or panel fences at 1.8m tall, as proposed, are not considered acceptable in this location as they would have a harmful effect on the appearance of the area and a negative impact on the local landscape character.

Should planning permission is likely to be granted then a condition should be attached to secure details of the above and of the indicative soft landscaping shown on the site layout plan.

3. Planning History

14/01425/FUL	Erection of two detached, 3 bedroom dwellings with associated garaging, parking, landscaping and ancillary works, replacing two existing semi-detached cottages.	Approved	23.12.2014
15/00512/DISCON	Discharge of conditions 03 (materials), 04 (landscaping), 05 (surface water drainage) and 09 (timetable of work) of planning permission 14/01425/FUL.	Approved	26.05.2015

4. Relevant Policies / Government Guidance

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
- HG9 Private Amenity Space
- HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries
- HG14 Side Isolation
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- EN1 Landscape Character

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

SPL1 Managing Growth

PPL3 The Rural Landscape

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

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. 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.

5. Officer Appraisal (including Site Description and Proposal)

Existing Site and Surrounding Area

The site is situated to the south of Little Clacton Road, outside of any Settlement Development Boundary. The site measures approximately 0.11 hectares, formerly comprised two vacant semi-detached cottages but is now cleared.

The surrounding area is characterised by sporadic, linear development. To the east of the application site is the plot proposed for a single bungalow under 18/00303/FUL with a single storey bungalow (Redroof) beyond which runs parallel to the road. To the west of the application site is Ivy Cottage, which is a one and a half storey dwelling and oriented so the side elevation faces the road. There is open countryside to the north and rear of the site.

Planning permission was granted under application reference 14/01425/FUL for the erection of two detached 3-bedroom dwellings with associated garaging, parking, landscaping and ancillary works, to replace the existing semi-detached cottages. That application comprised both no.s 3 and 4 The Common.

Application Proposal

This application proposal relates to the site of the former no.4 The Common and is seeking to erect a part single-storey/ part two-storey replacement detached dwelling with associated access, parking, landscaping and ancillary works.

It is noted that planning permission is also sought under a separate application referenced 18/00303/FUL to erect a detached bungalow on the site of the former dwelling no.3 The Common. Both development proposals involve a shared vehicular access to service both of the proposed dwellings, with shared turning-head between them and comprehensive landscaping along Little Clacton Road frontage.

The application proposal that is the subject of this planning application involves the erection of a detached dwelling set back within the site in-line with a dwelling proposed for no 3 The Common. The proposed dwelling is large but in proportion to its plot. Its depth has been reduced slightly by submission of amended plans.

The front of the dwelling comprises a front two storey gable on its west side with a hipped single storey gable to the east. The two storey west side has a dual pitched roof. The overall ridge height measures 7.5m. The site reduces in height west to east ensuring that the height of the proposal is in keeping with the existing and proposed neighbours.

The site provides around 500 sq. m private amenity space and is bounded by 1.8m high feather-edge fencing.

Appraisal

Main considerations relate to the appropriateness of the design and the impact upon neighbouring amenity.

Principle of development

The application proposal seeks full planning permission for a replacement dwelling, as there is no net gain in the number of dwellings on the site, there is no principle objection to the proposal, subject to detailed considerations.

Impact of the development

Saved Policy HG12 relates to replacement of dwellings outside of settlement development boundaries and is permissive, provided the general design policies QL9 and QL10 are satisfied (as addressed below) and the proposal:

- (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;
- (ii) is well related and in proportion to the original dwelling;
- (iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;
- (iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

- (v) would not represent over-development of the site;
- (vi) would not be detrimental to highway safety;
- (vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;
- (viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;
- (ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and
- (x) would not exacerbate any existing access, drainage or other problems associated with the site.

Policy QL9 seeks to secure development that makes a positive contribution to the quality of the local environment. The application property is larger compared to the former dwelling that occupied the site and the replacement dwelling approved under application reference 14/01425/FUL; which consisted of a one and half storey dwelling however the height and scale of the proposed dwelling is acceptable given the change in levels and surrounding built form.

The wider area consists of large and small dwellings, however, there is no prevailing style or design vernacular. It is considered that the proposed replacement dwelling is of a scale that sits well within the scale of the site, and that would not appear 'cramped' or result in the over-development of the site. The proposed dwelling is set back from the street frontage, and once boundary planting has matured, its appearance would be softened within the street scene. Furthermore, the topography of the land falls away east to west. As a result the proposed dwelling would be sited at a lower ground level than its neighbour on the east of the site. However, since the two storey wing is located on the western side, the proposed dwelling would be comparable in terms of height with Ivy Cottage on the west of the site as such the overall appearance of the dwelling and impact within the street scene would be in keeping with the scale of surrounding dwellings.

The depth of the two storey element is considered slightly excessive, however given the reduction in site levels and height of neighbouring dwellings, including that recommended for approval under 18/00303/FUL, this would not be prominent in the street scene so would not result in any material detriment to the character of the area. Adequate space is retained between the proposed dwelling and the boundaries; the development therefore does not appear cramped within the surrounding area. Whilst development is sporadic development there, are clusters of built form and a variety in design and appearance. The proposed development would not be out of character.

With regards to materials of construction, these are specified on the drawings and comprise Essex red brick, and clay plain tiles which are considered to be acceptable.

Policy QL10 seeks to ensure functional needs are met. The proposed development is located adjacent to the highway network and comprises acceptable circulation within the site both for the application proposal and neighbouring development.

Policy HG9 require that each dwelling is provided with a minimum of 100 sq. metre private amenity space, and, policy TR7 a minimum of two parking spaces. The proposal provides adequate parking space and significantly in excess of the required garden space. There is sufficient ancillary space for waste storage and cycle storage on the site.

The Council Landscape Officer has commented on the scheme and encourages that boundaries be demarcated by low post and rail fences with hedgerows planted on the boundary comprising indigenous species. Alternatively, that taller chain-link fencing be used as this will not appear as an incongruous feature in the landscape. Furthermore, close-board or panel fences at 1.8m tall, as proposed, are not considered acceptable in this location as they would have a harmful effect on the appearance of the area and a negative impact on the local landscape character.

However, boundary fencing is already in-situ and could have been erected under the owners permitted development rights it is also in-situ along the neighbouring boundaries so there is no objection subject to suitable soft landscaping to the site frontage.

Residential amenity

Policy QL11 states that all new development should be compatible with surrounding land uses and minimise adverse environmental impacts. The application proposal is seeking to erect a replacement dwelling on a site where a dwelling was previously erected. The proposed development would be compatible with surrounding uses and is acceptable in form, design, scale and massing.

With respect to privacy, the main windows are directed towards the front and rear of the dwelling and there are no primary habitable room windows directed towards either Ivy Cottage or the site of the former no3 The Common. There is also adequate separation to both neighbouring dwellings to ensure no material loss of light.

The two proposed dwellings have been designed to ensure no mutual overlooking and adequate separation to ensure no material loss of light or outlook.

Ivy Cottage has four dormer windows at first floor level on the facing flank. The separation distance between the two buildings is around 14.5 metres so impact on outlook from Ivy Cottage would not be significantly harmful to justify refusing planning permission on these grounds.

Highway Safety

Essex County Council Highways have been consulted on the application and raise no objection to the proposal on highway safety grounds, subject to conditions in relation to there being adequate visibility splays, vehicular turning, the use of unbound material, vehicular access, the removal of the existing access; the prevention of water flowing onto the highway and the creation of acceptable parking. The submitted drawing indicates 2no parking spaces measuring 2.9m x 5.5m, which is in accordance with Council Standards. There is therefore no objection on highway safety grounds subject to conditions.

Other Matters

Frinton and Walton Town Council - have objected to the scheme on the grounds the proposed development would access onto a busy road and would not provide adequate off-street parking.

The proposed development is seeking to replace a former dwelling. The shared access point is already approved and the Highway Authority have raised no objection. Furthermore, submitted drawings indicate 2no parking spaces measuring 2.9m x 5.5m, which is in accordance with council standards.

Neighbour representation - two letters of support have been received stating:

- The application will be an improvement to the location and will fit in with the style of properties now being developed in this area.
- The proposed property is an attractive design and there are various other new builds in area

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: Drawing Numbers 221, 222 and 223.

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

- 3 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a 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 "

Reason - This is a publicly visible site where an appropriate landscaping scheme is a visually essential requirement.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 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.

- 6 Prior to the access hereby permitted being brought into use, vehicular visibility splays as shown on Drawing Number 221 as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities

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

- 9 The existing access shall be suitably and permanently closed in a manner to have been previously approved in writing by the Local Planning Authority, incorporating the re-

instatement to full height of the highway verge/footway/kerbing, immediately the proposed new access is brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 10 Prior to 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.

- 11 Prior to occupation of the development the vehicular turning 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 forward gear in the interest of highway safety.

- 12 Prior to occupation of the development 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 less than 6 metres 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.

- 13 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.

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.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developers 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.