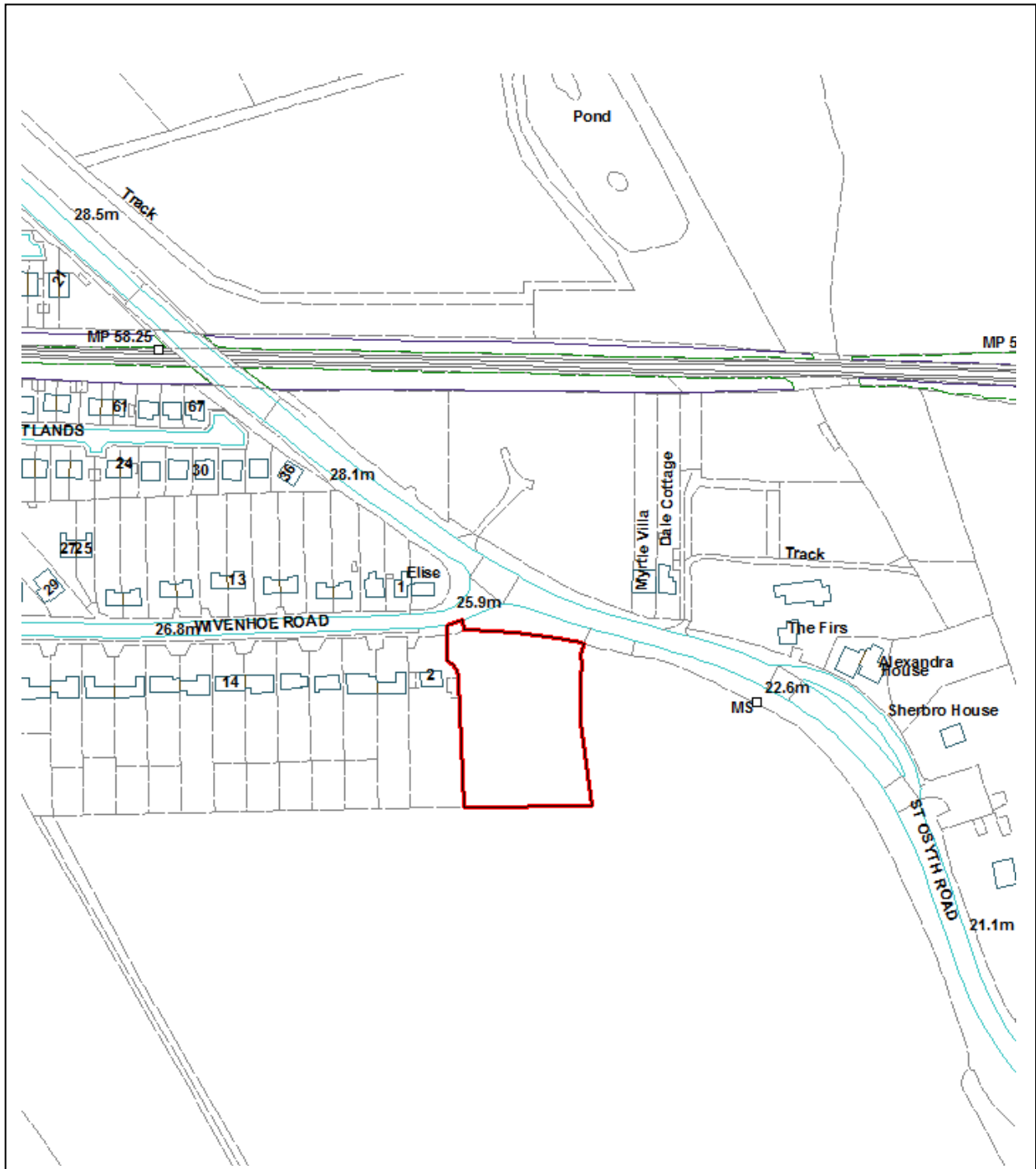


PLANNING COMMITTEE

19TH JANUARY 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.2 PLANNING APPLICATION – 20/01409/FUL – LAND ADJACENT 2 WIVENHOE ROAD
ALRESFORD CO7 8AD**



DO NOT SCALE

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Application: 20/01409/FUL

Town / Parish: Alresford Parish Council

Applicant: Mr & Mrs K Pope

Address: Land adjacent 2 Wivenhoe Road Alresford CO7 8AD

Development: Variation of condition 2 of application 19/01261/FUL (approved on appeal APP/P1560/W/19/3244048) for revisions to plot one and access road.

1. **Executive Summary**

- 1.1 This application is to be determined by the Planning Committee as one of the applicants is employed by Tendring District Council within the Planning Department.
- 1.2 The application site is located within the defined Settlement Development Boundary for Alresford, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principle for residential development is therefore acceptable.
- 1.3 The proposal is for a variation to the approved planning permission for this site, which was recently allowed on appeal. The proposal was for erection of three dwellings on this site.
- 1.4 The submitted plans show a reconfiguration to the approved turning head and changes to Plot 1 in terms of the rear elevation including the introduction of a rear gabled section along with new rooflights to the rear and side roofslopes.
- 1.5 The proposed variation would not represent a significant departure from the approved scheme. It would not result in harm to the existing trees or to neighbouring amenities. County Highways support the application subject to conditions. A legal agreement to cover financial contributions towards Open Space and RAMS was completed as part of the approved application. Therefore, subject to a number of conditions, the application is recommended for approval.

Recommendation: Approval

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework

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

EN29 Archaeology

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

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)

LP1	Housing Supply LP2 Housing Choice
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL7	Archaeology
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design

Status of the Local Plan

- 2.2 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.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.4 The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.6 Where emerging policies are particularly relevant to a planning application and can be given 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.
- 2.7 In relation to housing supply:
- 2.8 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.
- 2.9 At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires 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.
- 2.10 However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

3. Relevant Planning History

01/01197/FUL	01/01877/FUL Change of use from agricultural to domestic	Approved	20.09.2001
01/01877/FUL	Timber garage	Approved	12.12.2001
06/01419/TPO	1 No. Oak - -remove all epicormic growth. Crown lift to 6 metres over road.	Approved	29.09.2006
13/00833/OUT	Outline application for 5 new dwellings.	Refused	14.11.2013
14/01144/OUT	Outline application for 5 dwellings (revised application following refusal 13/00833/OUT).	Withdrawn	01.04.2015
15/30239/PREAPP	Erection of 3 bed dwelling.		08.10.2015
15/01686/FUL	Construction of a new single storey low impact sustainable dwelling. The proposal will incorporate the provision of a driveway and double garage.	Approved	11.02.2016
18/01381/FUL	Residential development of 3 dwelling houses.	Refused	24.10.2018
18/01775/FUL	Proposed residential dwelling house and garage.	Approved	16.01.2019
19/01261/FUL	Residential development of 3no. dwelling houses.	Refused	25.10.2019
		Allowed on Appeal	14.08.2020
20/01409/FUL	Variation of condition 2 of application 19/01261/FUL (approved on appeal APP/P1560/W/19/3244048) for revisions to plot one and access road.	Current	

4. Consultations

ECC Highways
07.12.2020

It is noted that this application concerns variation of Condition 2, revisions to plot one and the access road; the vehicle access and allocated parking is unaffected by the change, therefore: the Highway Authority does not object to the proposals as submitted and in accordance with the revised drawings.

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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

TDC Building Control and
Access Officer
20.11.2020

No adverse comments at this time.

TDC Tree & Landscape
Officer
18.11.2020

The proposed changes to the vehicular access will slightly reduce the visual impact of the development proposal on the street scene and the application is consequently an improvement on the existing approved planning permission to develop the land.

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

5. Representations

- 5.1 Alresford Parish Council have no objections
- 5.2 One letter has been received raising no objections to the proposal

6. Assessment

Site Context

- 6.1 The application site is located at the eastern edge of Alresford comprising of an open parcel of land situated to the end of a row of dwellings along the southern side of Wivenhoe Road.
- 6.2 Dwellings in this street are set in a close knit, linear form. The immediate area is suburban in character rather than the more open and rural character of the surrounding area.
- 6.3 The site falls adjacent to, but outside of, the Alresford Settlement Development Boundary within the Adopted Tendring Local Plan 2007 but falls inside the Settlement Development Boundary for Alresford within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

- 6.4 This application seeks planning permission for a variation of the approved planning permission reference 19/01261/FUL for the erection of three detached residential dwellings of 1.5 storey height, including four bedrooms each dwelling includes a single garage. The main changes to the approved scheme relate to plot 1 and involve the following changes:
- Reconfiguration of turning heads
 - Introduction of an additional rear gable
 - Introduction of new rooflights to the rear and side roof slopes

Reconfiguration of turning head

- 6.5 The approved scheme includes a single triangular shaped turning head adjacent to plot 1, to the west of the site. The proposed variation includes the introduction of two turning heads to plots 1 and plot 2 adjacent.
- 6.6 It is considered that the proposed arrangement would reduce the impact of vehicles turning solely in front of plot 1 and the likely reduction in vehicular activity is to be welcomed. The highway officer raises no objection to the proposed arrangement which is acceptable.

Introduction of an additional rear gable

- 6.7 An additional rear gable is introduced as part of the variation to the approved scheme. This would create symmetry to the rear elevation and the design of the proposed gable is consistent with the overall size and scale of the proposed building and includes matching materials.

Rooflights to the rear and side roof slopes

- 6.8 Five new rooflights will be included to the rear roofslope replacing the two rooflights forming part of the approved scheme. In addition, four rooflights are proposed to the western and eastern elevations of the building existing and new gable.
- 6.9 It is considered that the proposed rooflights are acceptable in terms of size and proportions and the appearance within the roofslopes is considered acceptable.
- 6.10 With regard to the impact of the proposed variations to the streetscene, the main changes are confined to the side and rear elevations of the building, it is therefore considered that the impact of the proposed variations will not be discernible when viewed from the street and in the context of the setting of the neighbouring buildings which will remain unaffected by the proposal.
- 6.11 The proposed variations also include folding doors to all three rear exits to the rear garden. These changes are considered in keeping with the main design approach and are therefore considered to be acceptable.

Impact on Residential Amenity

- 6.12 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).
- 6.13 The adjacent neighbour at plot 2, along the boundary to the east of the subject property, is separated by an intervening garage. There are no additional windows to the eastern elevation, that would affect the occupiers of plot 2, and the introduction of new gable elements would not be harmful to the amenities of the neighbouring property. No concerns are raised in relation to loss of light or visual intrusion.

Other matters

- 6.14 Issues related to Landscaping and Biodiversity and drainage will not be changed on the current application therefore the conditions attached to the approved scheme will be carried forward on the current application

7. Conclusion

- 7.1 In summary, the proposed variation of condition 2 of the approved planning permission as outlined in the submitted plans is considered acceptable in terms of function appearance and impact on neighbouring occupiers and the street scene in general.
- 7.2 The integrity of the of the approved scheme has not been compromised by the proposed variations and the relevant legal agreements have already been signed as part of the original planning permission and therefore subject to the conditions shown below the application is recommended for approval.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives:

8.2 Conditions and Reasons

1 The development hereby permitted shall begin no later than 14 August 2023.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 40 Rev B, 41 Rev B, 42 Rev B, 43 Rev B, 48 Rev B and 49 Rev B.

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

3 Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, details of tree protection measures shall be submitted to and approved in writing by the local planning authority (LPA). Development shall be carried out in accordance with such measures, which shall be installed prior to development commencing.

Reason - To ensure the protection of the retained trees on site.

4 Prior to the first occupation of the dwellings hereby permitted, a Landscaping Plan, including details of boundary treatments, hard surfacing, ground levels and the species and size of any trees and hedges to be planted, shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details prior to occupation or, for any new trees or hedges, within the first available planting season.

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

5 If, within a period of 5 years from the date of planting, any new tree or hedge is removed, uprooted, destroyed or dies or becomes, in the opinion of the LPA, seriously damaged or defective, another tree or hedge of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or hedge.

Reason - To ensure and maintain the enhance enhancement of the site.

6 Notwithstanding the provisions 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) no enlargement of the dwellinghouses, additions to their roofs or the construction of buildings incidental to their enjoyment, as

permitted by Classes A, B and E of Part 1 of Schedule 2 of that order, shall take place.

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

- 7 Prior to the first occupation of the dwellings hereby approved, the vehicular access and off street parking and turning facilities as shown on approved drawing 41 Rev B, and an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority, shall be provided.

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.

- 8 No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The Statement shall provide for; the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials and wheel washing facilities. The approved CMS shall be adhered to throughout the construction period for the development. 9) No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

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

- 9 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

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

8.3 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 – Development Management Team

**Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT**

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.