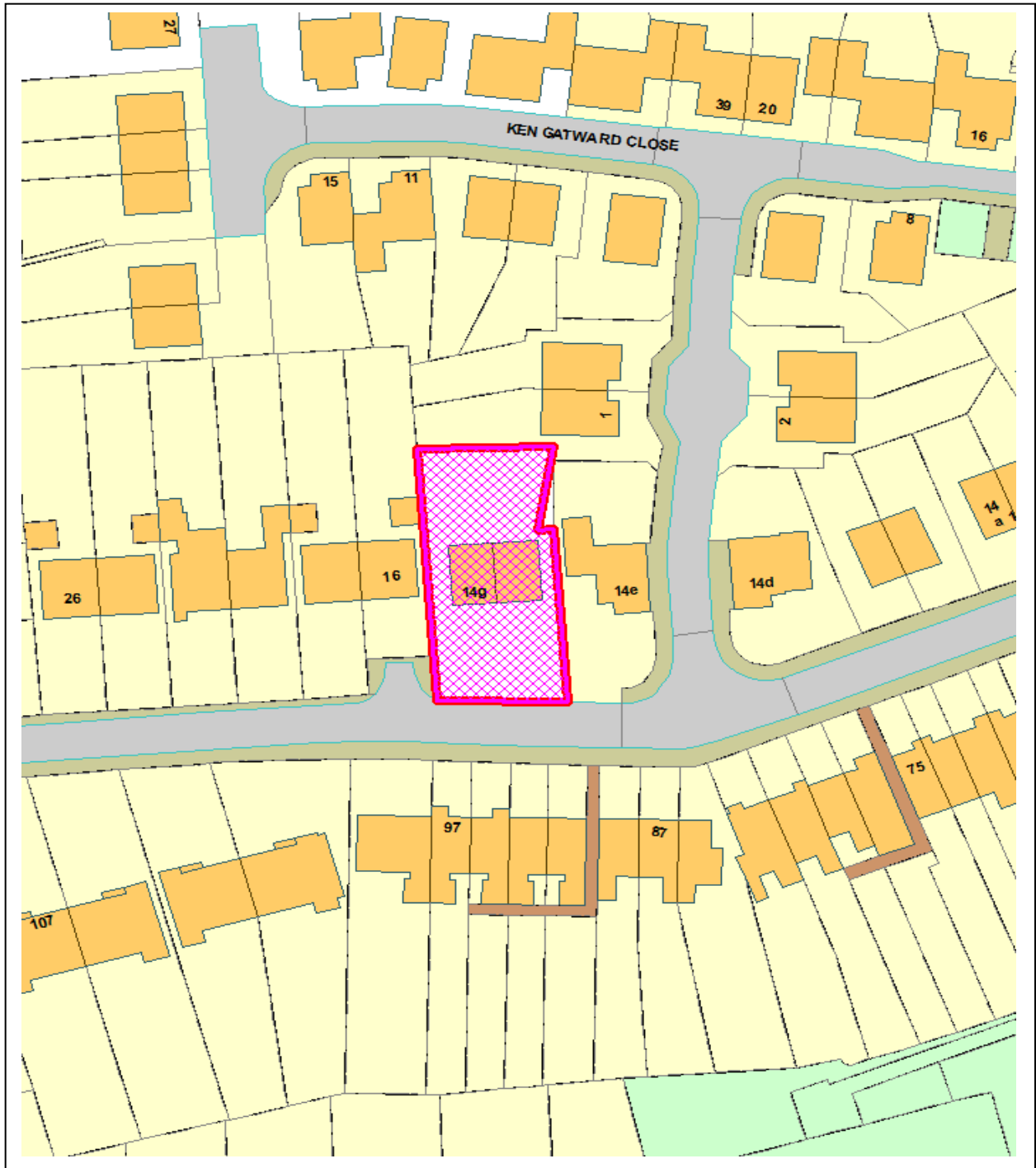


PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

**A.6 PLANNING APPLICATION – 17/00502/FUL - 14F AND 14G WITTONWOOD ROAD, FRINTON ON SEA, CO13 9LB**



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<b>Application:</b>	17/00502/FUL	<b>Town / Parish:</b> Frinton and Walton Town Council
<b>Applicant:</b>	Mr Stuart McAdam - Persimmon Homes Essex	
<b>Address:</b>	14F and 14G Wittonwood Road, Frinton On Sea, CO13 9LB	
<b>Development:</b>	Retention of two dwellings incorporating revised elevational changes, amendment to that approved under 14/01447/DETAIL	

## 1. Executive Summary

- 1.1 This application was previously considered at the Planning Committee of 16<sup>th</sup> May 2017, following a 'call-in' to Planning Committee by Cllr Turner on the basis that "The design is inferior to that was originally approved and what should have been built".
- 1.2 The resolution of the May Committee was to defer consideration, to allow time for amended plans to be forwarded by the applicant to over-come the concerns expressed by Committee, to be reconsidered at the Committee of 14 July 2017, and in the absence of such plans, that permission be refused.
- 1.3 Outline planning permission - 11/00796/OUT - and Reserved Matters Approval - 14/01447/DETAIL were granted on 30.06.2014 and 23.03.2015 respectively.
- 1.4 The development related to the creation of 37 no. two, three and four bedroomed houses, plus associated roads, car parking, landscaping and public open space.
- 1.5 The site lies within the defined settlement boundary of the saved Local Plan and the site was historically used as an overground reservoir (now capped) with associated grounds.
- 1.6 All the relevant pre-commencement conditions were discharged and the development commenced, however 2 plots – a pair of semi-detached houses on the Wittonwood Road frontage – have not been built in accordance with the approved plans, and this application is to regularise the "as-built" situation.
- 1.7 The applicant has taken on-board the matters of concern expressed by the Committee, and has submitted new plans indicating changes to the appearance consisting of:-
  - (i) Chimney stacks have been re-instated as end-stacks on the gable walls of each of the semi-detached houses (the approved plans had a single stack in the centre)
  - (ii) The moulded eaves-boards and finials have been re-instated on the feature dormers of the front elevation as per the approved drawings, and
  - (iii) Moulded verge-boards have been re-instated on the gable walls of the units as per the approved drawings
- 1.8 The only elements of the approved plans that have not been re-instated on the revised plans are the arch-topped lintels and the projecting brick band around the centre of the dwellings.
- 1.9 The size and scale of the proposed dwellings is now similar (although smaller) to the approved units, with only the minor elements of the design – principally the treatment of the lintels above the windows and the projecting brick course - differing from the approved plans, and the changes are now considered to be so minor as to render the scheme

acceptable with no material harm to visual amenity. The application is therefore recommended for approval.

**Recommendation: Approve**

Conditions:

1. Development in accordance with approved plans
2. Parking to be retained

## **2. Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SP5 Place Shaping Principles

SP6 Spatial Strategy for North Essex

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout

**Status of the Local Plan**

The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

**3. Relevant Planning History**

11/00796/OUT	Demolition and site clearance of former reservoir and outline planning permission for construction of 37 residential properties (3 units to be for the provision of affordable housing), garages, pergolas, play area and retention of existing protected trees.	Approved	30.06.2014
14/01447/DETAIL	Submission of reserved matters pursuant to outline planning permission 11/00796/OUT for the creation of 37 no. two, three and four bedroom houses, plus associated roads, car parking, landscaping and public open space.	Approved	23.03.2015
14/01644/ADV	1 no. freestanding, non illuminated sales sign.	Approved	06.03.2015
17/00502/FUL	Retention of two dwellings incorporating revised elevational changes,	Current	

amendment to that approved under  
14/01447/DETAIL

#### **4. Consultations**

None undertaken

#### **5. Representations**

In relation to the originally submitted scheme (considered at 16 May 2017 Committee):-

- 5.1 Frinton and Walton Town Council: REFUSAL – against the retrospective application; poor design and out-of-keeping with the development. Have not stuck to the assurances given ahead of the development.
- 5.2 One neighbour representation has been received, which states:-
- 5.3 Regarding the above proposed planning application I wish to voice my concern over the fact that my property and my neighbours' property (14F) both have access to a shared drive which has to be kept clear at all times. My concern is that with this proposed building work lorries, vans and cars will be parked on the shared drive thereby restricting my access to and from my property and garage both on foot and in my car. There will also be noise, dirt and disruption with no indication of how long this work will be going on for.

Comments in relation to the Revised Scheme

- 5.4 Any comments received will be reported verbally at Committee.

#### **6. Assessment**

- 6.1 As the development relates solely to a change to the elevational treatment of the 2 frontage plots concerned - and the layout/design of those dwellings remains very similar to the approved plans – the only issue to consider is whether the changes are acceptable in planning terms or not.
- 6.2 In all other respects – layout of the dwellings on the estate, access roads/parking, the open space and the number of dwellings (including affordable units) – remains unchanged, and hence there are no significant 'Policy' implications.
- 6.3 The only consideration is whether the revised changes to the appearance of the dwellings are acceptable or not.

#### **Site Location**

- 6.4 The 2 dwellings concerned (plots 1 and 2) are 2 of the frontage dwellings facing on to Wittonwood Road, and they are adjacent to No 16 Wittonwood Road, an existing pair of semi-detached houses.
- 6.5 The new development along the frontage, consists of the 2 semis the subject of this application, 2 pairs of semi-detached houses at the other end of the site frontage, and 2 detached houses situated at each side of the main estate road, that serves a further 29 dwellings from a modern estate layout.
- 6.6 The site is a modern development to the north of Wittonwood Road (a former reservoir site), and the estate is situated opposite rows of established terraced houses on the south side of Wittonwood Road.

- 6.7 The terraced houses opposite the site are a mix of older traditional units, and more recent dwellings, and they are an attractive design with substantial chimney stacks being a feature of the roof-line.
- 6.8 When the estate was designed, there were several different dwelling types, with the Hanbury dwelling type built as a pair (the Hanbury B) on plots 7/8; 11/12 and 16/17, with the same design of dwelling built as a terrace (the Hanbury C) on plots 13-15.
- 6.9 The Hanbury B and C types, are a simple design with a lean-to porch on the front, but with simple eaves and ridge detailing.
- 6.10 For Plots 1 and 2 (the application site), a variation of the design (the Hanbury A) was produced, which was basically the same dwelling in terms of its layout and front lean-to porch, but it had embellishments due to its prominent road-frontage location, having pitched roof structures with moulded barge-boards above the upper-floor main bedroom windows and a 'mock' chimney stack on the ridge.
- 6.11 The developer has not constructed the special Hanbury 'A' type on the plots concerned, and has instead built the dwelling without the chimney stack or the elaborate barge-boards to the pitched roof above the upper windows, which have been provided with a simpler tiled edge instead.
- 6.12 In addition – due to the changes in levels across the site – the pair of dwellings has been constructed with a slight “step” at the party wall, although the ‘finished floor levels’ have been agreed via the discharge of condition process.

### **Proposal**

- 6.13 The proposal was to retain the dwellings in their “as-built” form, which is basically the same house-type as approved, but without the chimney stacks and with the changed detail to the pitched roof detail above the first floor windows, and was not accepted by the Planning Committee on the 16<sup>th</sup> May 2017, and was deferred for the applicant to consider changes.
- 6.14 The changed finished floor level has been approved under the condition discharge approval of ‘levels’ – and the ‘step’ in the ridge and eaves line would have been necessary in any event, even if the dwellings had been built as per the original approval.
- 6.15 The issue to consider is whether the changes to the dwellings now proposed (following the may deferral) and shown in the applicants revised plans – received on 28 June 2017 - are acceptable in visual terms, and the key changes are discussed below:-

### **The Chimney Stacks**

- 6.16 The dwellings have been constructed without the central chimneys stack of the ‘approved’ dwellings, which the applicants suggested has come about due to the step in the ground and floor levels, however as the revised plans re-instate a chimney, which are now shown as end-stacks to each dwelling, with the chimneys projecting from the gable wall, where it meets the ridge.
- 6.17 The applicant states:- “Consideration was given to the chimneys being centrally located as illustrated on the approved plans. However, as the houses are constructed on a split level (the levels having been agreed through the discharge of Condition 14 of the outline planning permission), it is considered that the design solution offered is more aesthetically pleasing”.

- 6.18 Chimney stacks are a feature of this part of Wittonwood Road, and the originally approved scheme provided chimney stacks on all of the 2 pairs of semi's fronting directly on to Wittonwood Road, as this reflected the character of the surrounding properties.
- 6.19 The revised proposal now submitted reinstates chimney features as end stacks, which is a welcome return to the approved scheme, and due to the change in levels between the 2 semis and the changed ridge-line, a central stack would look somewhat odd, and the introduction of ends stacks instead is an attractive feature that will not detract from the building, and is in some respects preferable to the centre stack.
- 6.20 The re-instatement of chimneys ensures that the dwellings would fit in well with the street scene.

### **The Moulded Barge Boards and Finials**

- 6.21 The revised plans re-instate the moulded boards above the dormers and on the end gables and the applicant states:- "The detailed design is enhanced by the replacement of the dry-verge tile detailing with ornate barge boards and the addition of the finials".
- 6.22 The re-instatement of these features is in line with the approved plans.

### **The Window Detailing**

- 6.23 The revised plans retain the as built lintel treatment and the absence of a moulded brick band around the centre of the dwellings, and the applicant states:- Persimmon has considered the comments made by members in respect of the lintels but considers that the lintels 'as-built', with a simple soldier-course of brick-on-edge lintel treatment, does not appear out of place.
- 6.24 The lintel treatment as-built does not detract from the building, and is considered to be acceptable, as the site is not within a sensitive area – such as a Conservation Area or within the setting of a listed building – where the attention to such details is critical, and would have been fundamental to the acceptability of the scheme.
- 6.25 For similar reasons, the absence of a projecting brick band is not considered to be fundamental to the overall design and with the level change and front porches, a brick band could appear rather disjointed and unduly 'fussy' on these dwellings, and whilst it was indicated on the 'approved' plans, its absence is not considered to be harmful.
- 6.26 At the May Planning Committee, reference was made to the possibility that the size of the dwellings had also changed from the approved plans, and in this respect, the applicant states:- "In response to an issue raised at the planning committee, I can confirm that the dimension of the properties is indeed slightly different from that approved under the reserved matters. The combined length of the two houses is 250mm shorter than that indicated on the approved drawings. The depth of the houses is identical to that approved. It is noted that there has been some minor reconfiguration to the internal walls which in itself is not a material planning consideration".
- 6.27 A small tolerance of 250mm is considered to be acceptable in building terms, and appeals have suggested that Planning Inspectors do not consider such variations to be material considerations.
- 6.28 The Planning Committee was clearly not prepared to accept the "as-built" situation, and the deferral has resulted in the receipt of amended plans which re-instate much of the previously approved details.

- 6.29 The reinstatement of the chimneys, finials and moulded board detail is a much improved appearance and the remaining 'differences' from the approved plans – the lintel design and projecting brick course is a very minor change.
- 6.30 Due to the non-sensitive nature of the surroundings, it is not considered that this minor change fundamentally affects the standard of the development, and it would be extremely difficult to argue that the proposal is unacceptable in visual terms.
- 6.31 It is considered that the changes now proposed are acceptable and that a refusal could not be justified in planning terms and the new scheme is recommended for approval.

Background papers

None.