

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AC	4 <sup>th</sup> Aug 2020
Planning Development Manager authorisation:	SCE	04.08.2020
Admin checks / despatch completed	CC	05.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/08/2020

**Application:** 20/00562/FUL **Town / Parish:** Great Oakley Parish Council

**Applicant:** Mr Woods

**Address:** 3 Skighaugh Clacton Road Stones Green

**Development:** Proposed new barn to replace approved stables.

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

Great Oakley Parish  
Council  
24.06.2020

Great Oakley Parish Council would like a condition on no future conversion to residential premises.

### **2. Consultation Responses**

No comments received

### **3. Planning History**

16/01346/FUL	Replacement dwelling, creation of garage, workshop and storage space and extension to curtilage.	Refused	17.03.2017
17/30093/PREAPP	Single storey side and rear extensions and proposed dormer.	Refused	04.05.2017
17/01686/FUL	Replacement dwelling, extension to remaining building to provide ancillary cycle store and storage, and change of use of agricultural land to residential.	Refused	04.12.2017
18/01692/FUL	Additional front elevation dormer.	Approved	12.12.2018
18/02095/LUPROP	Proposed rear & side extension, dormer & porch, hip to gable extension & roof lights to the front elevations.	Granted	12.02.2019
19/00498/FUL	Proposed extension to Curtilage, new secure garage/garden store & stables.	Approved	24.05.2019
20/00562/FUL	Proposed new barn to replace approved stables.	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

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

### **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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 to the south-west of Clacton Road, and falls within the Parish of Great Oakley. The site has an area of 0.10 hectares and forms the right side of a pair of semi-detached chalet style properties, constructed of black weatherboarding and pantile clay tile, whilst each property benefits from a front elevation cat slide style dormer. The site is well set back, with the character of the surrounding area being predominantly rural, although there are examples of some semi-detached residential properties nearby. The land in question is adjacent to the street scene along Clacton Road to the south. While the southern boundary is partially vegetated, the land is generally open and publically visible.

### Relevant Planning History

In May 2019 planning permission was granted for a proposed extension to the domestic curtilage and the siting of a detached building comprising a garage/garden store and stables. The application was subject to amendments following concerns with both the size and siting of the proposed building in this sensitive semi-rural location.

The garage has been constructed, as such the development approved under 19/00498/FUL now remains in perpetuity.

### Description of Proposal

The current application proposes seeks enlarging the reverse 'L' shaped stableblock previously approved. Save for the enlarged part, the siting of the alternative stableblock is on the same footprint and conditions preventing the implementation of two different schemes is not considered necessary.

As submitted, the plans proposed stabling of a scale significantly larger than that initially sought against 19/00498/FUL. Amendments to the scheme were negotiated, which included a review of the proposed siting. Amendments were agreed on 9<sup>th</sup> July which enlarge the width of the [side] elevation facing Clacton Road enlarged by 2m and the depth of the [rear] elevation facing the fields to the north east enlarged by 2m.

### Principle

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. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:-

- o be of a size, scale and height and in keeping with the character of the locality
- o its design and materials would make a positive visual contribution to its setting
- o be well related and in proportion to the original dwelling
- o not be visually intrusive on a skyline or in the open character of the surrounding countryside

- o retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- o not represent over-development of the site or be detrimental to highway safety
- o not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- o not exacerbate any existing access, drainage or other problems associated with the site.

The principle of the development has already been accepted under 19/00498/FUL, as such it is the enlargement(s) only of the approved building under consideration. The effect of the additional 2m width and 2m depth of the enlarged stableblock is considered to be of a size, scale and height which would not be visually intrusive on a skyline or in the open character of the surrounding countryside and be in keeping with the character of the locality where other outbuildings exist. There is no change to the design and external materials over that already permitted.

### 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 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 SP1 reflects these considerations.

The design of the stableblock has already been deemed to make 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. The proposed enlargements do not diminish the quality of the form and design already approved. The proposed development will respect the character of the main dwelling and the wider streetscene in general.

### Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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).

The principle of the development in regards to its impact on the privacy, daylight or other amenities of occupiers of nearby properties has already been deemed acceptable. The enlarged width and depth will have no greater effect on the privacy, daylight or other amenities of occupiers of nearby properties than the approved scheme.

### Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The development neither generates additional nor decreases the existing parking provision of the property.

## Contributions

Great Oakley Parish Council would like a condition imposed which would prevent future conversion to residential premises. In response to this; conversion of an existing building to purposes ancillary to the main dwelling does not typically require planning permission; conversion to a separate planning unit would always require planning permission and for this reason it is considered unnecessary to impose a condition preventing future conversion to residential premises.

## Other Considerations

Permitted development holds significant weight as a material consideration in the determination of a planning application. The land in question is domestic curtilage which did not have its permitted development rights removed under application 19/00498/FUL. Whilst the proposal does not currently comply with the requirements laid out under Schedule 2, Part 1, Class E as the height of the structure, within 2m of the boundary, exceeds 2.5m – the building would only have to be moved a mere 0.5m away from the north-east to comply.

## **6. Recommendation**

Approval – Full

## **7. Conditions**

- 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:- P01c (received 9th July 2020).

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

- 3 There shall be no burning of horse manure on the site at any time.

Reason - The site is in the proximity of residential dwellings and therefore suitable control is necessary in order to protect the amenities of residents of such properties.

- 4 The stable building and paddock land hereby approved shall be used solely in connection with the private stabling of horses and no business or commercial use including livery or riding school activities shall be carried on from the site whatsoever.

Reason - In the interests of local amenity and highway safety.

- 5 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well-designed development sympathetic to the character of the area and in the interests of residential amenity.

- 6 Notwithstanding the details on drawing number P01c, prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be

retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 7 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To enhance the visual impact of the proposed works.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no erection of a gate, fence, wall or other means of enclosure except in accordance with drawings showing the design and siting which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the semi-rural landscape and 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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