

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13 th Aug 2020
Planning Development Manager authorisation:	AN	17/08/2020
Admin checks / despatch completed	DB	17.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	17.08.2020

Application: 20/00806/FUL **Town / Parish:** Bradfield Parish Council

Applicant: Mr J Attard

Address: Mill Lane Nursery Mill Lane Bradfield

Development: Detached garage/workshop.

1. Town / Parish Council

No comments received

2. Consultation Responses

ECC Highways Dept Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated March 2019. On top of the existing parking area two additional spaces will be provided with the introduction of the garage, therefore the Highway Authority does not object to the proposals as submitted.

3. Planning History

99/00267/FUL	Variation of TEN/745/84 by removal of agricultural occupancy condition (Condition 3)	Refused	21.04.1999
06/00921/LUEX	Residential (single dwelling without compliance with Condition 3 of TEN/745/84) and commercial storage use.	Withdrawn	20.09.2006
06/02021/LUEX	Certificate of Lawfulness for an existing use - occupation of Mill Lane Nursery and The Annexe at Mill Lane Nursery as two dwelling units without compliance with condition 3 of planning permission TEN/745/84 and conditions 3 and 4 of planning permission TEN/0568/90		30.07.2007
80/00012/FUL	Siting of caravan	Approved	19.02.1980
81/00190/FUL	Renewal of TEN/12/80 one caravan	Approved	31.03.1981

82/00265/FUL	Renewal of Ten/190/81 one caravan	Approved	13.07.1982
84/00745/FUL	One three bedroomed bungalow	Approved	14.08.1984
86/01045/FUL	Renewal of TEN/265/82 - residential caravan	Approved	23.09.1986
87/01519/FUL	Renewal of temp caravan (renewal of TEN/1048/86)	Approved	26.10.1987
90/01568/FUL	Extn to existing bungalow to provide granny annexe	Approved	29.01.1991
15/00781/FUL	Erection of single storey detached replacement dwelling and construction of vehicular access and associated parking areas and access drives (existing access to be stopped up)	Approved	20.07.2015
17/00919/DISCON	Discharge of condition 07 (construction method statement) of planning permission 15/00781/FUL.	Approved	21.07.2017
20/00806/FUL	Detached garage/workshop.	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

TR7 Vehicle Parking at New Development

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

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 site is located at Mill Lane Nursery on the eastern side of Mill Lane and is outside the Settlement Development Boundaries. The site contains a single storey detached dwelling with associated outbuildings to the rear. To the east of the site is an arable field, to the north of the dwelling is a large paddock. Mill Lane is a narrow lane to the west of the site, from which access is gained.

Proposal

The application seeks planning permission for a detached double garage. The garage would be sited forward of the principle elevation to the left hand corner of the large parking area. It would have a rectangular footprint of 9.8m x 8m, eaves of 2.6m and a ridge of 5.9m. Internally it would provide two parking spaces and a storage area.

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.

Whilst the development is not an extension to the dwelling per se, it is considered relevant to assess the proposal against the overall aims of the policy.

In the context of the existing dwelling which is of a shallow but elongated width which sits forward and centrally within the plot, the garage would be of a size, scale and height and in keeping with the character of the locality. It would have an attractive external appearance, being rendered and having facing-brickwork features which would correspond to the main dwelling. The siting of the garage is still within the context of the domestic curtilage and for this reason the development would not be visually intrusive on a skyline or in the open character of the surrounding countryside and would retain sufficient space around the dwelling to protect its and the amenity and character of the countryside.

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.

In the context of the existing dwelling which is of a shallow but elongated width which sits forward and centrally within the plot, the garage would be of a size, scale and height which relates well to its site and surroundings. It would have an attractive external appearance, being rendered and having facing-brickwork features which would correspond to the main dwelling and relating well to the site and the wider surrounds.

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 proposed garage would be sited approximately 45m to the north of the adjacent property. The siting of the garage is such that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

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 property has an excessive hardstanding and the proposal would result in a garage which has internal dimensions that accord with the dimension set out in the 2009 Parking Standards; further the Highways Authority has no objection to the proposal.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Approval

- 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 plans:- 20/116/2 received 22nd June 2020.

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?		NO
Are there any third parties to be informed of the decision?		NO