

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	16/07/2019
Planning Development Manager authorisation:	TF	18/07/2019
Admin checks / despatch completed	ER	18/7/19

*KNO*

**Application:** 19/00764/FUL **Town / Parish:** Weeley Parish Council

**Applicant:** Mr and Mrs Wakelin

**Address:** The Cottage Mill Lane Weeley Heath

**Development:** Proposed outbuilding comprising a leisure suite and proposed extension of existing garage.

### 1. Town / Parish Council

Weeley Parish Council      Weeley Parish Council has no comment to make on this application

### 2. Consultation Responses

Environmental Protection      I have reviewed the application and have no comments to make.

Tree & Landscape Officer      With regard to the impact of the proposed extension of the garage on existing trees it is clear that the development proposal will necessitate the removal of established specimen trees.

However taking into account the position of the trees and limited extent to which they can be seen from the public realm it is considered that their removal will not have a significant adverse impact on the appearance of the area. As the amenity value of the trees is low they do not merit retention or protection by means of a tree preservation order.

### 3. Planning History

TEN/656/80	Garage and Games room	Approved	22.05.1980
02/01878/FUL	Use of land for stationing of 8 static holiday residential caravans	Refused	18.12.2002
03/00136/FUL	Change of use of land for stationing of 8 caravans on concrete hardstandings for holiday occupation between 1st March and 31st October in any year.	Refused	27.03.2003
04/01599/OUT	Demolition of existing house and construction of new dwelling.	Refused	08.10.2004
05/01480/FUL	Change of use of part of existing agricultural land to residential garden	Approved	27.01.2006

06/00625/FUL	To use land for five touring caravans and a wardens office not residential.	Approved	23.01.2007
08/00047/FUL	Use of land for storage of touring caravans all year round.	Approved	
15/00665/FUL	Change of use of land to domestic garden to be used in association with 'The Cottage'.	Approved	14.07.2015
19/00764/FUL	Proposed outbuilding comprising a leisure suite and proposed extension of existing garage.	Current	

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

NPPF National Planning Policy Framework February 2019  
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

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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**

This application seeks permission for an outbuilding comprising of a leisure suite with covered area and an extension and refurbishment of an existing detached garage to The Cottage, Mill Lane, Weeley Heath which is located outside of any settlement development boundary.

### **Design and Appearance**

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 in this case will replace an existing dilapidated covered swimming pool and extend the existing detached garage. Both elements will sit within what is considered to be the existing curtilage of the dwelling, known as The Cottage which lies at the end of a private lane off of Mill Lane. The curtilage of The Cottage is referred to and established in historic planning application reference TEN/656/80 for the detached garage and games room. The Cottage and its curtilage lies at the end of the lane which is tree lined and by its nature partially hidden from public view. The application sites enclosure by trees ensures that the proposal will not be visually intrusive. The proposal meets the criteria set out in HG12 and it is considered that no significant harm would be caused to the appearance and character of the countryside.

The proposed development is considered to be of a scale and nature appropriate to the site and surrounding area. The existing dilapidated covered swimming pool structure in its current state is an eye sore with the use of UPVC white cladding which is stark in this setting. The replacement of this with a single storey structure, along with the refurbishment and extension to the detached garage will create an attractive group of buildings which visually complement The Cottage, with the use of matching slate for the roof finishes and the heathered moss green colouring of the weatherboarding. The development is well set back from Mill Lane and is not considered to have any adverse impact on the street scene. The proposal whilst substantial in terms of the overall width of the leisure suite in particular is considered to be of an acceptable design given its location and having regard to the size of the plot.

### **Impact upon Residential Amenity**

Due to the single storey nature of the proposals with roof lights being situated in the vaulted ceiling of the leisure suite, and the distance of the proposals from neighbouring properties it is considered that the proposed development will not cause any adverse impact on the daylight, privacy or other amenities currently enjoyed by the neighbouring properties and is considered acceptable in this regard.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 100 square metres of private amenity space for a property with three or more bedrooms. More than 500 square metres of private amenity space will remain at The Cottage following the construction of the proposal which is considered more than adequate. There will be no change to the parking provision at the front of the house which includes a turning area while the newly extended garage will be considered as one parking space which meets the parking standards where a single garage measures a minimum of 7 metres x 3 metres.

### **Other Considerations**

Weeley Parish Council have no objection to make on this application.

The Tree and Landscape Officer has confirmed that the removal of four trees to facilitate the garage extension will have no significant adverse impact on the appearance of the area as the amenity value of the trees is low and they do not merit retention or protection by means of a tree preservation order.

No other letters of representation have been received.

### **Conclusion**

In the absence of any material harm resulting from the 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 plan: Drg. no: TC/WH/3 and TC/WH/2.

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

- 3 The outbuilding comprising of a leisure suite hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Cottage, Mill Lane, Weeley Heath, CO16 9BZ.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development.

## 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.

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