

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	06/12/2019
Planning Development Manager authorisation:	TF	06/12/19
Admin checks / despatch completed	ec	10.12.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	10/12/19

Application: 19/01539/FUL **Town / Parish:** Tendring Parish Council

Applicant: Mr Neville

Address: Rosier Crown Lane Tendring

Development: Variation of condition 2 to reflect minor changes to elevation and plan (single storey lean to elements at each end, positions adjusted by approximately 1 metre) for approved application 19/00033/FUL.

1. Town / Parish Council

Tendring Parish Council No objection.

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

03/02314/LUEX	Land and buildings used for the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products. Buildings used for these purposes were	12.02.2004
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	erected prior to 1993, without planning permission.		
11/00823/FUL	Proposed change of use from the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products to the storage and sale of furniture and associated items together with the demolition of existing buildings associated with the business use and construction of new single storey building as replacement.	Approved	10.11.2011
15/01347/DISCON	Discharge of condition 08 (materials) of planning permission 15/00900/FUL.	Approved	14.09.2015
19/00033/FUL	Demolition of existing dwelling and construction of replacement dwelling and pool house.	Approved	14.03.2019
19/01434/NMA	Non-Material amendment to application 19/00033/FUL - Amend positioning of single storey side elements by approximately 1 metre to the west.	Approved	
19/01452/DISCON	Discharge of condition 3 (materials) for approved application 19/00033/FUL.	Approved	14.11.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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)

SPL3 Sustainable Design

Local Planning Guidance

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 application relates to the property known as Rosier sited on the western side of Crown Lane, Tendring. The property was a large detached, mock tudor style dwelling with a detached forward sited garage and number of small outbuildings to the rear. The site is located outside the defined Tendring Settlement Development Boundary but is sited adjacent to existing dwellings and Ford Barns Home Store and Cafe buildings. The site is enclosed on all boundaries by fencing to the rear and dense hedgerows to the side and front.

At the time of the Officer's site visit, the replacement dwelling permitted under application 19/00033/FUL had commenced.

Description of proposal

This application seeks a variation to the replacement dwelling approved under application 19/00033/FUL to reflect minor changes to elevation and plan form.

The single storey lean to elements at each end of the dwelling are to be positioned further back by approximately 1 metre.

Assessment

The main considerations in this instance are;

- Principle of development;
- Impact on Neighbours;
- Parking Provision;
- Other Considerations.

Principle of development

The principle of development has been established and approved under planning application 19/00033/FUL.

The proposed variation is minor and does not amend the dwelling to an extent that requires the development to be reassessed under Replacement Dwelling Policy HG12. The footprint of the dwelling will not increase as a result of the variation and the visual impact will be negligible.

Impact on Neighbours

There is significant separation distance between the replacement dwelling and the neighbouring properties. Furthermore, the existing commercial buildings adjacent provide screening. No harmful impact on neighbouring amenities with regards to daylight, outlook or privacy will result from the amended proposal.

Parking Provision

Ample parking is provided within the double garage and site frontage.

Representations

Tendring Parish Council raise no objection to the application.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the amended development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 895/01 B, Drawing No. 895/04 B, Drawing No. 895/03 B and Drawing No. 895/05.

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

- 2 The materials to be used in the construction of the external surfaces of the replacement dwelling and outbuilding shall be in accordance with the details approved under planning reference 19/01452/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

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.

Highways Informatives

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