

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	20/01/2020
Planning Development Manager authorisation:	AN	21/01/2020
Admin checks / despatch completed	CC	30/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	30/1/2020

Application: 19/01846/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr and Mrs Herbert

Address: Bouverie St Marys Road Great Bentley

Development: Proposed single storey extension to form living room.

1. Town / Parish Council

Mrs Parish Clerk

At the meeting of Great Bentley Parish Council Planning Committee held on 9th January 2020 it was resolved to make no comment regarding this application

2. Consultation Responses

Tree & Landscape Officer

The application site is affected by Tree Preservation Order (TPO) 84/47 that affords protection to a large Beech situated at the south western most corner of the property. The site also contains a mature Oak that makes a positive contribution to the appearance of the area although this tree is not included in the TPO. Other vegetation on the land does not make a significant contribution to the appearance of the area.

At the present time the applicant has not submitted any information to demonstrate that the proposed extension will not have an adverse impact on the protected tree.

Nevertheless, taking into account the position and scale of the proposed small extension to the property as well as the existing surface of the land it is considered that the development proposal will not have an adverse impact on the health, condition or viability of the protected Beech tree.

Therefore it is not considered necessary for the applicant to provide any additional information relating to the impact of the development on the trees on the application site.

3. Planning History

03/00121/TPO	Shorten or remove lower branches to Copper Beech	Approved	07.02.2003
06/00072/OUT	One detached dwelling	Approved	07.07.2006
06/02053/DETAIL	Proposed detached house - reserved matters following outline approval 06/00072/OUT.	Withdrawn	06.02.2007
07/00327/DETAIL	Proposed detached house - reserved matters following outline approval 06/00072/OUT.	Approved	17.04.2007
07/01859/FUL	Variation to design approved under 06/02053/DETAIL. Formation of dormer and rooflights in rear elevation.	Approved	
91/01049/FUL	Demolition of existing extension to house and construction of new extension.	Approved	23.10.1991
13/00034/FUL	Proposed detached garage.	Approved	15.03.2013
13/00438/DISCON	Discharge of condition 4 (design of garage foundations) of planning permission 13/00034/FUL.	Approved	01.05.2013
18/00611/FUL	Erection of single storey side extension to form study.	Approved	24.05.2018
19/01846/FUL	Proposed single storey extension to form living room.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG National Planning Policy Guidance

Tendring District Local Plan 2007

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Proposal:

Single storey rear extension with flat roof and lantern, 5.2 metres deep.

Site Description

The application site is Bouverie St Marys Road Great Bentley a substantial two storey west facing detached dwelling.

Analysis

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 SPL3 reflects these considerations.

The NPPF, 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 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 proposed single storey extension is small in scale in comparison to the size of the house, clearly appearing subordinate to the host dwelling in terms of bulk and scale, Furthermore, being located at the back, it has no adverse impact on the streetscene.

Matching materials are proposed which is considered appropriate.

Considering the size of the plot and scale of the proposal and distance from neighbouring properties, there would be no adverse impact on the amenities of immediate neighbours. It is noted there is a high level window on the side elevation and therefore there would no adverse loss of privacy.

The proposal is thus considered to be compliant with the above planning policies and recommended for approval.

Other considerations:

Great Bentley Parish Council confirm no comments.

No other letters of representation have been received.

Trees/Landscaping have provided feedback and consider the proposal to have no impact on the nearby TPO.

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: BAG/19/1, received on 5th December 2019 ;.

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