

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	02/01/20
Planning Development Manager authorisation:	CSW	2/1/20
Admin checks / despatch completed	CC	2/1/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	JME	02/01/20

Application: 19/01687/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr C Meadows

Address: Land at George Avenue Brightlingsea

Development: Variation of condition 07 (change of window material) of planning permission 13/00281/FUL. (Plot 4)

1. Town / Parish Council

Brightlingsea Town Council Supports this application

2. Consultation Responses

Not Applicable

3. Planning History

00/00940/FUL	Erect a 6ft panel fence around boundaries and erect a shed at plots 12, 13, 14 and 15	Refused	31.08.2000
00/01721/FUL	To erect a 1.6m green chain link fence using concrete posts around boundaries and erect 1 shed 3.6m x 3.0m	Approved	01.12.2000
10/00411/OUT	Outline application for 7 no. dwellings.	Refused	16.06.2010
10/01455/OUT	Outline application for the erection of 6 no. dwellings (resubmission of 10/00411/OUT).	Approved	16.02.2011
12/00368/FUL	Erection of 3 no. detached dwellings.	Approved	18.06.2012
12/01437/FUL	Erection of 1 no. 3 bedroom dwelling (Variation to Plot 2 of Planning Permission 12/00368/FUL to include new conservatory, additional velux windows and minor external changes).	Approved	05.03.2013
13/00281/FUL	Erection of 3 no. detached dwellings on land at George	Approved	19.09.2013

Avenue & Edward Avenue,
Brightlingsea.

16/02012/DISCON	Discharge of conditions 3 (construction method statement), 4 (site and floor levels) and 6 (landscaping) of planning permission 13/00281/FUL.	Approved	18.01.2017
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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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

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 (including Site Description and Proposal)

Site Description

The application site relates to Land at the George Avenue, Brightlingsea which is a two and a half storey dwelling located in the development boundary of Brightlingsea.

Proposal

This application seeks to vary condition 7 of planning application 13/00281/FUL (plot 4) to change the window materials to UPVC. The condition reads as follows;

'The materials to be used in the construction of the proposed development shall be:

Roof: Marley Eternit Ashdowne Ashurst Handcrafted clay plain tiles

Walls: Weinerberger Terca Warnham Red Bricks.

Windows/Joinery: Timber Painted Off White.

Block Paving: Marshalls Drivesett Tegula priora Harvest Gold.

Unless otherwise agreed in writing by the Local Planning Authority

Reason - As this development is publicly visibly from the front and the rear, high quality materials such as the ones proposed in the Design and Access Statement are essential in the interests of visual amenity'.

Assessment

The main considerations for this application are the design and appearance and the impact upon neighbouring amenities.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed change of materials from Timber to UPVC will be visible from the street scene of George Avenue, however the proposal is considered to be a minor alteration which will not impact upon the character of the surrounding area. It is therefore considered that the change of window material is considered acceptable in terms of design and appearance.

Impact upon neighbouring amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed change of window material will not cause any impact upon the neighbouring amenities due to the minor alteration.

Other considerations

Brightlingsea Parish Council supports this application.

No letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Drg. No. 938/102A

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

- 2 The development hereby approved shall be carried out in accordance with the Construction Method Statement as submitted under planning application 16/02012/DISCON.

Reason - In order to have regard to the amenities of local residents, businesses, visitors and construction sites in the area during construction works.

- 3 The site levels should be as approved under planning application reference 16/02012/DISCON and shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason - For the avoidance of doubt and to ensure a satisfactory form of development.

- 4 The development shall be carried out in accordance with Drawing No. 01 - Proposed Landscaping Scheme dated November 2016 and Soft Landscaping Details document dated November 2016 submitted under planning application 16/02012/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of visual amenity and the character of the area.

- 5 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 ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 6 The materials to be used in the construction of the proposed development shall be:

Roof: Marley Eternit Ashdowne Ashurst Handcrafted clay plain tiles

Walls: Weinerberger Terca Warnham Red Bricks.

Windows/Joinery: UPVC

Block Paving: Marshalls Drivesett Tegula priora Harvest Gold.

Unless otherwise agreed in writing by the Local Planning Authority

Reason - As this development is publicly visible from the front and the rear, high quality materials such as the ones proposed in the Design and Access Statement are essential in the interests of visual amenity.

- 7 The development shall not be occupied until such time as the off street car parking facilities, indicated on the approved plans has been hard surfaced. The car parking facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

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

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>