

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	21.01.2021
Planning Development Manager authorisation:	TF	22/01/2021
Admin checks / despatch completed	CC	25.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	25.01.2021

**Application:** 20/01697/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Ian Bransgrove

**Address:** 44 Colchester Road Lawford Manningtree

**Development:** Revisions of previously approved application 20/00090/FUL to provide solar panels to rear elevation roof surfaces and the removal of solar tiles to lean to and replace with slate tiles, and to remove brick wall from previous scheme and erect fencing.

### 1. Town / Parish Council

Lawford Parish Council  
22.12.2020

Council has no objection to this application

### 2. Consultation Responses

Not Applicable

### 3. Planning History

18/00567/TCA	4 No Trees (species unknown) - fell	Approved	08.05.2018
18/00621/TCA	2 No. Conifer - fell, 1 No. Syringa - fell	Approved	14.05.2018
18/01437/FUL	Proposed side and rear extension, loft conversion, rear dormer, and internal alterations.	Approved	22.10.2018
19/00619/NMA	Non-material amendment to application 18/01437/FUL - Alterations to openings along side elevation and roof design.	Approved	15.05.2019
19/01094/NMA	Non material amendment to 18/01437/FUL - Proposed installation of in-set solar panels on new pitched roof at rear of the house and revised new boundary window to glass blocks.	Approved	22.08.2019

20/00090/FUL	Proposed raising of roof to existing rear addition, new rear doors and alterations.	Approved	18.03.2020
20/01697/FUL	Revisions of previously approved application 20/00090/FUL to provide solar panels to rear elevation roof surfaces and the removal of solar tiles to lean to and replace with slate tiles, and to remove brick wall from previous scheme and erect fencing.	Current	

#### **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

EN17 Conservation Areas

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL8 Conservation Areas

#### **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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> 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.

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 26<sup>th</sup> 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.

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.

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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Proposal

This application seeks permission for revisions of previously approved application 20/00090/FUL to provide solar panels to rear elevation roof surfaces and the removal of solar tiles to lean to and replace with slate tiles, and to remove the brick wall from previous scheme and erect fencing.

### Application Site

The site serves a brick-built middle terraced dwelling, located within the development boundary of Manningtree, and also within the Manningtree and Mistley Conservation Area.

### Assessment

#### Design and Appearance and impact on Conservation Area

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed installation of the solar panels will be located to the rear of the site, whilst the design of solar panels are not in keeping with the overall appearance of the host dwelling they will not be visible from the streetscene, preventing it from having a significant harmful effect on the visual amenities of the street scene and Conservation Area. The proposed solar panels are therefore considered acceptable in terms of visual amenity.

The removal of solar tiles to lean to and replacement with slate tiles is also considered to be acceptable in terms of visual amenities, the use of slate tiles will match with those of the existing dwellings roof and will not have any harmful effect on visual amenities.

The 1.8m high brick wall proposed in the previous application (20/00090/FUL) is now proposed to be replaced by a 1.8 metre high close boarded fence on concrete posts and gravel boards. This is located to the rear of the dwelling and will not be visible from the street scene. Fencing can be seen throughout the area and the proposal is not considered to have any adverse effects on the visual amenities of the area.

The proposed development is therefore considered acceptable in terms of visual amenities and will not have any significant harmful effect on the amenities of the Conservation Area.

#### Impact to Neighbouring Amenities

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst 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 development does not have any significant effects on residential amenities.

#### Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

#### Other Considerations

Lawford Parish Council have no objections to the application.

No other letters of representation have been received.

#### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

### **6. Recommendation**

Approval - Full

### **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 plan; Drawing No. 02 Revision A

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

- 3 Other than the hereby approved solar panels, the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture to those used on the existing building.

Reason – To ensure a satisfactory appearance to the development in accordance with Policy QL9 and EN17 of the Tendring District Local Plan 2007.

### **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.

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