

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	22 nd Oct 2019
Planning Development Manager authorisation:	AN	22/10/2019
Admin checks / despatch completed	CC	25/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>AW</i>	25/10/19

Application: 19/01312/FUL **Town / Parish:** Brightlingsea Town Council
Applicant: Mr Warren Edwards
Address: 41 Silcott Street Brightlingsea Colchester
Development: Proposed demolition of existing rear garage and construction of new garage.

1. Town / Parish Council

Brightlingsea Town Council Supports application

2. Consultation Responses

None received

3. Planning History

19/00776/FUL	Proposed demolition of existing rear garage and construction of new garage.	Refused	17.07.2019
19/01312/FUL	Proposed demolition of existing rear garage and construction of new garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The dwelling is a late 19th century detached period dwelling of red brick and slate-roofed construction. There is an eclectic mix of design of the properties in the locale, though they were all of a similar size when originally constructed; whether part of an original terrace, semi-detached or detached. The dwellings on the south west side of the street don't have off-street parking to the front of the property, however many (including the application site) have rear access which is gained from the adjacent Colne Road; some properties have erected garages whereas others have a simple parking space. The existing garages are of a simple design and single storey in nature. No details have been submitted in regards to the height of the existing garage but it has a footprint in the region of 18sqm and a low-key shallow mono-pitched roof, it is set back from the rear edge of the footpath by around 2^m. Any applications for development in this area of the curtilage should be assessed for their impact on the character of Colne Road.

Planning History

- This is a revision to the design of the scheme refused under application 19/00776/FUL. The previous dual-pitched roof garage had dimensions of a ridge a little under 6.7m and eaves in the region of 4.1m. The scheme was refused on the grounds that “The proposed structure, by reason of its height, mass, scale and, being highly visible in the streetscene, would dominate and irrevocably harm the character of the streetscene which is one that comprises subordinate structures, rear boundary fencing and informal parking spaces, which clearly belong to the back-gardens of properties on Silcott Street”.

Description of Proposal

The application proposes replacing the existing garage. The new garage would be set back from the footpath by around 4m; it would predominately fill the width of the plot at 4.2m and have a depth around 8.1m. The siting and footprint are as per the previous application; the change to the design being focussed on the roof/overall height and mass of the scheme. The garage would have a flat roof in the region of 4m that would contain roof lanterns; externally the elevation that faces Colne Road would be constructed in red brick with side returns leading to painted render. The roof would be covered with a mineral felt.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

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 17 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 of the Saved Plan 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 height and scale of the proposed garage relates well in regards to other built form in the area; externally the materials would reflect the main dwelling and other built form in the area.

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).

Due to the orientation of the application site and separation distances (16m to No. 65 Colne Road) there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

The dimensions of the existing garage are such that it falls considerably short of the minimum internal dimensions for a modern garage. The proposed dimensions are more than adequate in terms of its width and depth to accommodate a vehicle.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: 03, received 2nd September 2019.

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

8. 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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO