

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	05.03.2021
Planning Development Manager authorisation:	SCE	05.03.2021
Admin checks / despatch completed	DB	05.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05.03.2021

Application: 21/00144/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Eamonn Jordan

Address: Parkside 80 Halstead Road Kirby Cross

Development: Proposed new carport and workshop.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL
19.02.2021

Recommends: APPROVAL

2. Consultation Responses

Tree & Landscape Officer
02.02.2021

The proposed construction of the car port and workshop will not adversely affect any significant trees or other vegetation on the application site

3. Planning History

16/00992/FUL	Extension to side and rear including internal reconfiguration.	Approved	19.08.2016
16/01319/DISCON	Discharge of condition 4 (materials) of planning permission 16/00992/FUL.	Approved	12.10.2016
21/00144/FUL	Proposed new carport and workshop.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN2 – Local Green Gaps

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN1 Landscape Character

TR7 Vehicle Parking at New Development

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

PPL 6 Strategic Green Gaps

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL3 The Rural Landscape

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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)

Site Description

The site is located to the east of Halstead Road and is outside the Settlement Development Boundaries, within the Kirby Cross Green Gap. The site contains a two storey detached dwelling with associated outbuildings to the rear. The site is mostly surrounded by arable fields.

Proposal

The application seeks planning permission for a detached double carport and workshop to the rear of the property. The proposal would replace the two existing outbuildings to the rear of the property. It would have a width of 13.6m and depth of 6.7m, with a ridge height of 5.9m. Internally it would provide two parking spaces a workshop and a log storage section.

Principle

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:

- be of a size, scale and height and in keeping with the character of the locality
- its design and materials would make a positive visual contribution to its setting
- be well related and in proportion to the original dwelling
- not be visually intrusive on a skyline or in the open character of the surrounding countryside
- retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- not represent over-development of the site or be detrimental to highway safety
- not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- not exacerbate any existing access, drainage or other problems associated with the site.

In the context of the existing dwelling the carport would, have a consistent roof shape and design to the existing host dwelling. Whilst it is noted the proposal is large in scale, the dwelling could accommodate a structure of this size and scale whilst retaining ample private amenity space. The

proposal will also be finished in materials consistent with the host dwelling, such as red facing brickwork, black painted cedar cladding and plain clay tiles. The siting of the carport is still within the context of the domestic curtilage and for this reason the development would not be visually intrusive on a skyline or in the open character of the surrounding countryside.

Kirby Cross Green Gap

Policy EN2 seeks to reinforce countryside and settlement policies that resist inappropriate development encroaching into these Local Green Gaps. The Policy also draws attention to the important functions that those areas perform. The identification and importance of these Local Green Gaps in landscape setting terms is supported by the findings of the Tendring Landscape Character Assessment. In addition to their role in maintaining settlement separation, Local Green Gaps also have a positive role to play in urban containment and thus contributing, with other policies, to the more efficient use of existing urban land and infrastructure. Policy PPL 6 also reflects these considerations.

The proposal is to be located within the curtilage of the existing dwelling, and therefore would not have a materially damaging impact on the Kirby Cross green gap and remains consistent with policy EN2 and PPL 6.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. 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.

It is deemed the proposal would have an attractive external appearance, being clad in cedar and finished with plain clay tiles. The finishing materials will remain consistent with those of the existing dwelling, and it is deemed the proposal would constitute an improvement on the existing outbuildings.

Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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 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).

Owing to the isolated location of the property to the east of Halstead Road, the impact of the proposal on the amenities of neighbouring dwellings would be negligible.

Highway Issues

The proposal is deemed to increase the already extensive parking provision of the site. As a result, it is deemed that the proposal would not cause any material issue with highway safety.

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 plans:

- HPA.002
- HPA.003
- HPA.004
- HPA.005
- HPA.006

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

- 3 The carport and workshop shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 80 Halstead Road.

Reason – The building should remain as a carport and workshop, any alteration will require written approval from the Local Planning Authority.

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.