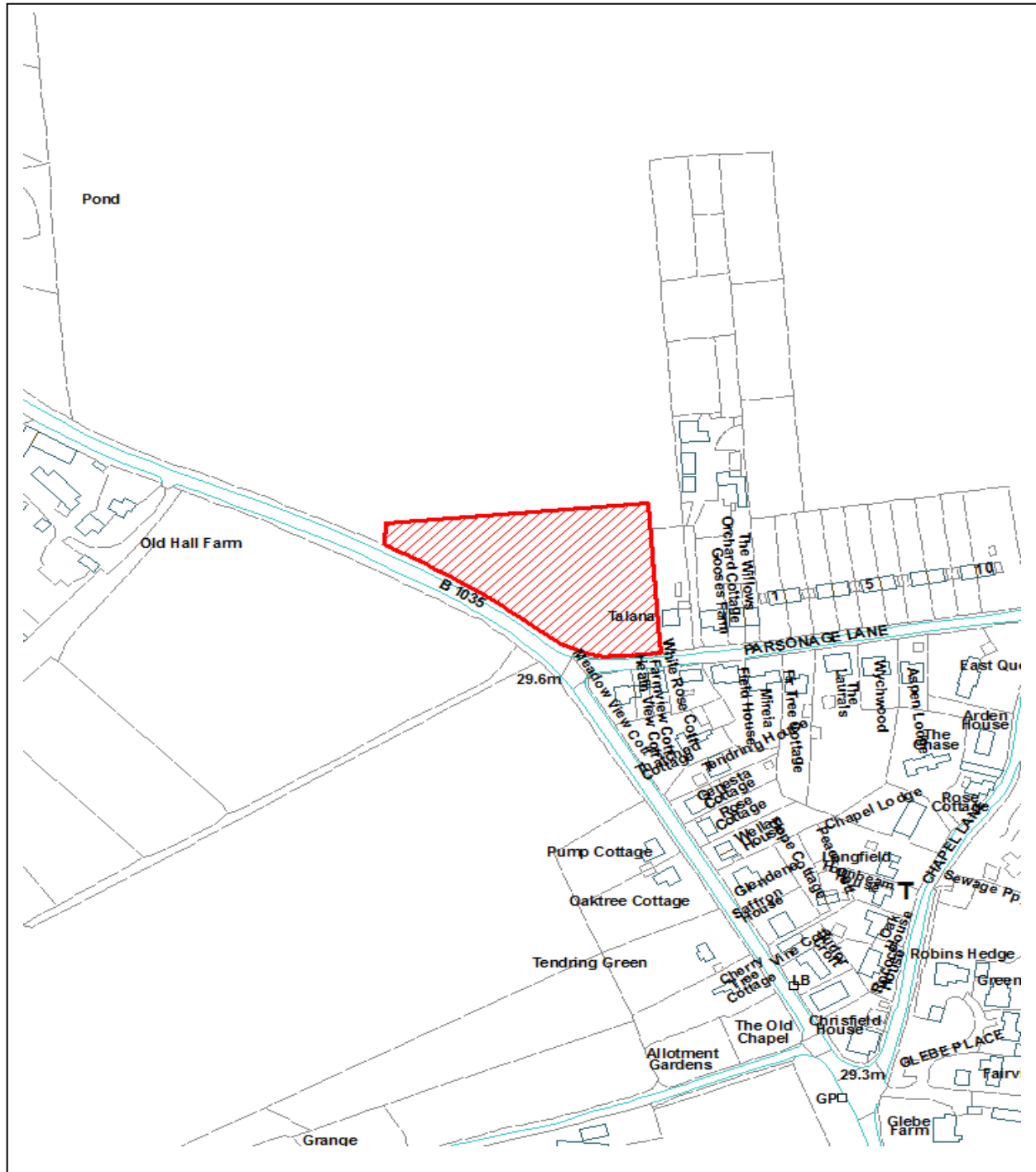


PLANNING COMMITTEE

13th November 2018

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 18/01281/DETAIL - LAND AT THE JUNCTION OF HEATH ROAD AND PARSONAGE LANE TENDRING CO16 0DE



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Application:	18/01281/DETAIL	Town / Parish: Tendring Parish Council
Applicant:	Marfleet Builders	
Address:	Land at The Junction of Heath Road and Parsonage Lane Tendring CO16 0DE	
Development:	Alternative design to 17/01254/DETAIL incorporating changes to fenestration to all five plots to include removal of triangular windows, insertion of second floor rear Juliette balconies and insertion of rooflights; changes to facing materials on plots; and creation of second floor living accommodation within the roof space of all five plots	

1. **Executive Summary**

- 1.1 This application is to be determined by the Planning Committee as Councillor Guglielmi and Councillor Coley have called it into Committee due to the proposal creating a negative impact upon urban design/street scene, a negative impact upon neighbours, the third floor addition will create an incongruous, totally unacceptable scheme which is massively out of keeping with neighbouring dwellings.
- 1.2 The application site is located outside the defined Settlement Development Boundary, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.3 The application proposes an alternative design to 17/01254/DETAIL incorporating changes to fenestration to all five plots to include removal of triangular windows, insertion of second floor rear Juliette balconies and insertion of rooflights; changes to facing materials on plots; and creation of second floor living accommodation within the roof space of all five plots
- 1.4 The proposal will not result in any material harm to visual or residential amenity, or highway safety.
- 1.5 It is noted that permitted development rights have not been removed for the 5 dwellings. Therefore, once the dwellings have been occupied the proposed changes within this application can be implemented under permitted development.

Recommendation: Approve

**Conditions:
Approved Plans**

2. **Planning Policy**

NPPF National Planning Policy Framework

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

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)

SD1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

Status of the Local Plan

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.

3. Relevant Planning History

14/01435/OUT	Outline planning application with all matters reserved for the residential development of 0.49 ha of land to create 5 detached dwellings with associated garaging and parking.	Refused	16.01.2015
17/01254/DETAIL	Reserved matters application following outline application 14/01435/OUT (granted at appeal) - 5 detached dwellings with associated garaging and parking.	Approved	10.10.2017
17/01942/DISCON	Discharge of conditions 02 (landscaping to access roads and driveways) and (private drive information) of reserved matters application 17/01254/DETAIL.	Approved	31.05.2018

4. Consultations

N/A

5. Representations

5.1 5 letters of representation have been received raising the following concerns:

- Objection towards the removal of the triangular windows to the rear elevations with the addition of Juliet balconies
- The proposed dwellings are now three storey dwellings which are out of character for the area and will overlook Talana, Gooses Farm and Holly Tree Houses
- Increase in vehicular movement due to the additional bedrooms
- The developer has already installed the Velux windows prior to obtaining planning permission

6. Assessment

The main planning considerations are:

- Site Context and History;
- Principle of Development;
- Proposed Changes; and,
- Impact of Changes.

Site Context

6.1 The site is located on land to the west of a dwelling called Talana at the junction of Parsonage Lane and the B1035.

- 6.2 The site abuts the Settlement Development Boundary (SDB) of the saved local plan to its eastern boundary, but lies outside the SDB in the publication draft local plan.
- 6.3 It is bounded by a hedgerow to the southern and western boundaries, a close boarded fence to Talana to the east, and is open to the agricultural field to the north. Surrounding development comprises detached and semi-detached two storey dwellings to the east and on the opposite side of Parsonage Lane to the south. To the west on the opposite side of the B1035 lies agricultural land behind a hedgerow.
- 6.4 14/01435/OUT was refused by Officers under delegated powers as the site was considered to be socially unsustainable for housing due to the dependence of occupiers using private cars for their day to day needs. Indicative 1 and 2 (on the western half of the site) were also considered to be environmentally unsustainable, projecting beyond the line of existing development on the opposite side of Parsonage Lane. The application was appealed and allowed under reference 15/00049/REFUSE. The Planning Inspector disagreed on both counts finding the site to be socially sustainable in rural standards and environmentally sustainable subject to the retention of the existing hedgerow.
- 6.5 17/01254/DETAIL was approved by Officers under delegated powers for the reserved matters approval for 5 detached dwellings which were allowed at appeal with all matters reserved.
- 6.6 The application was amended from the original submission following concerns raised by the Case officer in relation to the scale, height, detailed design and construction materials.

Principle of Development

- 6.7 The principle of development has been established by the granting of application 14/01435/OUT and 17/01254/DETAIL, of which the later application is an intact permission which could be implemented at any time.

Proposed Changes

- 6.8 The application proposes an alternative design to 17/01254/DETAIL incorporating changes to fenestration to all five plots to include removal of triangular windows, insertion of second floor rear Juliette balconies and insertion of rooflights; changes to facing materials on plots; and creation of second floor living accommodation within the roof space of all five plots.
- 6.9 As the proposed balconies will be situated to the rear elevation of plots 1 – 5, it is considered that they will not cause any impact upon the street scene of Parsonage Lane.
- 6.10 There will be views of the roof lights proposed to the eastern elevation of plots 1 -5 however due to the roof lights being a minor addition; it is considered that they will not cause any significant impact upon the street scene.
- 6.11 The application seeks changes to the facing materials for the following;
- Plot 1 – the secondary gable to be dark cream render instead of warm pink render
 - Plot 2 – the principle gable to be dark cream render instead of white render
 - Plot 3 – principle gable to be pewter boarding instead of brick heather mixture and dark cream render to second gable instead of cream white render
 - Plot 4 – the principle gable to be pewter boarding instead of blue grey boarding
 - Plot 5 – the principle gable to be dark cream render instead of white render
- 6.12 The proposed changes will be visible from the street scene however due to the proposed dwellings being set back from the highway the change of materials are not considered to cause a significant impact.

Impact of Changes

- 6.13 The proposed Juliet balconies to plots 1-5 will not cause any impact upon the neighbouring amenities due to the position of the balconies being to the rear of the dwellings.
- 6.14 The proposed two Velux roof lights are high level meaning that there will be no overlooking or loss of privacy to neighbouring properties from these windows and are for light purposes only.
- 6.15 The proposed material changes are considered to be a minor addition to the plots and although visible to neighbouring dwellings, the proposal will not cause any significant impact in terms of loss of light, privacy or outlook to the neighbouring dwellings.
- 6.16 It is noted that permitted development rights have not been removed for the 5 dwellings. Therefore, once the dwellings have been occupied the proposed changes within this application can be implemented under permitted development.

Conclusion

- 6.17 Overall, the proposed changes are considered to not represent any visual harm or detrimental impacts to the neighbouring amenities.

Background Papers

None.