

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	16/06/2021
Planning Development Manager authorisation:	JJ	16/06/2021
Admin checks / despatch completed	DB	17.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	17/06/2021

Application: 21/00392/OUT **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Collier

Address: Land East of Nortons Barn 72 The Street Kirby Le Soken

Development: Variation of condition 4 of planning permission 18/01135/OUT to enable ridge height of dwelling to be 7.9 metres above ground level.

1. Town / Parish Council

Frinton & Walton Town Council
26.04.2021

Recommends: REFUSAL - lack of information.

2. Consultation Responses

Essex County Council
Heritage
25.05.2021

The application is for variation of condition 4 of planning permission 18/01135/OUT to enable ridge height of dwelling to be 7.9 metres above ground level.

There is no objection to this application.

3. Planning History

18/01135/OUT Proposal for one dwelling. Approved 07.09.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN3 Coastal Protection Belt

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site currently comprises part of an extensive garden associated with Norton's Barn at 72 The Street. This property is owned and occupied by the applicant and is a former agricultural building listed as Grade II. The land has a frontage onto The Street measuring 20m. The site lies outside the identified settlement development boundary and within the conservation area for Kirby-le-Soken.

Description of Proposal

This application follows the previously approved outline application reference 18/01135/OUT. Application 18/01135/OUT sought outline approval for the erection of a single detached dwelling considering access and scale. The application was approved subject to a number of conditions including Condition 4:

The application to be received in respect of the reserved matters, as required by Condition 2, shall illustrate a dwelling no higher than 7.5m to ridge height, as detailed illustrated on the submitted drawing no. 1812-02.

Reason - To ensure that the scale of development is in keeping with the character and appearance of the adjacent properties.

This application seeks to vary Condition 4 of planning permission 18/01135/OUT to enable the ridge height of the approved dwelling to be 7.9 metres above ground level due to site level issues, which were unknown at the time of the original application.

Assessment

The principle of the development and access has been approved as part of application 18/01135/OUT. Therefore, this application need only consider the increase in ridge height of 0.4 metres from 7.5 metres to 7.9 metres and the impact of this amendment. A reserved matters application was submitted under planning application reference 20/01006/DETAIL showing a detailed design of 7.9 metres to ridge which does not comply with Condition 4 of application 18/01135/OUT thus triggering the requirement for this variation application. Application 20/01006/DETAIL is on our system but remains invalid. The standard time condition is therefore

considered appropriate in this instance for the avoidance of doubt and to ensure a valid application is submitted within the required period.

Principle of Development

The principle of residential development on the site for 1 detached dwelling has been established by the approval of 18/01135/OUT. The submission of the reserved matters application is permitted until September 2021.

Scale and Impact upon Heritage Assets

The site is in a section of the road that is characterised by detached dwellings and single storey properties of differing styles and age. Against this background and given the character of the development around the site, there is no reason why development of the application site for a single dwelling with a ridge height of 7.9 could be considered unacceptable. The increase in height from that approved under 18/01135/OUT will be an indiscernible and unobtrusive 40 cm, the visual impact of which will be further diminished by the setback from the highway and mature front boundary planting. Furthermore, the increase in ridge height does not alter the overall appearance and 1.5 storey 'cottage' design indicated at the original outline application (as demonstrated by the detailed plans provided which go beyond the validation requirements for this type of application).

Due to the relationship of the site with the Grade II listed Norton's Barn at 72 The Street and the location of the site within the Kirby-le-Soken Conservation Area, consultation with ECC Historic Environment Team has been undertaken who have confirmed they raise no objections.

Residential Amenities

Having regard to the size of the plot, the distance and relationship with existing neighbouring dwellings, the increase in ridge height is not considered significant in terms of the impact on amenities. A full assessment of residential amenities will be undertaken as part of the reserved matters application; however, there is nothing in this application to suggest that an acceptable relationship with neighbouring properties cannot be achieved.

Highway Considerations

The proposed variation to the ridge height does not alter the access arrangements. It is noted that the red line site plan differs slightly from the previous approval (no longer includes highway verge) but the visibility band as required by Condition 7 of application 18/01135/OUT can still be achieved/controlled by condition as this falls within highway land/verge.

Other Considerations

Frinton & Walton Town Council recommends refusal due to a lack of information

Officers are satisfied that the application contains sufficient information to assess and determine the proposed variation. It is noted that Frinton & Walton Town Council recommended approval of the original application reference 18/01135/OUT.

No letters of representation or objection have been received from local residents.

Conclusion

In the absence of any material harm resulting from an increased ridge height of 0.4 metres, the application is recommended for approval subject to conditions having regard to those previously imposed on application 18/01135/OUT and the revised plans submitted as part of this application.

6. Recommendation

Approval - Outline

7. Conditions

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three from 07.09.2018.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 No development shall be commenced until plans and particulars of " the reserved matters" referred to in the above conditions relating to the appearance, landscaping and layout have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 The application to be received in respect of the reserved matters shall illustrate a dwelling no higher than 7.9m from ground level to ridge height, as detailed on the submitted drawing no. 1812-04 revision C.

Reason - To ensure that the scale of development is in keeping with the character and appearance of the adjacent properties.

- 5 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 4.8 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 6 No unbound materials shall be used in the surface treatment of the proposed 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.

- 7 Prior to the proposed access being brought into use the applicant shall provide a 2.4m wide parallel band visibility splay across the entire sites frontage to The Street which shall be retained and maintained free from obstruction clear to ground thereafter.

Reason - To ensure adequate indivisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 8 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 9 The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

- 10 Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason - To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety .

- 11 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

- 12 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason - To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

- 13 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E 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), there shall be no additions to the dwelling, nor shall any buildings, swimming or other pool enclosures be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the property retains sufficient private amenity space and the impact upon the conservation area setting and listed barn is safeguarded.

- 14 In respect of the access matters only, the development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 1812-04 revision C.

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

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.

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