

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	30/8/19
Planning Development Manager authorisation:	CB	30/08/19
Admin checks / despatch completed	ER	02/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	02/09/19

Application: 19/00827/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Bob Hitchings

Address: 16 Riverside Bentley Country Park Flag Hill

Development: Retrospective application for erection of small glass temporary extension for dining room.

1. Town / Parish Council

Mrs Parish Clerk

At Great Bentley Parish Council Planning Committee meeting held on 1st August 2019 it was resolved to make no comment

2. Consultation Responses

Environmental Protection

3. Planning History

The planning history as to this individual site

19/00827/FUL	Retrospective application for erection of small glass temporary extension for dining room.	Current
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4. Relevant Policies / Government Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

HG20 Plotland Development - Replacement Dwellings and Extensions to Existing Dwellings

ER18 Caravan and Chalet Parks

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL1 Development and Flood Risk

Local Planning Guidance

Essex Design Guide

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)

Site Description

The site is located on Bentley Country Park on Flag Hill and is outside of the Settlement Development Boundaries as established in the Tendring District Local Plan (TDLP) (Adopted, 2007). The site contains a single static caravan facing Thorrington Creek with garden to the right hand side and creek-side.

Description of Proposal

The application seeks retrospective permission for a uPVC-framed structure which was attached to the south-west elevation in May 2017. The uPVC frames are a teak-effect finish and replicates the finish of existing door and window frames.

Principle

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. The development is located outside the settlement boundary. The extension must satisfy the general design criteria set out in Policies QL9 and QL10 and in addition, the proposal must:-

- o be of a size, scale and height and in keeping with the character of the locality
- o its design and materials would make a positive visual contribution to its setting
- o not be visually intrusive on a skyline or in the open character of the surrounding countryside
- o retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- o not represent over-development of the site or be detrimental to highway safety
- o not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- o not exacerbate any existing access, drainage or other problems associated with the site.

The scale of the extension is nominal in its relationship to the remaining unit, having a depth of 2.7m and a width of 2.3m. The external materials match other finishes elsewhere on the unit and has a co-ordinating affect with the overall appearance of the unit.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The scale, siting and external appearance of the addition is appropriate to the host structure and does not have a materially damaging impact on the amenities occupiers of nearby units.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The addition does not diminish the existing levels of privacy adjacent units benefit from, the addition does not materially damage daylight or harm the amenities of occupiers of adjacent units - both of which are a little of 6m away.

Highway Issues

The proposed development neither generates an additional need for parking nor decreases the existing parking provision at the site.

Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 confirms that the purpose of the Coastal Protection Belt is to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development. Emerging Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) goes on to say that the undeveloped coast of Tendring District has an important role in terms of quality of life for residents and visitors, not only in terms of visual amenity but in terms of access to the natural environment.

The proposal will not have a substantial impact on the Coastal Protection Belt as it is considered a minor addition to the rear of the unit - the ridge of which is no higher than the existing mobile unit. The addition marries up with the edge of the existing decking and thereby still protects the coastal views and open character of the local landscape.

Other Considerations

Policy EN18 ensures that the Council will seek to safeguard existing caravan and chalet parks from redevelopment for alternative uses. When considering planning applications material considerations will include whether the park occupies a prime site in the main tourist areas within an attractive location, provides or could provide a range of recreational facilities, has been upgraded or offers the potential for further upgrading and provides or has the potential to provide a range of holiday accommodation.

The addition to this single unit does not affect the overall character and nature of the site being a holiday park. The addition is not of a permanent nature and by no way infers any permanent residential use of the unit.

The overall site is subject to the planning Permission 16/01458/FUL which only allows use as a holiday caravan park for 11 months each year as the overall site is within Environment Agency Flood Zones 2 and 3 where permanent use all year round is not acceptable. The use of the site is therefore restricted to the extent that the use may only take place between 1st March in any year and 31st January in any succeeding year. This therefore makes February each year a closed season. In these circumstances it would be appropriate to restrict the use of the extension hereby allowed so that it cannot be used separately during the closed season. Policy PPL1 would normally require further consideration of flood risk issues such as a flood risk assessment but on this occasion this is relatively minor development and the site is controlled by conditions to planning permission 16/01458/FUL which requires that occupiers of the site overall are subject to a flood emergency plan for their evacuation.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The extension hereby authorised shall not be occupied during the month of February each year.

Reason The site lies within Flood Zones 2 and 3 at high risk of flooding.

Informatives

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.

The addition is not of a permanent nature and by no way infers any permanent residential use of the unit.

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