

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	29/01/2021
Planning Development Manager authorisation:	SCE	02.02.2021
Admin checks / despatch completed	ER	03.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	03.02.2021

Application: 20/01747/FUL **Town / Parish:** Tendring Parish Council

Applicant: Mr Dee Patel

Address: Vancouver Shair Lane Tendring

Development: Extension to existing garage and formation of workspace above (resubmission of approved application 16/00375/FUL that has expired).

1. Town / Parish Council

Tendring Parish Council Tendring Parish Council do not object to this application.

2. Consultation Responses

Not applicable

3. Planning History

02/00864/FUL	Change of use from the proposed stable unit to a granny annex	Approved	16.07.2002
93/00348/FUL	Extension to form bedroom and covered area to front elevation	Approved	27.04.1993
94/01304/FUL	Extension and alterations	Approved	06.12.1994
03/02279/FUL	Single storey extension to form swimming pool	Approved	12.01.2004
04/00879/FUL	Single storey extension to form swimming pool (Revision of application 03/02279/FUL)	Approved	02.07.2004
05/00056/FUL	Kitchen and conservatory extensions	Approved	22.02.2005
06/00009/FUL	Extensions to form swimming pool and conservatory.	Refused	04.04.2006
08/01461/FUL	Erection of single storey rear extension and conservatory.	Approved	02.12.2008
08/01462/FUL	Erection of swimming pool extension and link to main dwelling.	Refused	02.12.2008
11/00724/FUL	Single storey extension to existing garage.	Approved	23.08.2011

16/00375/FUL	Extension to existing garage and formation of workspace above.	Approved	29.04.2016
17/00932/FUL	Erection of building (House in Multiple Occupation - Use Class C4) comprising 6 assisted-living en-suite bedrooms with communal facilities; first floor staff accommodation, and with associated car-parking served from existing access.	Refused	17.08.2017
18/00107/FUL	Proposed garage & additional facilities.	Approved	23.03.2018
20/01747/FUL	Extension to existing garage and formation of workspace above (resubmission of approved application 16/00375/FUL that has expired).	Current	

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

Local Planning Guidance

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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Location and Description of Site

The application site is located to the east of Shair Lane outside of the settlement boundary but between the boundaries of Great Bentley and Weeley. The site is located on the same side of the road as other dwellings. The area is characterised by rural dwellings of mixed styles. The dwelling is constructed of red brick and mock Tudor timber panels and has a steep pitched roof which accommodates large box dormers to the front. To the north side of the property is a pitched roof garage built with render with an exposed wooden structure and clay roof tiles. To the south, the garden serving the dwelling is enclosed by a 1.5m high, dipped red brick wall.

Description of Proposal

This application proposes the erection of a two-storey extension to an existing garage and the formation of a workspace in the existing roof above.

This application is a resubmission of 16/00375/FUL which is of the same scale and design which was approved.

Design/Impact

The proposed two-storey extension would extend the existing roof length by approximately 8m. The roof of the extension would extend along the existing ridge line of the garage. This would not be detrimental to the character of the area. The proposed materials would match those used on the existing property.

The proposed workspace makes good use of the existing loft space and the proposed extension will proposed ample use for this purpose.

Due to the set back from the highway, the development would not appear unduly prominent with the street scene and would be in accordance with policies QL8, QL9 and QL11 of the adopted Tendring District Local Plan (2007).

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007.

Residential Amenities

The extension is located to the left hand side of the property and will block out light from some of the windows on the north facing side of the dwelling. However, this impact is minimal and the development will not have any impact on neighbouring properties.

Parking/Driveway

The proposed triple garage is oversized when having regard to the Council's adopted Car Parking Standards. There is also ample parking available on the driveway of the property.

Other Considerations

Tendring Parish Council has no objection to the proposed development.
No further letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

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 not be carried out except in complete accordance with the details shown on the submitted plans: 82.01/01, 82.01/02, 82.01/03, 82.01/04, 82.01/05, 82.01/06, 82.01/07 & 82.01/08.

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.