

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	30/09/2021
Planning Development Manager authorisation:	JJ	30/09/2021
Admin checks / despatch completed	DB	30.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.09.2021

Application: 21/01335/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr C Sleath

Address: Stranges Way Church Road Brightlingsea

Development: Variation of condition 2 of 21/00168/FUL for the change of external material due to supply issues. Re-instating second floor rear facing roof windows that were omitted on submission drawings by mistake.

1. Town / Parish Council

Brightlingsea Town Council
27.08.2021

Supports application

2. Consultation Responses

Building Control and Access Officer
27.08.2021

No adverse comments at this time.

3. Planning History

20/30123/PREAPP	Proposed construction of 5no. single storey dwellings.		22.09.2020
21/00168/FUL	Proposed erection of a single storey rear extension, two storey side extension and roof alterations.	Approved	20.04.2021
21/00208/FUL	Erection of 5 no. self-contained residential houses (bungalows) with associated parking, landscaping and amenity space	Current	
21/01335/FUL	Variation of condition 2 of 21/00168/FUL for the change of external material due to supply issues. Re-instating second floor rear facing roof windows that were omitted on submission drawings by mistake.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)
HG9 Private Amenity Space
HG14 Side Isolation
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)

SP7 Place Shaping Principles
SPL3 Sustainable Design

Local Planning Guidance
Essex Design Guide
Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Site Description

Stranges Way is a detached two storey property which occupies a substantial plot in a prominent position along Church Road at Strangers Corner. The existing dwelling is set back from the road and follows the linear pattern of development. The presence of grass verges along this section of Church Road with the well-kept front gardens of these properties sometimes bounded by low walls affords the immediate area its character.

Proposal

This application seeks planning permission for the variation of Condition 2 of previously approved 21/00168/FUL. The changes proposed are detailed as follows:

- The proposed use of brickwork on the plinth of the existing dwelling and the two storey side extension changes to render

- The single storey rear extension proposes the external finish of Hardie plank instead of render
- Minor changes to the approved fenestration on the south east side elevation
- The bottom of the front first floor windows will be in line with the eaves
- The chimney will be repositioned forward by approximately 0.70 metres
- Additional three rear facing roof lights serving the second floor
- Change from windows to inward opening double doors and Juliet balconies to the Master bedroom and bedroom 3
- The bottom of the first floor rear facing window serving bedroom 4 will be in line with the eaves

Assessment

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

The main visible changes are the change of materials where the proposed two storey extension which will be visible from Church Road was to be finished in brick but will now match the new render on the existing dwelling. This change will not have a significant impact on the character of the area as there are examples of two houses of differing design on the same side of the road, also finished in white render with anthracite grey windows. The footprint, scale and overall design of the proposed dwelling will remain the same. The change of the external finish of the single storey rear extension from render to Hardie plank will not be highly visible from Church Road and its low level will ensure there is no significant impact to visual amenity.

The introduction of two Juliet balconies on the rear elevation is considered acceptable as although the glazed area is increased the doors do not allow the occupier to step out from them nor do they increase the views of neighbouring properties ensuring there is no increased risk of overlooking or loss of privacy. Likewise the three additional roof lights to the second floor which serve a bedroom have no significant impact in terms of overlooking or loss of privacy of neighbouring amenities. Given the nature of the proposed changes and distance and orientation to neighbouring properties, there is not considered to be any adverse impacts to existing amenities.

The fenestration changes are minor as is the repositioning of the chimney which does not alter the overall design and scale of the proposal and is there considered acceptable.

There are no other impacts in comparison to the previously approved scheme.

Other Considerations

Brightlingsea Town Council supports the application.

No other letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall begin before 20th April 2024.

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: Drawing No. PA001A, PA002B, PA003A and PA004C.

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

- 3 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: between 08:00 and 18:00 Mondays to Friday, between 08.00 and 13.00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason - To satisfactorily protect the residential amenities of nearby occupiers.

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