

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	19/06/2018
Planning Development Manager authorisation:	SCE	20-06-18
Admin checks / despatch completed	EB	21/06/18.

Application: 18/00555/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr John Kirby

Address: 2 Ashlyns Road Frinton On Sea Essex

Development: Proposal to replace rotten wooden rear gate with new automatic sliding black iron bar gate & change half wooden panel fencing to black iron bar fence where driveway is located.

1. Town / Parish Council

Frinton & Walton Town Council Recommend approval

2. Consultation Responses

ECC Highways Dept

The Highway Authority has assessed the details of this application and does not wish to raise any objections.

Note: No part of any structure, including any foundations required, shall be erected on, or be allowed to encroach over land covered by highway rights as this would constitute a breach of the Highways Act 1980.

INF1 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:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF2 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.

3. Planning History

TPC/98/8	Various works to trees	Current	23.02.1998
03/00783/TCA	Reduction of trees and removal of Sycamores	Approved	16.05.2003
05/01172/FUL	Detached garage to side/front	Refused	26.08.2005
05/01567/FUL	Detached garage to front and side	Approved	31.10.2005
06/00689/TCA	Fell 1 Sycamore and remove stump.	Approved	15.05.2006
07/00553/FUL	Retention of detached garage (amendment to design, size and siting permitted under Ref 05/01567/FUL)	Approved	02.08.2007
07/01471/FUL	Rear conservatory plus new boarding and timber gates for existing wall to road.	Approved	20.11.2007
16/01387/FUL	Retrospective change of use of garage to annexe.	Current	19.09.2017
18/00027/TCA	Trees 1, 2, 3, 6, 12, 13 - reduce height by several feet and general trim. Tree 4 - fell or trim. Tree 5 - general trim. Trees 7, 8 - remove trees to enable area for a shed. Trees 9, 10, 11 - remove trees for new driveway.	Approved	30.01.2018

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

EN17 Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PPL8 Conservation Areas

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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)

Site Description

The application site is located on a corner plot of Ashlyns Road and Upper Fourth Avenue. The host dwelling is a two storey detached dwelling and is located within the development boundary of Frinton on Sea and within the Frinton and Walton Conservation Area.

Proposal

This application seeks planning permission for the replacement of a rotten wooden rear gate located along Upper Fourth Avenue with new automatic sliding black iron bar gate and to change the half wooden panel fencing to black iron bar fence along Upper Fourth Avenue. The proposed gate will measure 3 metres in width with an overall height of 1.8 metres. The proposed iron bar wall detail will measure 8.4 metres in width located along Upper Fourth Avenue with further iron bar detailing along the boundary wall of number 1 Upper Fourth Avenue measuring 6.2 metres with an overall height of 1.8 metres from floor level.

Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities, heritage impact and highways.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed gate and fencing will be visible to the street scene of Upper Fourth Avenue. However, the proposal will replace the existing gate and fencing to the north of the application site which is considered to be a visual improvement along the street scene. The proposal will be constructed from traditional materials; black iron and is considered to be acceptable in terms of design and appearance. It is therefore considered that the proposal will not cause any significant impact upon the street scene of Upper Fourth Avenue.

Impact upon Neighbouring Amenities

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).

The application site is located on a corner plot, however the proposed changes are located to the north of the site along Upper Fourth Avenue. As a result the proposal will not be visible to the neighbouring dwelling to the west number 4 Ashlyn's Road. The proposal will be visible to number 2 Upper Fourth Avenue as the fencing is located along the neighbouring boundary. However, due to the proposal being a replacement and a visual improvement, it is considered that there will not be any significant impact upon neighbouring amenities.

Highways

Essex County Council Highways have been consulted on this application and raise no objections. The proposal will not impact upon any of the existing parking arrangements. The iron gates will operate automatically with sufficient space to allow for the proposal to not obstruct the highway. Therefore, it is considered that the proposal will not cause any impact upon highway safety.

Heritage Impact

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

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 and fencing is considered to be a relatively minor addition and will result in a visual improvement, thereby meeting the requirements of Policy EN17.

Other Considerations

Frinton and Walton Town Council have recommended the application for approval.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

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 and document: Block Plan scanned 24th April 2018, Existing and Proposed Elevations.

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.

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Highway Works

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The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

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.

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