

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	21 <sup>st</sup> Oct 2020
Planning Development Manager authorisation:	SCE	23.10.2020
Admin checks / despatch completed	DB	23/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	23/10/2020

**Application:** 20/01141/FUL **Town / Parish:** St Osyth Parish Council  
**Applicant:** Ms Jen Brice  
**Address:** Old School House 6 Old School Close St Osyth  
**Development:** Proposed store and internal alterations.

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

No comments received

### **2. Consultation Responses**

Essex County Council      I would raise no objection to the proposal, it is not considered to  
Heritage                      detract from the character and appearance of the Conservation Area.  
12.10.2020

### **3. Planning History**

01/02001/FUL	Alterations to approved dwelling currently under construction.	Approved	17.01.2002
99/00435/FUL	Erection of five detached dwellings with garages. Erection of four single storey dwellings with detached car port and parking.	Refused	22.10.1999
02/01824/FUL	Retention of oil storage tank and erection of a fence enclosure	Approved	07.11.2002
20/01141/FUL	Proposed store and internal alterations.	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

EN17 Conservation Areas

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

PPL8 Conservation Areas

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

### Site Description

The application site is a detached dwelling which forms part of a small early 21<sup>st</sup> Century cul-de-sac development. The dwelling itself is roughly rectangular but has a small two-storey link to an integral garage. The garage had a reversed 'L' layout and conditions attached to the original permission required the garage to be permanently retained for the purposes of parking vehicles. The proposed plans indicate that a degree of conversion to habitable accommodation has already taken place.

### Relevant History

Following communication with the planning agent, evidence was submitted by the applicant that proved the partial conversion of the garage had already taken place when they purchased the property in 2017. This evidence is in the form of an Indemnity Policy which confirms the works were undertaken without the appropriate planning or building regulations being in place in 2008. Section 191 of the Town & Country Planning Act 1990 sets out how the lawfulness of an existing development can be established. In regards to breaches of planning control the period which the breach has to have existed without enforcement action having been taken is 10 years. The partial conversion of the garage took place at least 12 years ago and is now deemed to be lawful through the passage of time.

### Description of Proposal

The application proposes the conversion of the remainder of the garage to habitable accommodation; externally a door would be replaced with a window.

### Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

### 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.

Whilst the resulting proposal would be visible in the streetscene in regards to replacing the existing door for a window, works of this small nature are not considered to amount to operational development in the first instance. The proposal respects not only the character and appearance of the host dwelling in regards to its design but also 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).

As the development amounts to internal alterations only, 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.

Space within the garage for the parking of a vehicle has not existed since 2008; the proposal does not result in any further loss of parking provision. Further, sufficient space exists on the property's hardstanding to accommodate two vehicles.

### Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

The Heritage Officer has no objection to the development, confirming that the proposal is not considered to detract from the character and appearance of the Conservation Area. Reference is made to additional details of the windows and Juliet balcony should be provided. Notwithstanding the fact that the site is within the St Osyth Conservation Area, the only aspect of the application which requires permission is the conversion of the space internally; as such requiring details of the windows and safety railings would not comply with Paragraph 55 of the NPPF as such a request would be unreasonable.

## **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:- 02, received 21st August 2020,

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

## 8. Informatives

Application Approved Without Amendment

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.

<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