

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	29/03/2023
Planning Manager / Team Leader authorisation:	<u>SCE</u>	<u>29.03.2023</u>
Planning Technician final checks and despatch:	<u>ER</u>	<u>30/03/2023</u>

**Application:** 23/00187/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** Mr Harry Cooper - Signature Land and Homes

**Address:** Maltings Barn The Maltings Ramsey

**Development:** Proposed erection of barn style car port, refuse and cycling store.

### 1. Town / Parish Council

Ramsey and Parkeston Parish Council      No objections

### 2. Consultation Responses

Tree & Landscape Officer  
08.03.2023      The proposed construction of the new car port in the position shown on the Block Plan and Site Plan submitted with the application will not adversely affect or otherwise compromise the long-term health or viability of any existing trees.

It is noted that the proposed access road to the car port is to be constructed utilising a permeable surface. This will enable gaseous exchange to take place and for surface water to reach tree roots. In this regard existing tree roots will be able to function normally.

At the time of the site visit it was noted that two Horse Chestnuts on the boundary with the highway have extensive decay in their trunks tree and a third Horse Chestnut has a defect in one of the main scaffold branches.

Therefore, whilst a tree report is not required in order to make the development proposal acceptable it would be prudent for the applicant to arrange for a survey of the trees to be carried out to ensure that any retained tree does not pose a risk of damage or injury to future residents of the site or to users of the highway.

Any such report should, ideally, follow the guidance set out in BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

ECC Highways Dept  
07.03.2023      Please find consultation response below for application 23/00187/FUL, from the Highway Authority.

Should you require any clarification or further information please

contact me.

Application No. 23/00187/FUL  
Proposal. Proposed erection of barn style car port,  
refuse and cycling store.  
Address. Maltings Barn The Maltings Ramsey  
Harwich Essex CO12 5LN

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image.

Given the area to be available for parking within the site, which complies with Tendring District Council's adopted parking standards, from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

### **3. Planning History**

14/01743/FUL	Conversion of barn to four bedroom dwelling with associated access, outbuilding, boundary treatments, landscaping and ancillary works.	Approved	13.02.2015
15/01833/NMA	Non material amendment 14/01743/FUL comprising of Internal layout changes and removing of windows etc.	Approved	31.12.2015
15/01839/DISCON	Discharge of conditions 03 (materials), 06 (details of boundary wall), 10 (landscaping), 12 (window detailing), 13 (foul water strategy), 15 (ecological management scheme) and 20 (construction method statement) of planning permission 14/01743/FUL.	Approved	17.02.2016
20/30254/PREAPP	Demolish existing buildings and erection of proposed dwelling.	Refused	05.01.2021
21/00807/COUNO T	Proposed change of use of class Q permitted development agricultural out building to residential building.	Determinati on	27.09.2021
22/02036/COUNO T	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for a proposed conversion of 1no.	Determinati on	25.01.2023

	agricultural barn to 3 larger units not exceeding 365m2.		
23/00187/FUL	Proposed erection of barn style car port, refuse and cycling store.	Current	
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22/02036/COUNO T	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for a proposed conversion of 1no. agricultural barn to 3 larger units not exceeding 365m2.	Determinati on	25.01.2023
23/00187/FUL	Proposed erection of barn style car port, refuse and cycling store.	Current	

#### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

#### **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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

Proposal

This application seeks planning permission for the erection of barn style car port, refuse and cycling store.

### Background

The application follows a Change of Use Prior Notification which was considered under planning reference 22/02036/COUNOT for the following:

Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a proposed conversion of 1no. agricultural barn to 3 larger units not exceeding 365m<sup>2</sup>.

The proposed building will be used in conjunction with these units.

### Representations

Three letters raising concerns over the proposal have been received below;

- Concerns over existing trees and wildlife.

This element has been assessed and addressed within the below report.

- Concerns over flooding.

The site is not located within the Flood Zone.

- Increased parking spaces and traffic flow.

This element has been assessed and addressed within the below report.

- Garden Sizes serving new houses.

This application is not for new dwellings and this is not a material consideration for this application.

### Assessment

#### Design and Appearance

The site is located to the North of Hill House and to the East of The Maltings, approximately 1 kilometre southwest of the settlement of Ramsey. The Site comprises an existing agricultural building to the East of The Maltings and North of Hill House.

This application will result in the demolition of old storage barn which is currently in disrepair. This building is set in close proximity to the highway making a prominent and noticeable feature. However, the building itself is not of any historic value and therefore there is no objection to its demolition. The proposed new building will be set forward of other buildings at the site which are to be converted to residential properties (permitted under application 22/02036/COUNOT) and therefore a noticeable addition. However, the proposed building will be set back from the front boundary (further back than the existing building which is proposed to be demolished) which will reduce its prominence. Furthermore existing trees which will help in screening some elements of the proposal.

The proposal will be traditional in design with hand made clay tiles and oak posts with black weatherboarding between the posts, the front will remain open. This approach will compliment the existing barn in terms of design and scale and will keep the existing farmstead feel to the site. Insufficient information has been provided in order to show suitable landscaping however this will be requested by way of planning condition which has been agreed with the agent.

Whilst the site is located outside of the development boundary the proposal is considered appropriate to its site and setting and would not result in a detrimental impact to the character of the countryside.

Given the presence of an existing building forward of the existing farm building and similar buildings located within the vicinity it is considered that this new structure would not result in a significantly harmful impact to the overall appearance and character of the local area.

#### Landscaping

The proposed construction of the new car port in the position shown on the Block Plan and Site Plan submitted with the application will not adversely affect or otherwise compromise the long term health or viability of any existing trees.

It is noted that the proposed access road to the car port is to be constructed utilising a permeable surface. This will enable gaseous exchange to take place and for surface water to reach tree roots. In this regard existing tree roots will be able to function normally. It is noted that two Horse Chestnuts on the boundary with the highway have extensive decay in their trunks tree and a third Horse Chestnut has a defect in one of the main scaffold branches.

The Councils Tree and Landscaping has been consulted as part of the proposal and has not objected to the scheme provided sufficient landscaping is proposed in order to soften the development. He has also requested that a survey of the nearest trees to be carried out to ensure that the retained tree does not pose a risk of damage or injury to future residents of the site or users of the highway. These details will be imposed upon the permission as conditions and have previously been agreed with by the agent.

#### Highway Safety

The Essex County Council Parking Standards states that houses of two or more bedrooms should retain 2 no off street parking spaces which measure 5.5m by 2.9m per space. They also state that garages should have an internal measurement of 7m by 3m.

The proposal will meet these standards and will provide sufficient parking in line with the above requirements.

The ECC Highways team have been consulted and raise no objections to the proposal.

Concerns have been raised regarding the increase parking and traffic flow, the proposal has been amended so that no additional car parking spaces are provided, It is now proposed to remove 3 of the 6 spaces to the front of the proposed dwellings so the total number of parking spaces provided on site remains as 6. The proposal is for a garage, cycle and bin store and therefore would not generate significant traffic movements. The traffic movements will come from the proposed dwellings which have already been permitted under application 22/02036/COUNOT).

#### Impact to Neighbour

The proposed building will be sited sufficient distance away from shared boundaries and would not result in a significantly harmful impact to the amenities of neighbouring properties.

#### Other Considerations

Ramsey and Parkeston Parish Council have no objections to the proposal.

This application shares the same site as outlined in 22/02036/COUNOT and the plans and supporting information state that this new building will serve these new three dwellings. To ensure that this new building is not constructed without the recently confirmed change of use having taken place the Officer has sought legal advice on this matter. Following that advice, it has been decided that a condition will be imposed upon the permission to ensure that the new building is only erected following the above change of use.

#### Conclusion

The proposal is therefore considered to be acceptable in accordance with national and local policies and in the absence of material harm resulting from the development is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

SK.1313.3

SK.1313.4 A

Supporting Statement - January 2023

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 APPROVAL REQUIRED: TREE SURVEY

CONDITION: Prior to commencement of the hereby approved development a Tree survey should be carried out and submitted and approved in writing by the Local Planning Authority. The survey should include details that any retained tree will not pose a risk of damage or injury to future residents of the site or to users of the highway. Any such report should, ideally, follow the guidance set out in BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

REASON: To ensure that any retained tree does not pose a risk of damage or injury to future residents of the site or to users of the highway.

#### 4 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of soft landscaping works for the site, which shall include any proposed changes in ground levels.  
REASON: In the interests of visual amenity and the character and appearance of the area.

##### NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

#### 5 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

#### 6 COMPLIANCE - BUILDING

CONDITION: The development hereby permitted shall not be implemented until the completion of the scheme allowed under planning reference 22/02036/COUNOT (residential conversion of the existing building on site).

REASON: To protect the visual amenity of the character and appearance of the local area and to avoid unnecessary built form within the Countryside.

## 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.

#### Highways Informative

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.