

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	11.05.2021
Planning Development Manager authorisation:	SCE	12.05.2021
Admin checks / despatch completed	DB	13.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.05.2021

Application: 21/00402/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr and Ms P Holmes and J Tweedie

Address: Marsh House Cottage Malting Lane Kirby Le Soken

Development: Erection of single storey side extension

1. Town / Parish Council

Thorpe Le Soken Parish Council No comments

2. Consultation Responses

Not applicable.

3. Planning History

94/00658/FUL	(Marsh House Cottage, Malting Lane, Kirby le Soken) Construction of single dwelling house in place of pair of demolished cottages on adjacent site	Approved	15.11.1994
96/01147/FUL	(Marsh House Cottage, Maltings Lane, Kirby le Soken) To demolish existing single storey farm buildings. Rebuild the same buildings with a new 2 storey link for domestic residential use as a single dwelling	Approved	22.10.1996
98/00448/FUL	(March House Cottage, Maltings Lane, Kirby le Soken) Demolition of existing buildings	Approved	05.05.1998

	and erection of dwelling house		
07/02021/AGRIC	Erection of agricultural building.		24.12.2007
91/00408/FUL	Reconstruction of pair of fire damaged cottages.	Approved	04.06.1991
13/00901/FUL	Proposed detached annexe (two part static cabin).	Approved	14.11.2013
17/01104/FUL	Variation of condition 1 of 13/00901/FUL to allow cabin to be used as a holiday let.	Approved	
20/30133/PREA PP	Proposed erection of single storey orangery extension to existing dwelling.		26.08.2020
21/00402/FUL	Erection of single storey rear extension	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SPL3 Sustainable Design

SP1 Presumption in Favour of Sustainable Development

Local Planning Guidance

Essex Design Guide

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 26th 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 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th 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)

Proposal

This application seeks permission for the erection of a single storey side extension.

Application Site

The application site is located to the north of Malting Lane in an isolated rural location. The site is located outside of any defined settlement development boundaries defined in the Adopted Tendring District Local Plan 2007 (part superseded) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021).

Assessment

Design and Appearance

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 extension will be located to the east of the dwelling. It will measure 5 metres deep by 13 metres wide with an overall flat roof height of 3 metres. The proposal is considered to be of a size and scale appropriate to the existing dwelling, with the application site retaining plenty of private amenity space.

The extension will be finished in facing brickwork to match that of the existing dwelling, with a flat roof design finished in PVC single ply membrane. The windows and doors will be finished in powder coated aluminium. The dwelling is in an isolated location and is not visible to the streetscene, the proposal will therefore have no effect on the visual amenities of the area. The proposed extension is considered to be of a design and appearance in keeping with the existing dwelling with no significant adverse effects to visual amenities.

Policy HG12 of the Tendring District Local Plan 2007 seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, would not represent overdevelopment of the site. As the proposed extension is considered to be of an acceptable design and appearance it is consistent with Policy HG12.

Impact to Neighbouring Amenities

The NPPF, Paragraph 17, 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 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 dwelling is in an isolated location with no neighbouring dwellings in close proximity. The proposed extension therefore has no effect on the loss of light or privacy and has no significant effect on residential amenities.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Thorpe Le Soken Parish Council have provided no comments on the application.

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 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;

Drawing No. 20/10/0072
 Drawing No. 20/10/0073 Revision A

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.

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

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