

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	11/07/2019
Planning Development Manager authorisation:	TF	18/07/2019
Admin checks / despatch completed	ER	18/07/19

ML

Application: 19/00777/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr R Wright - Wright Ruffell Sturricks Ltd

Address: J E Fuller Ltd Station Road Kirby Cross

Development: Proposed 6 no. new dwellings with associated parking and landscaping (alteration to previous planning approvals).

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

2. Prior to the proposed access for any dwelling on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

3. No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses throughout.

4. The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

5. Any new boundary planting shall be planted a minimum of 1

metre back from the highway boundary and any visibility splay.

6. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles, retained in perpetuity.

7. No development shall take place, including any ground works or 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 and underbody washing facilities

8. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

9. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

10. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway (delete as appropriate).

Tree & Landscape Officer

No trees or other significant vegetation will be affected by the development proposal.

In terms of proposed soft landscaping the landscaping plan shows new trees in the front gardens of plots 1, 3 and 6.

Previous planning permissions for this site have included new trees in the front gardens of plots 3, 4 and 5.

The appearance of the completed development would be improved by the inclusion of the trees as previously shown on plots 3, 4 and 5 and therefore the plan should be amended to show trees in these locations.

In other respects the soft landscaping proposals are acceptable and if the above amendments are made then no other changes will be required in terms of soft landscaping.

UU Open Spaces

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby.

Any additional development in Kirby will increase demand on already

stretched play areas. The closest play area to the development is (0.8m), Halstead Road, Kirby Cross.

The play area at Halstead Road is designated as a Local Area for Play. Should this development go ahead it would be necessary increase the level of provision at this sites.

Recommendation

Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. Any contribution would be used to provide new safety surfacing at Halstead Road Play Area.

3. Planning History

14/00855/OUT	Erection of four dwellings and an office following demolition of existing builders yard.	Approved	13.08.2014
16/00645/FUL	Construction of 4 No. dwellings (following demolition of existing commercial properties).	Approved	20.07.2016
16/01060/FUL	Proposed 4 no. dwellings.	Approved	
17/00110/FUL	Proposed 2 no. dwellings.	Approved	08.03.2017
17/01450/DISCON	Discharge of conditions 2 (materials), 3 (landscaping) and 5 (screen walls and fences) of planning permission 17/00110/FUL.	Approved	15.09.2017
17/01990/FUL	Erection of one new dwelling (Alteration to approved planning application 16/00645/FUL to allow for an alternative design for Plot 3).	Approved	16.01.2018
17/01991/FUL	Application of variation to condition 9 on Approval 17/00110/FUL - to change drawing numbers 840/10, 840/11, 840/12, 840/13, 840/14 to 769-P05A & 769-P06A - to allow minor alterations to Plots 5 & 6.	Approved	11.01.2018
17/02021/FUL	Variation of condition 14 of approved application 16/00645/FUL to change condition to reflect new drawing numbers 769-P01A, 769-P02A, 769-P04A, 769-LS01, 769-LS02, 769-LS04. Removal of conditions 2 (Materials), 3 (Landscaping), 7 (Fencing/Screen walls) & 11 (Construction Method Statement)	Approved	11.01.2018

of application 16/00645/FUL.

18/00080/DISCON	Discharge of conditions 2 (landscaping) and 4 (fencing of screen walls) of planning permission 17/01991/FUL	Approved	24.01.2018
19/00777/FUL	Proposed 6 no. new dwellings with associated parking and landscaping (alteration to previous planning approvals).	Current	

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

ER2 Principal Business and Industrial Areas

ER7 Business, Industrial and Warehouse Proposals

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PP6 Employment Sites

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

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 (2019) 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 application site is located on the eastern side of Station Road to the north of Kirby Cross Train Station. The application site itself forms part of the ex-Fuller Builders Yard and benefits from planning permission for 6 no. dwellings from two separate planning approvals for 4 no. properties (17/02021/FUL) and 2 no. properties (17/01991/FUL). Directly to the east of the site is a Masonic Lodge. To the west and north are existing residential properties and to the south is Kirby Cross Train Station. Construction work has commenced on site and both approvals have been implemented.

Proposal

This application seeks to consolidate approval for the 6 no. dwellings on the site under a single planning permission with re-sited parking areas for plots 3, 4, 5 and 6 due to access issues in respect of the approved parking for plot 6.

The existing permissions show parking for plot 6 situated on its eastern side. However, due to the applicant having no right of access across private land this application seeks to shift the parking for plots 4, 5 and 6 to their western side. The changes also necessitate the slight relocation of plot 3 north-westwards and the substitution of a garage with an open parking space for plot 4.

The design and size of the properties all remain as previously approved apart from the inclusion of solar panels on several dwellings. An updated landscaping scheme has been submitted along with a materials schedule that reflects what was approved previously.

Appraisal

The principle of siting 6 dwellings on the site has been established under the granting/implementation of the previous planning permissions pertaining to the site. The main issues to consider are the impact of re-configuring the parking layout and the shifting plot 3 north-westwards from a highway safety and visual amenity point of view.

Visual Impact

The re-location of the parking serving plots 4, 5 and 6 and the minor relocation of plot 3 does not materially change the appearance of the development. The parking areas are located relatively discreetly to the side of each property and the parking area previously approved for plot 6 now becomes enclosed private garden. Furthermore, the amended parking areas and the shifting of plot 3 retain sufficient spacing between the proposed properties. The inclusion of solar panels does not detract from the appearance of the properties and the use of renewable energy sources are to be supported.

The landscaping scheme has been amended during the course of the application to secure additional tree planting to the front of each plot.

Highway

Essex County Council Highways has no objections to the revised layout subject to the inclusion of several conditions which were included on previous permissions. The size and dimensions of the parking bays meet the required standards as do the access widths. The requirement for no unbound materials throughout the development will be retained and the construction method statement approved as part of the previous permissions secured through condition. It is considered unreasonable to request travel information packs or secure bicycle storage as these were not requirements on the previous permissions.

Legal Obligations

Having considered the proposed avoidance and mitigation measures outlined within the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS), the Council conclude that in this instance it would be unreasonable to seek mitigation measures. The development has commenced and this application relates solely to changes to the development layout.

Natural England has confirmed that ultimately in this situation where the RAMS has emerged after the original application was registered, it is down to Tendring District Council to decide whether this proposal lies within scope of the RAMS or not. Consideration should also be given to whether a previous HRA has been undertaken and if so, what the findings of this were, including any mitigation sought.

As stated above the original planning permissions have been implemented through the commencement of works on site. This application relates to minor changes to the layout and does

not propose to increase the number of dwellings built overall. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

The same conclusion is reached in respect of a Public Open Space contribution which has been requested by the Council's Public Open Space Team. Again the development could be built out without the requirement for a contribution due to the implementation of the planning permissions relating to the site. As such it would be unreasonable to request such a contribution for this scheme.

Other Considerations

Frinton & Walton Town Council has recommended approval. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 Prior to the occupation of the approved dwellings the parking spaces and associated garaging shall be constructed and made available for parking purposes. The parking spaces and garaging shall be retained as approved thereafter and used for any other purpose.

Reason - To ensure adequate off-street parking is retained to serve the proposed dwellings.

- 2 Prior to the proposed access for any dwelling on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 3 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are 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.

- 4 No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses throughout.

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

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwellings, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that adequate usable private amenity space is retained on the plot and in the interests of neighbouring resident's amenity.

- 6 The approved scheme of landscaping shown on drawing no. P08b 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.

- 7 Construction work shall be carried out in accordance with the construction method statement illustrated on drawing no. P09.

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

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans/documents; P07, P01, P02, P03, P04, P05, P06, P08b and P09.

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

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.

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