

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	31/01/2019
Planning Development Manager authorisation:	SCE	31.01.19
Admin checks / despatch completed	SB	04/02/19.

Application: 18/02075/FUL **Town / Parish:** Brightlingsea Town Council
Applicant: Mr D Charlton
Address: 17 Marennes Crescent Brightlingsea Colchester
Development: New garage.

1. Town / Parish Council

Brightlingsea Town Council

Brightlingsea Town Council wonders why the garage is side-ways on?

Brightlingsea Town Council accepts the Tree & Landscape Officer's comments re soft-landscaping.

2. Consultation Responses

Tree & Landscape Officer
After receipt of amended plans on 30th January 2019

The amended Block Plan shows the proposed garage set back further from the highway allowing for new planting to be carried on the land between the garage and the highway. This will help to soften its appearance.

Should planning permission be likely to be granted then a condition should be attached to secure details of the indicative soft landscaping shown on the Block Plan on the land between the flank wall of the garage and the highway.

Tree & Landscape Officer
Initial comments 08th January 2019.

The application site currently forms part of the front garden of the host property. It is set to grass and well planted with established trees and shrubs.

At the back of the plot there is an established conifer hedge that provides good screening for the rear garden but has little arboricultural value. To the front of the hedge there is a small tree (Purple Leaved Plum) and several low growing shrubs that enhance the appearance of the area. The shrubs comprise of *Choisya ternata*, *Viburnum tinus* and a low growing juniper.

Within the curtilage of the garden to the south of the application site there is another small tree that could be affected by the development proposal. It makes a reasonable contribution to the appearance of the area however the crown of the tree is unbalanced.

Whilst individually the plants on the land, and adjacent land, have no great value collectively they make a pleasing contribution to the character and appearance of the public realm.

In terms of the impact of the development on the appearance of the area it is considered that the construction of the new garage in the

proposed location, would not lead to an improvement to the street scene however none of the trees on the application site or adjacent land meet the criteria under which they would merit protection by means of a tree preservation order (TPO).

Should planning permission be likely to be granted then a condition should be attached to secure new soft landscaping on the land between the flank wall of the garage and the highway. The aim of the soft landscaping should be to partially screen and soften the appearance of the development.

3. Planning History

91/00611/FUL	Rear dining room extension and retention of pitch roof to garage	Approved	23.07.1991
06/00022/FUL	Conversion of garage to form bedroom and erection of conservatory to rear of property	Approved	06.03.2006
06/00715/FUL	Alterations to window positions in garage conversion (Variation to planning consent 06/00022/FUL)	Approved	13.06.2006
80/01987/FUL	Swimming pool recreation room for private use	Approved	10.02.1981
86/01292/FUL	Rear extn with rooftop patio	Approved	13.10.1986
18/02075/FUL	New 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

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

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 (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 (including Site Description and Proposal)

Application Site

The application site comprises of a north west facing detached dwelling known as 17 Marenes Crescent. The existing dwelling is set back on its plot and has been constructed from brick with some boarding detailing. A previous application under 06/00022/FUL was approved to allow the conversion of the existing garage, with this section of the building protruding beyond the front elevation of the existing house.

Proposal

This application seeks permission for the erection of a new garage.

Since receipt of the application the proposal has since been amended to incorporate a hipped roof design and for the garage to be set further back on its plot and in line with the dwelling to reduce its impact on the existing streetscene.

Assessment

Design and Appearance

The proposal will be sited to the side of the existing dwelling and will be a noticeable addition when viewing the site.

The positioning in line with the existing house and set back from the front of the site by 10m and its amended height will reduce its prominence within the streetscene.

The proposal is of an appropriate height and design to the existing house incorporating the use of matching materials and similar roof detailing to the host dwelling and previously converted garage.

It is noted that other dwellings within the area currently comprise of either side or front garages and therefore the proposal would be inkeeping with the overall character of the area.

Whilst the proposal is large in size the application dwelling benefits from being positioned on a wide plot compared to the surrounding dwellings and therefore the introduction of such an outbuilding would not appear cramped within the streetscene.

Highway Safety

The proposal will be sited on existing land currently used as parking however as the area to the front of the dwelling is of a large enough size to accommodate the proposal and still retain sufficient parking for two vehicles in line with the Essex County Council Parking Standards and therefore the new garage would not result in a harmful impact in terms of highway safety.

Protected Trees

The site is covered by a tree preservation order and therefore the councils Tree and Landscape Officer has been consulted as part of the application. He has stated that whilst the proposal will have an impact to the existing planting and trees at the site they are not covered by the preservation order. He has also requested that in order to soften the appearance of the proposal on the streetscene that a soft landscaping scheme should be provided and assessed. This has been imposed upon the planning permission as a condition.

Impact on Neighbours

The proposal will not result in a loss of residential amenities to the dwelling to the north as it will be screened by the host dwelling.

Sited to the south of the site is 19 Marenes Crescent which comprises of a two storey dwelling orientated away from the site and positioned 14.5m away from the boundary shared with the application dwelling. As a result of its new hipped roof design, distance from the boundary and ample planting which will provide screening of the proposal it is considered that there would be no loss of residential amenities to this neighbour.

Other considerations

Brightlingsea Town Council has not objected to the proposal but had queried the positioning of the garage. This has since been amended so that the garage faces the highway. They have also commented to say that they are in agreement with the Tree Officers recommendations. No letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed development the 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: P01f.

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

- 3 Prior to the commencement of any above ground works, a scheme of soft landscaping works for the planting proposed in between the flank wall of the garage and the highway shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - To enhance the visual impact of the proposed works and reduce the urbanising impact of development in this countryside location.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To enhance the visual impact of the proposed works and reduce the urbanising impact of development in this countryside location.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.