

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	18/03/20
Planning Development Manager authorisation:	TF	18/03/20
Admin checks / despatch completed	CC	18/03/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RNE	18/03/2020

**Application:** 19/01876/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr and Mrs Ford

**Address:** Land opposite St Osyth Cemetery Clay Lane St Osyth

**Development:** Proposed detached garage - Revision to design approved under 18/00498/DETAIL - Siting and external cladding.

### 1. Town / Parish Council

St Osyth Parish Council      No Comments

### 2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.  
The proposed revisions do not affect the highway therefore:

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](mailto:development.management@essexhighways.org) or by post to:

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

### 3. Planning History

16/01821/OUT	Demolition of existing buildings and outline erection of one detached single storey dwelling and garage.	Approved	07.03.2017
17/01962/DETAIL	Reserved matters application following planning approval 16/01821/OUT - Demolition of existing buildings and erection of one detached single storey dwelling.	Approved	13.02.2018
18/00498/DETAIL	Reserved matters application for the demolition of existing buildings and erection of one detached single storey dwelling and garage.	Approved	18.05.2018

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

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*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 application site is located on the corner of Clay Lane and By-pass Road, directly opposite the cemetery, to the north of the settlement of St Osyth. The application site is located outside of the settlement boundary.

### Planning History

Outline planning permission was granted under reference 16/01821/OUT for the demolition of existing buildings and outline erection of one detached single storey dwelling and garage.

Planning permission was granted under reference 17/01962/DETAIL for the reserved matters application following planning approval 16/01821/OUT for the demolition of existing buildings and erection of one detached single storey dwelling.

Planning permission was granted under reference 18/00498/DETAIL for the reserved matters application for the demolition of existing buildings and erection of one detached single storey dwelling and garage.

### Proposal

This application seeks planning permission for revisions to the design of the previously approved garage under reference 18/00498/DETAIL to revise the siting and design.

### Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities, highway safety and other considerations.

### Design and Appearance

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. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

This application seeks to revise the siting of the garage which will be positioned slightly to the west of the previously approved garage. The proposed alteration will not cause any significant impact upon Clay Lane. It is considered that the proposed landscaping will help to screen the views of the garage from the highway and therefore the revised siting is considered acceptable.

This application also seeks to amend the design of the garage to replace the previously approved hardiplank cladding - colour linen with larch cladding. All other aspects of the design remain as

previously approved. In this case the revision to the materials is considered to be acceptable, due to the appearance of the proposed cladding being more appropriate to the rural setting.

It is therefore considered that the revisions to the garage will be in keeping with the existing development and acceptable in terms of design and appearance.

#### Impact upon neighbouring amenities

As the site is the only development to the north and east of By-pass Road and Clay Lane, there are no nearby neighbours to be affected and it would not cause loss of light, outlook or privacy.

#### Highway Safety

Essex Highways Authority have been consulted on this application and do not object to this application.

#### Other considerations

St Osyth Parish Council have not commented on this application.

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. TOY/SO/2 and TOY/SO/1 Dec 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.

Highways

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.

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#### Conditions Precedent

This decision should be read in conjunction with application 16/01821/OUT and 18/00498/DETAIL which contains conditions that remain relevant to the development.

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