

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	04/01/2024
Planning Manager / Team Leader authorisation:	ML	04/01/2024
Planning Technician final checks and despatch:	ER	05/01/2024

Application: 23/01402/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Ronnie Collier

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

Development: Proposed erection of detached carport.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

Recommend approval

2. Consultation Responses

Essex County Council
Heritage
18.10.2023

The application is for proposed erection of detached carport.

The proposal site is located within the Kirby Le Soken Conservation Area and is adjacent to the Grade II listed Norton's Barn Opposite and Approximately 40 Metres North West Of Patches (List UID: 1337137).

The proposed cartlodge is of limited scale and sufficiently set back from the street scene and from the boundary of Norton's Barn. The proposal is overall not considered to have a significant impact on the character and appearance of the Conservation Area and on the setting of the identified heritage asset.

There are concerns regarding the use of the proposed imitation wood effect cladding and uPVC windows and doors, which are not traditional materials and fail to make a positive contribution to the local character and distinctiveness (Paragraph 197c of the NPPF is relevant here). However, it is noted that similar materials have been recently approved for the main building under planning reference 23/00762/FUL and their use for the proposed outbuilding would not be considered incongruous in this specific case.

3. Planning History

18/01135/OUT	Proposal for one dwelling.	Approved	07.09.2018
20/01006/DETAIL	Reserved matters application for the erection of 1 no. dwelling, considering appearance, landscaping and layout, pursuant to outline planning consent 18/01135/OUT and 21/00392/OUT.	Approved	17.02.2022
21/00392/OUT	Variation of condition 4 of planning permission 18/01135/OUT to enable ridge height of dwelling to be 7.9 metres above ground level.	Approved	17.06.2021

23/00762/FUL	Erection of one dwelling in lieu of development approved under 20/01006/DETAIL and 21/00392/OUT.	Approved	20.07.2023
23/01402/FUL	Proposed erection of detached carport.	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2023 (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):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

PPL9 Listed Buildings

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

No emerging or adopted neighbourhood plan

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The proposal site is located within the Kirby Le Soken Conservation Area and is adjacent to the Grade II listed Norton's Barn Opposite and Approximately 40 Metres North West Of Patches.

Site History

The site benefits from a small number of previously approved planning applications for new dwellings. The most recent permission granted was for one dwelling under planning permission 23/00762/FUL. Upon the officer's site visit it is noted that works on this new dwelling have not commenced.

Proposal

This application seeks planning permission for the erection of detached carport.

The new car port will serve the previously approved permission 23/00762/FUL.

Assesment

Visual Impact

The new carport will be set back from the front boundary and would be lower in height compared to the previously approved dwelling as detailed above, preventing it from dominating the new house and reducing its impact on the streetscene.

The new building will be of an appropriate design in respect of the previously approved dwelling and will be constructed and finished in materials which are consistent with such allowing both elements to appear cohesively with one another,

The proposal is therefore considered a suitable addition to the site which would not diminish the character/ appearance of the streetscene or new dwelling.

Heritage Impact

The proposed cartlodge is of limited scale and sufficiently set back from the street scene and from the boundary of Norton's Barn.

The proposal is overall not considered to have a significant impact on the character and appearance of the Kirby-le-Soken Conservation Area or upon the setting of the identified heritage asset.

The ECC Heritage team have raised some concerns regarding the use of the proposed imitation wood effect cladding and uPVC windows and doors, which are not traditional materials and fail to make a positive contribution to the local character and distinctiveness (Paragraph 197c of the NPPF is relevant here). However, it is noted that similar materials have been recently approved for the main building under planning reference 23/00762/FUL and their use for the proposed outbuilding would not be considered incongruous in this specific case. They have provided no objection to the scheme.

The proposal is therefore considered not to result in a significant impact to the appearance/ character of the conservation area or close by Listed Buildings. A Heritage Statement has been provided to support the application in line with the NPPF requirements.

Highway Safety

The ECC Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space. They also state that garages should have an internal measurement of 7m by 3m.

The new carport will meet the above standards and the land to the front of the new house is suitable in size for the off-street parking of two vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

Impact to Neighbours

The proposed car port will be sited sufficiently away from each of the neighbouring houses and largely screened by the new dwelling and boundary treatment preventing it from resulting in a significant loss of amenities to nearby residents.

Coastal Protection

The site is located within the Coastal Protection Belt. Policy PPL2 states that the Council will: a. protect the open character of the undeveloped coastline and refuse planning permission for development which does not have a compelling functional or operational requirement to be located there; and b. where development does have a compelling functional or operational requirement to be there, its design should respond appropriately to the landscape and historic character of its

context and applicants will be required to demonstrate that any development proposals will be safe over their planned lifetime.

The proposal represents a functional need for the site with the new building being of an appropriate design and scale which would not result in a harmful introduction to the existing coastline. The proposal will therefore not result in a harmful impact in this regard.

Other Considerations

Frinton and Walton Town Council recommend approval.

There have been no letters of representation received for the above application.

Upon the officers site visit it was noted that the previously approved planning permission 23/00762/FUL for the new dwelling has yet to be implemented and that works have not commenced on site. It is therefore considered necessary to attach a condition to this approval of the carport to ensure that it will remain ancillary to the previously approved dwelling and subsequent variations received and approved under 23/00762/FUL.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

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HERITAGE STATEMENT - REC'D 06.10.23

PLANNING STATEMENT - REC'D 06.10.23

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 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use of the car port hereby approved for purposes incidental and ancillary to the principal dwelling approved on the land to the east, as approved under 23/00762/FUL (Erection of one dwelling in lieu of development approved under 20/01006/DETAIL and 21/00392/OUT) or any future variations to that permission.

REASON: The proposed car port as applied for is under a standalone permission and therefore a condition is required to link it to the future dwelling in the interests of visual and residential amenity.

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.