

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/11/2019
Planning Development Manager authorisation:	AN	4/11/19
Admin checks / despatch completed	CC	04/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	4/11/19

**Application:** 19/01352/FUL                      **Town / Parish:** Tendring Parish Council

**Applicant:** Marfleet Building Contractors

**Address:** Land at The Junction of Heath Road and Parsonage Lane Tendring

**Development:** Single storey rear extension to enlarge kitchens to plots 1-5 and removal of 2no. Oak trees to Eastern boundary of site (as approved under reserved matters application 17/01254/DETAIL)

### **1. Town / Parish Council**

Tendring Parish Council      No objection, but Tendring Parish Council wish to flag that the parking conditions for the contractors need to be continued and enforced.

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

18/01951/DETAIL	Removal of triangular windows on the front and rear elevations on plots 1-5, addition of second floor accommodation on plots 1-5, insertion of roof lights on plots 1-5 as well as variation of front door glazing panel on plots 1-5, variation of rear glazing on plots 1-5 and the following external material variations: -Plot 1 - Secondary wall - Warm pink render to dark cream render. (Pewter boarding previously approved) -Plot 2 - Principle wall - White render to dark cream render. -Plot 3 - Principle wall - Heather mixture brick to cream white boarding. Secondary wall - cream white boarding to cream white render. -Plot 4 - Principle wall - Blue grey boarding to Pewter boarding -Plot 5 - Principle wall - White	Approved	22.01.2019
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	render to dark cream render.		
19/01352/FUL	Single storey rear extension to enlarge kitchens to plots 1-5 and removal of 2no. Oak trees to Eastern boundary of site (as approved under reserved matters application 17/01254/DETAIL)	Current	
14/01435/OUT	Outline planning application with all matters reserved for the residential development of 0.49 ha of land to create 5 detached dwellings with associated garaging and parking.	Refused	16.01.2015
17/01254/DETAIL	Reserved matters application following outline application 14/01435/OUT (granted at appeal) - 5 detached dwellings with associated garaging and parking.	Approved	10.10.2017
17/01942/DISCON	Discharge of conditions 02 (landscaping to access roads and driveways) and (private drive information) of reserved matters application 17/01254/DETAIL.	Approved	31.05.2018
18/01281/DETAIL	Alternative design to 17/01254/DETAIL incorporating changes to fenestration to all five plots to include removal of triangular windows, insertion of second floor rear Juliette balconies and insertion of rooflights; changes to facing materials on plots; and creation of second floor living accommodation within the roof space of all five plots.	Refused	15.11.2018
18/01951/DETAIL	Removal of triangular windows on the front and rear elevations on plots 1-5, addition of second floor accommodation on plots 1-5, insertion of roof lights on plots 1-5 as well as variation of front door glazing panel on plots 1-5, variation of rear glazing on plots 1-5 and the following external material variations: -Plot 1 - Secondary wall - Warm pink render to dark cream render. (Pewter boarding previously approved) -Plot 2 - Principle wall - White render to dark cream render. -Plot 3 - Principle wall - Heather mixture brick to cream white boarding. Secondary wall - cream white boarding to cream white	Approved	22.01.2019



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

National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

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

EN1 Landscape Character

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

#### **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 land to the west of a dwelling called Talana at the junction of Parsonage Lane and the B1035. The site abuts the Settlement Development Boundary (SDB) of the saved local plan to its eastern boundary, but lies outside the SDB in the publication draft local plan. It is bounded by a hedgerow to the southern and western boundaries, a close boarded fence to Talana to the east, and is open to the agricultural field to the north. Surrounding development comprises detached and semi-detached two storey dwellings to the east and on the opposite side of Parsonage Lane to the south. To the west on the opposite side of the B1035 lies agricultural land behind a hedgerow.

### **History of site**

14/01435/OUT was refused by Officers under delegated powers as the site was considered to be socially unsustainable for housing due to the dependence of occupiers using private cars for their day to day needs. Indicative 1 and 2 (on the western half of the site) were also considered to be environmentally unsustainable, projecting beyond the line of existing development on the opposite side of Parsonage Lane. The application was appealed and allowed under reference 15/00049/REFUSE. The Planning Inspector disagreed on both counts finding the site to be socially sustainable in rural standards and environmentally sustainable subject to the retention of the existing hedgerow.

17/01254/DETAIL was approved by Officers under delegated powers for the reserved matters approval for 5 detached dwellings which were allowed at appeal with all matters reserved.

18/01281/DETAIL was refused by the Planning Committee due to the introduction of Juliette balconies to plot 1 - 5 and the colour of the dwellings were considered to be out of character in this location and as a result would be a prominent feature.

18/01951/DETAIL was approved by Officers under delegated powers for the reserved matters approval for the removal of triangular windows on the front and rear elevations on plots 1-5, addition of second floor accommodation on plots 1-5, insertion of roof lights on plots 1-5 as well as variation of front door glazing panel on plots 1-5, variation of rear glazing on plots 1-5 and the following external material variations: Plot 1 - Secondary wall - Warm pink render to dark cream render. (Pewter boarding previously approved), Plot 2 - Principle wall - White render to dark cream render, Plot 3 - Principle wall - Heather mixture brick to cream white boarding. Secondary wall - cream white boarding to cream white render. Plot 4 - Principle wall - Blue grey boarding to Pewter boarding, Plot 5 - Principle wall - White render to dark cream render.

### **Proposal**

The application proposes single storey rear extensions to each plot to enlarge the existing kitchen and for the removal of two Oak Trees to the eastern boundary of the site.

### ***Rear extensions***

The extensions will be located to the rear of each dwelling, being visible from the streetscene of Heath Road and Parsonage Lane. Each extension is single storey with a mono pitched roof and they will be constructed from materials which will match each dwelling plot. It is therefore considered that the proposals will be in keeping with the existing development and acceptable in terms of design and appearance.



The proposed extensions may be visible to the neighbouring dwellings to the east however, due to the single storey nature of the proposal as well as the mono pitched roof, it is considered that the rear extensions will not cause any impact upon neighbouring amenities.

#### *Trees and landscaping*

The removal of the young Oak trees will address the concerns of the owners of the adjacent properties without diminishing the overall purpose of the implemented soft landscaping scheme. It is therefore considered that the removal of the trees is acceptable in terms of trees and landscaping.

#### Other considerations

Tendring Parish Council have no objections to the application however would like to flag that the parking conditions for the contractors need to be continued and enforced.

In response to the Parish, in terms of complying with conditions this is for the enforcement team to monitor and enforce upon evidence of a breach.

No letters of representation have been received.

### 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 plan: Drawing No. 4093-0310 P02 - Plot 1, Drawing No. 4093-0310 P01- Plot 2, Drawing No. 4093-0312 P01 - Plot 3, Drawing No. 4093-0310 P01 - Plot 4, Drawing No. 4093-0310 P01 - Plot 5., Drawing No. 4093-3001 P01 - Proposed Site Plan.

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:

YES

NO



Are there any third parties to be informed of the decision? If so, please specify:	YES	NO