

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	28/10/19
Planning Development Manager authorisation:	TF	30/10/19
Admin checks / despatch completed	CC	30/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	30/10/19

Application: 19/01325/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Roman Homes LLP

Address: Part Garden of 4 Halstead Road Kirby Cross

Development: Variation of condition 2 of approved application 19/00117/FUL to permit the erection of a garage on plot 3 and to change the proposed roof materials for plots 4 and 5.

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:

o No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1

o Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

o All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the

area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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.

3. Planning History

98/01329/FUL	Proposed replacement garage with hobbies room within roof space	Approved	17.11.1998
99/01752/FUL	Revised siting of replacement garage approved under TEN/98/1329	Approved	09.02.2000
06/00335/FUL	Proposed roof alterations and extensions.	Approved	24.04.2006
16/00100/FUL	Residential extension and alterations	Approved	18.03.2016
19/00117/FUL	Erection of 5 detached dwellings with associated garage/parking served by a private drive from adjacent development site, and relocation of plots 10 and 11 of 16/01446/DETAIL.	Approved	14.06.2019
19/01264/DISCON	Discharge of conditions 3 (Vehicular Turning Facility), 4 (CMS), 6 (Soft Landscaping) and 8 (Boundary Treatment) of planning application 19/00117/FUL.	Approved	26.09.2019
19/01461/FUL	Variation of condition 2 of approval 19/00117/FUL to permit the erection of a bungalow on plot 11 in lieu of the approved chalet/house.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

LP8 Backland Residential Development

PPL4 Biodiversity and Geodiversity

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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 (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

Site Description

The application site is land to the east of 4 Halstead Road, within the parish of Kirby Cross. The surrounding area is urban in nature, with significant built form to all sides. Predominantly this built form is residential properties, including development adjacent along Orchard Gardens currently under construction, but there are examples of other commercial units, particularly to the south-west.

The site falls within the Kirby Cross Settlement Development Boundary within the Emerging 2013-2033 Tendring Local Plan Publication Draft but outside of the Saved Tendring Local Plan 2007.

Description of Proposal

This application seeks planning permission for the variation of condition 2 of previous planning approval 19/00117/FUL, which allowed planning permission for the erection of five detached dwellings, and also the relocation of plots 10 and 11 of previous planning permission 16/01446/DETAIL.

This application seeks to amend the design of this previously approved scheme to incorporate the following changes:

- The erection of a single garage for Plot 3; and
- A change of roof materials for Plots 4 and 5 from Eternit Rivendale Black to Eternit Thrutone Endurance Blue Black.

Assessment

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal will see two alterations to the scheme previously approved under planning permission 19/00117/FUL. The main change will be the inclusion of a single garage to Plot 3. Given this is sited to the rear of existing development it will largely not be visible from the street scene. Further, it is noted other plots within the wider scheme include single and double garages, so the principle of a single garage is acceptable, while the proposed materials will be in-keeping with the surrounding area.

The second amendment is a change of the roof materials for Plots 4 and 5, which will change from Eternit Rivendale Black to Eternit Thrutone Endurance Blue Black. These materials are of a similar appearance and will therefore still appear in-keeping with the surrounding area. There are therefore no objections to this change.

Overall the changes are minor in nature and will result in no significant impacts to the character and appearance of the surrounding area, and are therefore considered to be acceptable.

Other Considerations

Frinton and Walton Town Council have recommended approval.

No other letters of representation have been received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

19/00117/FUL:

Documents titled 'Proposed Floor Plans', 'Proposed Elevations Plots 1, 2 & 3', 'Proposed Elevations Plots 4 & 5', 'Proposed Floor Plans Plots 10 & 11', 'Proposed Elevations Plots 10 & 11', 'Garage Details - Sheet 1', 'Garage Details - Sheet 2', 'Arboricultural Impact Assessment and Preliminary Method Statements', 'Tree Planting Scheme', and the untitled Site Location Plan.

19/01325/FUL:

Documents titled 'Material Schedule', 'Garage Details' and 'Proposed Layout Revision B'.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 The vehicular turning facility shall be in full accordance with the details as approved within 19/01264/DISCON.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 3 The Construction Method Statement shall be in full accordance with the details approved within 19/01264/DISCON.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 4 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 5 The scheme of hard and soft landscaping works for the site shall be in full accordance with the details as approved within 19/01264/DISCON.

Reason - To enhance the visual impact of the proposed works.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

- 7 Full details of the positions, design, materials and type of boundary treatment shall be in full accordance with the details approved within 19/01264/DISCON.

Reason - In the interests of protecting the semi-rural landscape and in the interests of visual amenity.

- 8 No unbound material shall be used in the surface treatment of the vehicular access throughout.

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

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.

Highways Informatives:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Mr Jonathan Rees -
Chartered Architectural
Technologist
15 Tucker Drive
Witham
CM8 1FA

APPLICANT: Mr Russell Brown
78 Birch Avenue
Great Bentley
CO7 8LS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01322/FUL

DATE REGISTERED: 4th September 2019

Proposed Development and Location of the Land:

**Variation of condition 2 (approved plans) to change the fenestration to french/bi-fold doors for application 18/00741/FUL.
White Lodge Weeley Road Great Bentley Colchester**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT**
PLANNING PERMISSION in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

18/00741/FUL:

Drawing numbers 1804-02, 1804-03, 1804-19, 1804-20B, 1804-21, 1804-22B, 1804-23B, 1804-24, 1804-28B, 1804-29B, 1804-30B, 1804-32 and the document titled 'Heritage Statement and Heritage Impact Assessment'.

19/01322/FUL:

Drawing numbers 1804-25C, 1804-26C and 1804-27C.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 The scheme of soft landscaping works shall be in full accordance with the details as approved within planning reference 18/01455/DISCON.

Reason - To compensate the loss of the trees and to soften and enhance the appearance of the development within the Great Bentley Conservation Area.

DATED: 30th October 2019

SIGNED:

Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL8 Conservation Areas

SPL3 Sustainable Design

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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.