

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	04/12/2018
Planning Development Manager authorisation:	AN	10/12/18
Admin checks / despatch completed	SB	12/12/18

*RLD*

**Application:** 18/01706/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr & Mrs Butler

**Address:** West Cottage High Street Brightlingsea

**Development:** Proposed detached garage.

### 1. Town / Parish Council

Brightlingsea Town Council

No objection to garage, but tree removal (only noted on printed plan - not on application) should be passed to Tree Officer.

### 2. Consultation Responses

ECC SuDS Consultee

The Local Lead Flood Authority have identified that the site is not classified as major and they therefore have no comments. Conditions and informatives have been provided for consideration.

### 3. Planning History

06/01116/FUL	Front porch and side extension	Approved	01.09.2006
18/01706/FUL	Proposed detached garage.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018  
National Planning Practice Guidance

Tendring District Local Plan 2007

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

EN3 Coastal Protection Belt

EN17 Conservation Areas

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL8 Conservation Areas

### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some 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 general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### Proposal

The application seeks permission for a detached double garage in the grounds of West Cottage located outside of any development boundary, adjacent to the conservation area and within the coastal protection belt of Brightlingsea Reach and St Osyth Marsh.

### Design and Appearance, Conservation Area and Coastal Protection Belt

The proposed garage will be constructed and finished in traditional materials of black feather edged boarding, timber garage doors and a natural slate roof which will tie in with the style of West Cottage and complement the materials used ensuring that it blends with the rural character of the setting. The garage will replace an existing poly tunnel structure which will offer a visual improvement on this part of the site. The size and scale of the garage is deemed acceptable and in keeping with the existing dwellinghouse, it is sited well ensuring that the arrangement of buildings are kept close without being cramped.

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy specific criteria which seeks to protect the rural character of the countryside. The construction of the proposal clearly meets the criteria set out in Policy HG12, the proposed garage is set close to the existing dwelling of West Cottage and it is considered that no significant harm would be caused to the appearance and character of the countryside.

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt as it is considered a low level outbuilding which will be finished in traditional local materials which sits close to the property of West Cottage and is partially screened by trees and a neighbouring outbuilding thereby protecting the views surrounding the property and open character of the local landscape.

The driveway leading to West Cottage lies within the Brightlingsea conservation area however the cottage itself and curtilage do not fall within the conservation area. The position of the proposed garage adjacent to the conservation area is a consideration however due to its position behind existing outbuildings belonging to the neighbouring properties along the High Street, the garage

will not be visible from the conservation area. The design of the garage is considered to be of a scale and nature that is appropriate and the proposal will not cause any significant harm to the character of the immediate area.

#### Impact upon Residential Amenity

The proposed garage replaces an existing poly tunnel structure. Due its position adjacent to neighbouring outbuildings and a distance of at least 25 metres from the nearest dwelling there is not considered to be any significant impact to neighbouring properties.

There is ample off road car parking space at West Cottage and sufficient private amenity remains following the construction of the proposal.

#### Other Considerations

Brightlingsea Town Council has no objection to this application, although they mention the removal of tree being referred to the Tree Officer. The trees surrounding the location of the proposed garage, which are not within the conservation area, are of little amenity value and the removal of the bay tree to allow the construction of the garage will not cause any significant harm.

Local Lead Flood Authority – SUDs – given the small area of built form and a majority of the site being undeveloped there is not considered to be significant surface water run-off.

One letter of representation has been received which raises concern about the Leylandii tree on the applicants property which is thought to be causing damage to an existing outbuilding at 74 High Street. The Leylandii tree will remain, although any work to, or removal of the trees south of the entrance gates on the applicant's property do not need prior consent. The proposed garage is a distance of 0.4 metres at its closest point to the neighbours outbuilding to the north of West Cottage. The applicant may be required to give notice to the neighbours of their intentions under the Party Wall etc. Act 1996.

No other letters of representation have been received.

#### Conclusion

In the absence of significant material harm as a result of the development, this application is recommended for approval.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

- 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: Drawing No. WCB/1

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.

You may be required to give notice to your neighbours of your intentions under the Party Wall etc. Act 1996. Further information can be found on the government website.  
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>

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