

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/06/2019
Planning Development Manager authorisation:	SCE	18.06.19
Admin checks / despatch completed	AP	19/6/19

Application: 19/00369/DETAIL **Town / Parish:** Thorpe Le Soken Parish Council *AL*

Applicant: Mrs Sarah Cornwell

Address: Land East of Landermere Road Landermere Road Thorpe Le Soken

Development: Reserved Matters Application following Outline Approval of 16/01169/OUT considering appearance only to allow for a change in brick and roof tile materials (variation of previously approved 17/01482/DETAIL and 18/01195/NMA).

1. Town / Parish Council

Thorpe Le Soken Parish Council No objection.

2. Consultation Responses

None required.

3. Planning History

16/30189/PREAPP	EIA Screening Opinion for the proposed development of 98 dwellings and supporting infrastructure.		06.10.2016
16/01169/OUT	Outline planning permission for the erection of up to 98 dwellings, public open space and supporting site infrastructure with all matters reserved apart from access.	Approved	28.04.2017
17/01374/DISCON	Discharge of condition 18 (Wildlife protection measures) of planning permission 16/01169/OUT.	Approved	04.10.2017
17/01482/DETAIL	Reserved matters application for the erection of up to 98 dwellings, public open space and supporting site infrastructure and site access.	Approved	13.12.2017
17/01542/DISCON	Discharge of conditions 6 (Construction Traffic Management Plan), 7 Part A (Access Details), 8 (Surface Water Drainage Scheme), 9 (Surface Water Run-off Scheme), 10 (Maintenance Plan), 13 (Tree Protection Details), 14 (Archaeology Trial Trenching		24.04.2018

	Programme), 16 (Construction Method Statement), 17 (Fibre Optic Details) and 19 (Lighting Strategy) for approved application 16/01169/OUT.		
17/01734/DISCON	Discharge of condition 7 part B (Bus Stop Details) of approved planning application 16/01169/OUT.	Approved	18.06.2018
18/00916/DISCON	Discharge of Condition 7 Part C (Residential Travel Information Packs) of 16/01169/OUT.	Approved	14.09.2018
18/01195/NMA	Non material amendment to 17/01482/DETAIL - Change to materials schedule to better reflect available materials.	Approved	07.08.2018
18/01459/DISCON	Discharge of condition 14 (Archaeological excavation & watching brief) to approved planning application 16/01169/OUT.	Approved	10.10.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site lies to the north east of the centre of Thorpe Le Soken on the edge of the village and extends to 5.60 hectares in area. The site is in a prominent location and slopes away from Landermere Road and Rolph Close to the east. The site formerly comprised mainly agricultural land with some existing hedgerow and tree planting but the development approved under 16/01169/OUT and 17/01482/DETAIL (as amended by 18/01195/NMA) is now well underway.

Vehicular access to the site is provided via a newly formed access direct from Landermere Road with a main feeder road leading across the site with smaller spur roads serving remaining parts of the site.

Landermere Road is characterised by a mix of housing styles with older housing merging with more recent development. The Spennels, Rolph Close and Beldams Close located immediately to the east of the application site consist of a relatively recent housing estate development.

Description of Proposal

The application seeks a reserved matters approval re-considering appearance only to allow for a change in brick and roof tile materials associated with outline approval 16/01169/OUT. This is a

variation of the previously approved 17/01482/DETAIL and subsequent 18/01195/NMA dealing with a change in materials.

The proposed change is considered to go beyond what can be considered a non-material amendment and consideration of 'appearance' as part of a reserved matters application is considered the appropriate procedure.

Assessment

The main considerations are;

- Appearance;
- Financial Contribution - RAMS; and,
- Representations.

Appearance

Bricks

The reason for the material change from Atherstone Buff to Russum Buff Stock is that the bricks are no longer available from the brick factory. They are no longer producing the bricks and have no existing bricks available for use. Bellway have chosen the Rossum Buff as it is the closest brick that is available in the quantities required for the project.

Roof Tiles

This application amends the previously approved materials detailed under 18/01195/NMA as follows;

Approved August 2018 (18/01195/NMA)	Revised Tile	Reason for change
Forticrete Gemini Twin Interlocking Plain Tile – Red	No change	
Forticrete Senator Tile – Autumn	Forticrete Pan 8 Pantile Sunrise Blend	Forticrete Senator Tile – Autumn not available in that colour
Forticrete Gemini Twin Interlocking Plain Tile – Smooth Red	Forticrete Gemini Twin Interlocking Plain Tile – Sunrise Blend	'Smooth Red; was not available. 'Sunrise blend is a better match to the texture'
Forticrete Senator Tile – Red	Forticrete Pan 8 Pantile – Red	Too long lead in time/availability
Marley Garsdale Fibre Cement – Blue/Black	No change	

The overall visual impact is considered minimal as the alternative brick and tiles have been chosen due to their similarity to the original approval in terms of their colour and texture. The change in materials will not alter the design, appearance or overall character of the development.

Financial Contribution - RAMS

The original planning permissions have been implemented through the commencement of works on site. This application relates to minor changes to brick and roof tiles to some plots and does not propose to increase the number of dwellings being built. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

Representations

Thorpe-le-Soken Parish Council raise no objection.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the amended materials and finishes, the application is recommended for approval.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan and materials: Drawing No. TLS : 803 Rev. PS.

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.

Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development reference 16/01169/OUT (and associated Discharge of Condition applications). Please refer to the outline planning permission to ensure full compliance with all conditions.

In addition, the approved plans and External Materials Schedule attached to approval 17/01482/DETAIL (and associated Discharge of Condition applications) for the Layout, Scale, Access and Landscaping remain relevant to the development as listed below;

The development hereby permitted shall be carried out in accordance with the following approved plans, Drawing Nos:

TLS:001 Rev. P2, TLS:002 Rev. P2, TLS:003 Rev. P1, TLS:004 Rev. P1, TLS:005 Rev. P1, TLS:006 Rev. P1, TLS:007 Rev. P2, TLS:008 Rev. P2, TLS:009 Rev. P2, TLS:010 Rev. P2, TLS:011 Rev. P1, TLS:012 Rev. P2, TLS:013 Rev. P2, TLS:014 Rev. P2, TLS:015 Rev. P2, TLS:016 Rev. P2, TLS:017 Rev. P1, TLS:018 Rev. P1, TLS:019 Rev. P1, TLS:020 Rev. P2, TLS:021 Rev. P2, TLS:022 Rev. P2, TLS:023 Rev. P1, TLS:024 Rev. P2, TLS:025 Rev. P1, TLS:026 Rev. P2, TLS:027 Rev. P1, TLS:028 Rev. P1, TLS:029 Rev. P2, TLS:030 Rev. P2, TLS:031 Rev. P2, TLS:032 Rev. P2, TLS:033 Rev. P1, TLS:034 Rev. P2, TLS:035 Rev. P2, TLS:036 Rev. P2, TLS:037 Rev. P1, TLS:038 Rev. P2, TLS:039 Rev. P2, TLS:040 Rev. P2, TLS:041 Rev. P2, TLS:042 Rev. P1, TLS:043 Rev. P1, TLS:044 Rev. P1, TLS:045 Rev. P2, TLS:046 Rev. P1, TLS:047 Rev. P1, TLS:048 Rev. P1, TLS:060 Rev. P1, TLS:061 Rev. P2, TLS:062 Rev. P2, TLS:063 Rev. P2, TLS:064 Rev. P2, TLS:065 Rev. P2, TLS:070 Rev. P2, TLS:071 Rev. P2, TLS:072 Rev. P2, TLS:076 Rev. P1, TLS:077 Rev. P1, TLS:078 Rev. P1, TLS:079 Rev. P1, TLS:800 Rev. P14, TLS:801 Rev. P2, TLS:802 Rev. P2, TLS:804 Rev. P1, TLS:805 Rev. P1, TLS:806 Rev. P1, TLS:807 Rev. P2, TLS:808 Rev. P1, TLS:809 Rev. P1, TLS:810 Rev. P1, TLS:811 Rev. P1, 2 Rev. E, 101, 102, 103, 171650-002 Rev. A, 171650-003 Rev. A, 171650-011, 171650-012, and 171650-013.

Plans Superseded by this permission:

TLS:803 Rev. P1 (approved under 17/01482/DETAIL)
TLS:803 Rev. P3 (approved under 18/01195/NMA)

