

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	16/08/18
Planning Development Manager authorisation:	AN	20/8/18
Admin checks / despatch completed	AN	21/8/18

ER

Application: 18/00889/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr S Jones

Address: Cherry Trees 3 The Street Kirby Le Soken

Development: Variation of condition 1 of application 18/00036/FUL to provide solar photovoltaic panels to the rear east elevation roof of plot 2.

1. Town / Parish Council

Frinton & Walton Town Council Approval.

2. Consultation Responses

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

3. Planning History

15/01933/FUL	Demolition of residential house and replacement with two residential dwellings.	Approved	31.05.2016
17/00853/FUL	Demolition of residential house and replacement with two residential dwellings.	Approved	14.07.2017
18/00036/FUL	Demolition of residential house and replacement with two residential dwellings.	Approved	15.03.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN13a Renewable Energy

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

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

LP3 Housing Density and Standards

LP4 Housing Layout

PPL10 Renewable Energy Generation

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application site is land on The Street, Kirby-le-Soken, that currently hosts Cherry Trees, a two storey dwelling with a single storey car port to the side. The Street is characterised by a mixture of single and two storey residential development. To the east of the site is Briarfields, which is characterised by two storey residential dwellings. To the north and further west of the site is a Conservation Area, but this application falls just outside. The site falls within the Settlement Development Boundary for Kirby-le-Soken, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Upon undertaking a site visit, the existing dwelling is currently being demolished.

Proposal

This application is a resubmission of previously approved 18/00036/FUL, and seeks planning permission for the erection of two differently designed 1.5 storey dwellings, following the demolition of the existing two storey dwelling.

The proposed changes to those previously approved will see the addition of solar photovoltaic panels to the eastern side elevation of plot 2. There will be a total of 14 panels, each measuring 1m in width and 1.1m in height

History

Under planning reference 15/01933/FUL, permission was granted for the erection of two 1.5 storey dwellings following the demolition of the existing property. Under planning reference 17/00853/FUL, a variation to the design of the proposed dwellings was also granted planning permission.

Under planning reference 18/00036/FUL, further amendments were approved to change the window arrangement for Plot 1, and increase the height add a side dormer and add a brick plinth to the side elevation of Plot 2.

Assessment

Policy EN13a of the Adopted Local Plan states planning permission will be granted for development proposals for renewable energy generation, subject to there being no material adverse impact on the location environment in relation to noise, vibration, smell, visual intrusion, residential amenity, landscape characteristics, biodiversity, culture heritage, the water environment, the treatment of waste products and highway and access considerations. The sentiments of this policy are carried forward within Policy PPL10 of the Emerging Local Plan, where it states proposals for new renewable energy schemes will be considered having regard to their scale, impact and the amount of energy which is to be generated.

The proposed additional solar photovoltaic panels will be visible from views along 'The Street'; however they are of a design that would be expected of such a proposal, whilst it is noted that had the property been occupied they could be erected under permitted development. The panels will

also offer no harm to existing neighbouring amenities or represent a highway safety risk, and therefore are an acceptable addition to the previously approved dwelling.

Other Considerations

Frinton and Walton Town Council have recommend approval.

There have been no other letters of representation received.

Conclusion

Having taken all of the considerations into account, it is considered that there is not significant material harm as a result of the development and therefore the application is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing number 19a and the following drawings approved under planning permission 18/00036/FUL: 1b, 2c, 3b, 4a, 5a and 6c, and the document titled 'Construction Method Statement'.

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

- 2 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.

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to safeguard neighbouring amenities.

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.