

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	26/07/2018
Planning Development Manager authorisation:	AN	30/7/18
Admin checks / despatch completed	AS	3.7/18

etl

Application: 18/00908/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr R Raymond - NEEB Holdings Limited

Address: Land North of Samsons Road Brightlingsea

Development: Variation of Condition 9 of 17/01738/FUL - Variation of approved plans to change the dormer types, and internal layout.

1. Town / Parish Council

Brightlingsea Town Council No objections

2. Consultation Responses

Building Control and Access Officer Work is being carried out under an initial notice therefore we are unable to comment.

Tree & Landscape Officer The proposed changes will not affect any trees or other vegetation on the land.

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

3. Planning History

16/00057/FUL	Development of 4no. bungalows with associated garages.	Approved	25.04.2016
17/00288/FUL	Development of five, four bedroom detached houses with integral garages.	Approved	26.04.2017
17/01738/FUL	Development of five, four bedroom detached houses with integral garages - change of house types from previously approved application 17/00288/FUL.	Approved	05.12.2017
17/02155/DISCON	Dishcharge of conditions 2 (hard & soft landscaping) and 8 (tree protection) of 17/01738/FUL.	Approved	29.01.2018
18/00142/FUL	Application of variation to condition 9 on approval 17/01738/FUL - change of materials used in	Approved	16.03.2018

accordance with client request & availability of materials, Soft & Hard Landscaping amended following specialist design.

18/00908/FUL

Variation of Condition 9 of 17/01738/FUL - Variation of approved plans to change the dormer types, and internal layout.

Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

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. Paragraph 213 of the NPPF (2018) 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 48 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the north-eastern side of Samsons Road in the settlement of Brightlingsea. The site is located outside the defined development boundary as outlined in the saved local plan but within in the emerging plan. The site itself was previously used as a commercial/highways depot and therefore has a double gated vehicular access onto Samsons Road at its south-eastern end. The site is has been cleared and comprises of large areas of hardstanding. To the rear of the site is a wooded area that contains several mature trees. Directly to the south-east of the plot is a pump house. A patchy hedgerow is located to the site's frontage. On the opposite side of Samsons Road is residential development in the form of semi-detached and detached 1970's bungalows.

Proposal

This application proposes to vary condition 9 of planning permission 17/01738/FUL to substitute the previously approved plans with new ones to show minor changes as following;

- Plot 1 front and rear dormer from pitched roof to catslide style, change of front door colour to Golden Oak and minor alteration internally to position of en-suite entrance;
- Plot 2 internal alteration to position of en-suite entrance and change of front door colour to Golden Oak;
- Plot 3 front and rear dormer from pitched roof to catslide style, change of front door colour to Golden Oak and minor alteration internally to position of en-suite entrance;
- Plot 4 front and rear dormer from pitched roof to catslide style, change of front door colour to Golden Oak and minor alteration internally to position of en-suite entrance;
- Plot 5 front and rear dormer from pitched roof to catslide style, change of front door colour to Golden Oak and minor alteration internally to position of en-suite entrance;

Appraisal

Visual Impact

The changes proposed are minor and relate to the design of the dormers and minor internal alterations. In this case the revisions are considered to be acceptable and would not result in a material change to the overall appearance of the development. A catslide dormer was present on the plot 2 dwelling previously. Consequently the inclusion of similar style dormers on all 5 dwellings would provide consistency throughout the development. The change of the front door colour is an inconsequential alteration.

In respect of the landscaping scheme and tree protection measures these were deemed to be acceptable by the Council's Trees and Landscaping Officer at condition discharge stage. Consequently, the landscaping/tree protection conditions will be updated to reflect the approved schemes.

Other Considerations

Brightlingsea Town Council has no objections to the development. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before 5th December 2020.

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 approved scheme of landscaping shown on drawing no. LSDP 1019.01 Rev D (approved under planning reference - 17/02155/DISCON) shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 3 Prior to occupation of the development, each new access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both

directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before any of the accesses are first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the accesses and those in the existing public highway in the interest of highway safety.

- 4 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 5 The development shall not be occupied until such time as the driveway parking areas and garaging indicated on the approved plans, has been constructed and laid out for parking. The parking and garaging areas shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

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

- 6 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 7 The tree protection measures outlined on approved drawing no. LSDP 1019.01 Rev D (approved under planning reference - 17/02155/DISCON) shall be adhered to at all times during the construction phase.

Reason - To ensure the protection of those mature trees located within the woodland area the rear of the site, in the interests of visual amenity.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans: LSDP 1019.01 Rev D, 1363/P3/02 A, 1363/P3/03 B, 1363/P3/05 C, 1363/P3/06 C, 1363/P3/07 C, 1363/P3/08 C and 1363/P3/09 C.

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.

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 or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

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