

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SW	13/8/19
Planning Development Manager authorisation:	TF	14/8/19
Admin checks / despatch completed	AP	14/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	VW	14/08/19

Application: 19/00768/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Thomas Chivers

Address: Church Farm House Heath Road Mistley

Development Proposed front porch and new cart lodge to rear.

1. Town / Parish Council

Mistley Parish Council Recommend approval

2. Consultation Responses

n/a

3. Planning History

91/01357/FUL	Incorporation of land into garden	Refused	07.01.1992
93/00686/FUL	(Church Farm House, Mistley Heath) Two storey and single storey extensions	Approved	22.07.1993
14/01541/OUT	Erection of two detached dwellings on land adjacent to existing property.	Refused	09.12.2014
16/00392/DETAIL	Erection of two detached dwellings on land adjacent to existing property.	Approved	10.05.2016
16/00905/DISCON	Discharge of conditions 4 (landscaping), 5 (bridging/piping), 6 (vehicular turning facility) and 7 (construction method statement) of planning permission 16/00392/DETAIL.	Approved	15.09.2016
17/00128/DETAIL	Erection of two detached dwellings on land adjacent to existing property. (Variation of 16/00392/DETAIL).	Approved	30.03.2017
17/01355/DETAIL	Variation of condition 2 of 16/00392/DETAIL - to move the proposed cartlodge to Plot 2.	Approved	03.10.2017

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)

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 planning permission for the erection of a proposed entrance porch and a detached cart lodge, within the curtilage of a detached two storey dwelling outside of the development boundary.

Principle of Development

The site is outside the Settlement Development Boundary (SDB). Saved policy HG12 states that proposals for an extension to an existing dwelling outside the SDB will be permitted provided that, among other things, the extension is of a size, scale and height in keeping with the character of the locality, is well related and in proportion to the original dwelling, retains sufficient space around the dwelling to protect its setting and would not adversely affect adjoining properties.

It is therefore considered that there is no principle objection to an extension, subject to meeting the above criteria, discussed below.

Design and Impact

The application site is accessed by a farm track off of Heath Road, and is screened from the highway by mature hedging and trees. The proposed porch is an appropriate design and scale, and will relate well to the host dwelling. The materials are appropriate for the setting, and the porch is sited away from the site boundaries.

The proposed cart lodge will be fairly large, but in the context of the surrounding farm buildings and existing garage will not appear out of place. It is well designed, and will not harm the character of the area. Sufficient space will be retained around the dwelling to protect its setting, and adequate private amenity and parking space will be preserved.

Impact on Neighbours

Both elements of the proposal are sited away from the neighbour to the south, and will not impact neighbouring amenities with regards to daylight, outlook or privacy.

Other Considerations

Mistley Parish Council has recommended approval.

No other letters of representation have been received.

Conclusion

In the absence of material harm as a result of the proposed 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: Proposed Ground Floor Plan, Proposed West Elevation, Proposed South

Elevation, Proposed East Elevation and Proposed North Elevation, all showing the proposed porch; and Proposed Plans and Elevations showing the cart lodge.

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.

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