

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	06/11/19
Planning Development Manager authorisation:	TF	13/11/19
Admin checks / despatch completed	CC	13.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XAE	13/11/19

**Application:** 19/01461/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Roman Homes LLP

**Address:** Part Garden of 4 Halstead Road Kirby Cross Frinton On Sea

**Development:** Variation of condition 1 of approval 19/01325/FUL to permit the erection of a bungalow on plot 11 in lieu of the approved chalet/house.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval.

### 2. Consultation Responses

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

Informative 1: 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.

ECC SuDS Consultee Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application. As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this is a variance of condition 2 for a minor application in which we previously provided no comments on and therefore we shall have no further comments accordingly in relation to this application.

However please consider the following conditions/informatives if

relevant for the development;

#### Conditions

- 1) Surface Water Drainage - Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
  - The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Sustainable Urban Drainage- Prior to commencement of the development no works shall take place until a detailed Sustainable Urban drainage scheme as specified in the Essex Sustainable Drainage Systems Design Guide 2014 submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to;
- 3) Maintenance - Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.
- 4) Flood Risk Assessment - The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained as such thereafter.
- 5) Flood Risk Assessment 2 - Notwithstanding the details set out in the Flood Risk Assessment submitted with the application, no development shall be undertaken unless and until a method statement has been submitted to and approved in writing by the local planning authority detailing:-
  - The flood mitigation measures to be incorporated into the detailed design of the dwelling(s)
  - The provision for the installation of removable flood barriers such as flood boards to form part of the detailed design of the doorways and vents/airbricks on the exterior of the property
  - The provision of non-return valves to all sanitary outlets to prevent backflow during a flood
- 6) Flood Mitigation Measures - Development shall not be commenced until a scheme for the provision and implementation of flood mitigation measures has been submitted to and approved in writing, with the Local Planning Authority. The scheme shall be carried out in its entirety before the development is first occupied and constructed and completed in accordance with the approved plans and in line with the Environment Agency documents "Improving the flood performance of new buildings" and "Prepare your property for flooding: A guide for householders and small businesses."

#### Informatives

- In discharging condition X where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, and

whether it will be rubble filled.

- In discharging condition X where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" and no greater than 5 litres per second up to and including a 1 in 100 year rainfall event. This is typically achieved by installing some form of attenuation on site e.g. temporary storage.

- In discharging condition X if discharging to a watercourse, ditch, stream etc, the applicant must demonstrate that the system is an appropriate point of discharge for the site i.e would take existing pre-development flows. If not then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

- Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- No works to infill ditches should be undertaken without prior consent from Essex County Council. You should also be aware that works of this nature may require planning permission

- No raising of land in flood plains should take place without prior consent from Essex County Council. You should also be aware that works of this nature may require Environment Agency consent if in a flood plain.

- The removal of land drains likely to interrupt the flow may require prior consent from Essex County Council on 08457430430 or floods@essex.gov.uk. You should also be aware that works of this nature may require planning permission

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;

- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);

- Safety of the building;

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);

- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

### **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
19/01325/FUL	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.	Approved	30.10.2019

#### **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

EN6 Biodiversity

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

QL11 Environmental Impacts and Compatibility of Uses

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

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 1 of planning reference 19/01325/FUL. The proposal specifically seeks to amend the design of Plot 11 from its currently approved chalet bungalow design to a bungalow.

### Site History

Under planning reference 19/01325/FUL planning permission was recently granted for the variation of condition 2 of previous planning approval 19/00117/FUL, which had previously 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.

The changes approved within this permission were the erection of a single garage for Plot 3 and a change of roof materials for Plots 4 and 5.

### 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 purely see an alteration in the design of Plot 11. The current permission has approved a 1.5 storey chalet bungalow; however this application seeks to amend this to a single

storey bungalow. While the design differs to that approved it includes small features such as a bay window and a front gable that help to soften its appearance. Given this, and that there are other similar examples in this location, there will be no visual harm as a result of the proposed development.

While there are a number of neighbouring properties within the immediate vicinity the proposal will be a reduction in size to that previously approved, and will include no first floor windows. As such the proposal represents a minor improvement to the surrounding neighbouring amenities.

Overall the changes will result in no significant impacts to the character and appearance of the surrounding area, and will result in a minor improvement to neighbouring amenities, 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' (excluding Plot 11), 'Proposed Elevations Plots 10 & 11' (excluding Plot 11), 'Garage Details - Sheet 1 Rev A', 'Garage Details - Sheet 2', 'Arboricultural Impact Assessment and Preliminary Method Statements', 'Tree Planting Scheme', and the untitled Site Location Plan.

19/01325/FUL:

Document titled 'Garage Details – Sheet 2, Rev. A'.

19/01461/FUL:

Documents titled 'Material Schedule Revision B' 'Proposed Layout Revision D', 'Proposed Floor Plans Plot 11', 'Proposed Elevations Plot 11', 'Construction Plan Plot 11', 'Boundary Types Plot 11' and 'Landscaping Plan Plot 11'.

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.