

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/10/2020
Planning Development Manager authorisation:	TF	21/10/2020
Admin checks / despatch completed	DB	22/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	22/10/2020

Application: 20/00766/FUL **Town / Parish:** Little Bentley Parish Council

Applicant: Karen Nicolaou

Address: Leigholm Harwich Road Little Bentley

Development: Proposed garden studio.

1. Town / Parish Council

Little Bentley Parish Council Have not commented on this application.

2. Consultation Responses

Not Applicable

3. Planning History

08/00967/FUL	Change of use from agricultural land to domestic garden and paddock.	Approved	22.08.2008
08/01132/FUL	Erection of two storey side extension, porch extension, single storey extension with balcony above and 1 no. detached cartlodge.	Approved	10.10.2008
09/00298/FUL	Erection of two-storey side extension, with single-storey porch extension.	Approved	22.05.2009

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, 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 relates to Leigholm, Harwich Road, Little Bentley which is located outside the settlement boundary.

Proposal

This application seeks planning permission for the erection of a garden studio.

Assessment

The main considerations for this application are;

- Design and Appearance
- Impact upon Neighbouring Amenities
- Other Considerations

Design and 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 proposed garden studio is located to the south west of the existing garage. The proposal will be in line with the garage and set behind the existing vegetation which will help to screen the proposed studio from the street scene. The garden studio will be single storey with a mono pitched roof. It will be constructed from western red cedar cladding, timber weatherboarding finished in black, anthracite windows, flat sloping roof with rubber membrane with black guttering and downpipes. The proposed materials are considered to be acceptable for a building in a rural location and to match the existing dwelling and garage.

Impact upon 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).

There is no neighbouring dwelling to the south west and the existing garage and dwelling will block any views of the proposed development from the neighbouring dwelling to the north east 'Rambler Cottage'. It is therefore considered that the proposed garden studio will not cause any impact upon neighbouring amenities.

Trees and Landscaping

The application site forms part of the residential curtilage of the host property and is set to grass.

There is an established hedgerow on the boundary with the highway containing established trees including Oak and Ash.

The proposed structure is set at such a distance from the trees that its construction will be unlikely to cause harm to the boundary vegetation. The boundary hedgerow should be retained and potentially strengthened for its screening value.

Other Considerations

Little Bentley Parish Council have not commented on this application

1 letter has been received raising the following comments:

The application states no trees or hedges are within falling distance of the proposed building, however, there are several leylandii trees and 1 very large eucalyptus tree within 3 metres of the proposed building. Whilst there is no objection to the building, I would very much like to see the Eucalyptus tree felled. Also, whilst I don't like the leylandii, and they are a part of the proposed site, I have no objection to them remaining as they will create a barrier between properties.

In response to the above, the felling of the Eucalyptus tree is a civil matter between neighbours.

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:

- Drawing No. HILL/2020-1 - Floor Plan
- Drawing No. HILL/2020-2 - Elevations and Roof Plan
- Drawing No. HILL/2020-SP - Site Plan

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

- 3 The garden studio hereby approved as a result of this development shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Leigholm, Harwich Road, Little Bentley.

Reason - The site is unsuitable for an independent residential unit because of the shared facilities and relationship to the host dwelling.

- 4 If the north western boundary hedge is to be removed or damaged during construction to allow for the construction of the garden studio building, a replacement hedgerow comprising of similar species shall be submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any 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 - In the interest of visual amenity and the character of the area.

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.

Business Use

Please note if you are to use the proposed building as a business, this may require planning permission.

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

