

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	12/04/2021
Planning Development Manager authorisation:	TF	16/04/2021
Admin checks / despatch completed	CC	16.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	16/04/2021

**Application:** 21/00353/FUL **Town / Parish:** Beaumont Parish Council

**Applicant:** Mr and Mrs Smith

**Address:** Mulberry Harwich Road Beaumont

**Development:** Erection of new double garage

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

Beaumont Parish Council Not commented on this application

### **2. Consultation Responses**

ECC Highways Dept  
12.04.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current 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. It is noted that the proposals do not alter the current vehicle access and the garage is set back from the existing boundary feature while at the front of the garage will retain an adequate turning area to allow vehicles to enter and leave in forward gear together with an additional parking space, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

(Continued...)

SMO1 – Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

### **3. Planning History**

18/01144/FUL	Alterations and extension.	Approved	06.09.2018
19/00358/COUNOT	Proposed conversion of agricultural buildings to three x 1 bedroom residential dwelling houses.	Prior Approval Not Required	23.04.2019
19/00909/FUL	Proposed replacement of three poultry units with 1 x three bed dwelling (in lieu of prior approval 19/00358/COUNOT).	Approved	12.12.2019
20/00861/FUL	Proposed three bed dwelling (repositioning of dwelling as approved under planning permission 19/00909/FUL).	Approved	14.10.2020
21/00352/DISCON	Discharge of conditions 3 (Hard and Soft Landscaping), 7 (Visibility Splays) and 9 (Vehicular Turning Facility) of approved Planning Permission ref: 20/00861/FUL (Proposed three bed dwelling (repositioning of dwelling as approved under planning permission 19/00909/FUL) ) dated 14/10/2020	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

### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10<sup>th</sup> 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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)**

### **Site Description**

This application site relates to the approval of planning application 19/00909/FUL to front of the dwelling 'Mulberry'. The application site is located outside of the settlement boundary.

### **Proposal**

This application seeks planning permission for the erection of a detached garage.

### **Assessment**

The main considerations for this application are:

- Design and Appearance
- Impact upon Neighbouring Amenities
- Highway and Parking Provision
- Trees and Landscaping

- Other Considerations

1. Design and Appearance

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. 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 will be located to the front of the dwelling to the north west of the application site. The garage is single storey with a dual pitched roof and constructed from Vandersanden Hoskins Maltings Antique facing brickwork, BMI Redland Grovebury double pantile roof tile - slate grey, white UPVC up and over garage doors, white UPVC fascia's, soffits and barge boards and black UPVC guttering and down pipes. The materials proposed are considered acceptable. Although there may be some views from the street scene, due to the set back and the single storey nature as well the existing boundary treatment, the proposed double garage is not considered to cause any significant impact upon visual amenities.

2. Impact upon Neighbouring Amenities

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 is located to the north western boundary of the application site and therefore will not be visible to the neighbouring dwelling 'Mulberry'. To the east of the site is 'The Horseshoes', due to the distance to the neighbouring boundary as well as the single storey nature of the proposed garage and the existing boundary treatment, it is considered that the proposed garage will not cause any significant impact upon neighbouring amenities. To the west of the application site is 'Backwaters', however due to the distance of to the neighbouring dwelling as well as the single storey nature and the existing vegetation, it is considered that the proposed dwelling will not cause any significant impact upon neighbouring amenities.

3. Highway and Parking Provision

Essex Highway Authority has been consulted on this application and have stated that Due to the current 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. It is noted that the proposals do not alter the current vehicle access and the garage is set back from the existing boundary feature while at the front of the garage will retain an adequate turning area to allow vehicles to enter and leave in forward gear together with an additional parking space. The Highway Authority therefore do not object to this application.

Essex Parking Standards require a garage to measure 7 metres by 3 metres. The proposed plans demonstrate the double garage will measure approximately 7.3 metres by 6.3 metres which exceeds Essex Parking Standards requirements.

4. Trees and Landscaping

No important trees or other significant vegetation will be adversely affected by the development proposal.

5. Other Considerations

Beaumont Parish Council have not commented on this application.

1 letter of representation has been received raising the following concerns:

- A site notice hasn't been erected that is visible

*A site notice was erected outside the application site and tied to the public footpath post on 24th March 2021 with the expiry date being 14th April 2021.*

- No formal notification to the neighbour 'horseshoes'

*The Council has a statutory requirement to either notify neighbouring properties of a planning application, or erect a site notice. Tendring District Council undertakes both forms of notification to ensure that all interested parties are aware of planning applications and have the opportunity to comment. Neighbour notifications are automatically sent to adjacent properties that share a common boundary with the red lined application site area.*

- Concerns that it was stated at the planning committee meeting on 24th September 2019 that no further development on this site.

*A condition was imposed to restrict further development on this application site and any proposed development would require a planning application.*

## **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. PA - 10 - Proposed Plans and Elevations

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.

### Highways

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SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO