

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	20/11/19
Planning Development Manager authorisation:	AN	26/11/19
Admin checks / despatch completed	ME	29/11/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EN	29/11/19

Application: 19/01489/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: FGH (Essex) Ltd
Address: Land Between 176 and 178 Thorpe Road Kirby Cross
Development: Variation of condition 2 to vary the design of plot 2 as approved under planning permission 15/00465/FUL.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority.

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.

3. Planning History

15/00465/FUL	Erection of 8 no. bungalows.	Refused	26.06.2015
16/01029/DISCON	Discharge of condition 3 (materials) and 4 (hard and soft landscaping) of planning permission 15/00465/FUL, allowed at appeal.	Approved	07.02.2017
17/00860/FUL	Erection of 7 bungalows.	Refused	19.07.2017
17/01555/FUL	Erection of 7 bungalows.	Refused	31.10.2017
18/00065/FUL	Variation to part of development approved under 15/00465/FUL for the development of one detached bungalow and two pairs of semi-detached bungalows.	Approved	06.03.2018
18/01354/FUL	Variation to part of development	Refused	05.02.2019

approved under Planning
Permission 15/00465/FUL for the
development of a pair of semi-
detached bungalows and two pairs
of semi-detached cottages.

18/01931/DISCON	Discharge of Condition 3 (Materials) and Condition 4 (Landscaping) of application 18/00065/FUL.	Approved	13.12.2018
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

EN1 Landscape Character

EN2 Local Green Gaps

EN23 Development Within the Proximity of a Listed Building

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

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL9 Listed Buildings

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

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 site is located on land between No. 176 and No. 178 on the northern side of Thorpe Road and is adjacent to, but outside of the Settlement Development Boundary for Kirby Cross as established in the saved local plan. The site is within the Settlement Development Boundary for Thorpe Road as established in the emerging local plan. The site is designated as Local Green Gap in the saved

local plan, but is not continued in the emerging local plan. The site is currently under construction for eight dwellings following the earlier approval on this site.

West of the site is No. 178 Thorpe Road, a Grade II Listed Building. To the east of the site are residential dwellings, including bungalows, chalet bungalows and 2-storey houses. There are also dwellings on the southern side of Thorpe Road, opposite the site, set back from the highway, behind front boundary hedges.

Description of Proposal

This application seeks planning permission for the variation of condition 2 of planning reference 15/00465/FUL. The proposal specifically seeks to amend the design of Plot 2.

Site History

Under planning reference 15/00465/FUL planning permission was refused for the erection of eight bungalows as it would fundamentally change the character of the site from an open field to an over-developed residential form which would undermine the rural setting of Kirby Cross. Further, the scale, siting and extent of the built form of plots 1 and 2 was considered to harm the open setting of the Listed Building.

However under appeal reference APP/P1560/W/15/31411 (dated 5 April 2016) this decision was allowed, with the Inspector stating *"I find no sufficiently compelling grounds to conclude that the appeal scheme would result in any significant harm to the remaining village character of Kirby Cross, its rural setting or the quality of the surrounding landscape, or that it would be an overdevelopment of the site"* and *"Having regard also to the siting of all the buildings proposed on Plots 1 and 2 and the extent of separation from the cottage, I therefore find there would be no harm to the listed building's setting or its contribution to the special interest and significance of the designated heritage asset."*

Under planning reference 18/00065/FUL, permission was granted for a variation to part of the development approved under 15/00465/FUL, for the development of one detached bungalow and two pairs of semi-detached bungalows. Importantly this application was in relation to the eastern section of the larger application site, and therefore the current application is not a variation to this permission.

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 2. The current permission has approved a bungalow, and the design currently being proposed mirrors that. However the design of the bungalow will be altered with a change to the fenestration, an increased rear elevation element, and the inclusion of four rooflights. While it is acknowledged the overall dwelling is not of an exceptional design, a material consideration must be the extant permission on this site previously granted under 15/00465/FUL. The design does not greatly differ to this to the extent that it would warrant a reason for refusal.

While there are a number of neighbouring properties within the immediate vicinity that are currently being constructed, the proposal will be of a similar size to that previously approved, and will include no first floor. As such the proposal represents a neutral impact 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 neutral impact 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:

15/00465/FUL:

Drawing numbers 1173 10 Rev A, 1173 11 & 1173 13.

19/01489/FUL:

Drawing numbers 153 113 Rev B.

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

- 2 All external materials shall be in full accordance with the details as submitted within planning application 16/01029/DISCON.

Reason - To ensure the materials are of good quality in an important location near to a Listed Building.

- 3 All hard and soft landscaping details shall be in full accordance with the details as agreed within planning decision 16/01029/DISCON.

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

- 4 None of the bungalows hereby permitted shall be occupied until a footway of at least 2m in width has been provided across the site frontage to Thorpe Road, to include drainage, new kerbing, surfacing, any adjustments in levels, any accommodation works to the footway and carriageway channel and connecting in both directions to the existing footway, all to the specifications of the Highway Authority.

Reason - To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

- 5 None of the bungalows hereby permitted on Plots 1-5 & 8 (as identified on drawing no. 1173 10 Rev A of planning permission 15/00465/FUL) shall be occupied until the new access road and footway into the site has been provided in accordance with the layout on drawing no. 1173 10 Rev A of planning permission 15/00465/FUL and with the details of road width, turning area and visibility splays indicated thereon. The visibility splays shall be retained thereafter and kept free of any obstruction exceeding 600mm in height.

Reason - To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

- 6 Neither of the bungalows hereby permitted on Plots 6 & 7 (as identified on drawing no. 1173 10 Rev A of planning permission 15/00465/FUL) shall be occupied until the shared vehicular access of 5.5m in width has been constructed and provided with a dropped kerb vehicular crossing of the footway/highway verge to the specification of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 7 All shared drives and access ways shall be made of porous materials, or provision shall be made to direct run-off water from any hard surfaces to a permeable or porous area or surface within the curtilage of each dwelling.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows shall be constructed above ground floor level on the eastern elevations of the bungalows on Plots 5 & 6 (as identified on drawing no. 1173 10 Rev A).

Reason - To protect the semi-rural landscape and in the interests of visual amenity.

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.