

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11 th May 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: 21/00421/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Stephen Beaty - SBPM

Address: 13 Tower Street Brightlingsea Colchester

Development: Variation of Condition 2 (Approved Plans) of Planning Permission ref: 20/01471/FUL (Replace partially demolished garage with annexe). To make the building symmetrical, allowing more light and added escape route in the event of fire.

1. Town / Parish Council

Brightlingsea Town
Council
15.04.2021

Brightlingsea Town Council are neutral and have no objection to this application.

2. Consultation Responses

No comments received

3. Planning History

13/01041/FUL	Loft conversion with dormer.	Approved	
20/01471/FUL	Replace partially demolished garage with annexe.	Approved	13.01.2021
21/00421/FUL	Variation of Condition 2 (Approved Plans) of Planning Permission ref: 20/01471/FUL (Replace partially demolished garage with annexe). To make the building symmetrical, allowing more light and added escape route in the event of fire.	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Adopted Tendring District Local Plan 2007 (part superseded)

- QL1 Spatial Strategy
- 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

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

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site relates to the rear (east) boundary of the domestic curtilage of 13 Tower Street which is the right-hand of a pair of semi-detached dwellings. An unmade track (known as Lime Street) runs along the rear of the properties on this east side of Tower Street and many of these properties have access and garaging/storage on to Lime Street.

Planning History

Planning permission was granted in January 2021 under reference 20/01471/FUL for the erection of detached single storey annex on the east boundary. The building would have a dual-pitched roof with a ridge height in the region of 5m and eaves just under 2.4m. The footprint of the building is in the region of 5.6m x 10m. Externally the building would be timber-clad and it would have a clay-tiled roof which would contain three rooflights in each slope. Planning permission was required for the building by reason of its height and because it would contain primary living accommodation (in conflict with the requirements of the General Permitted Development Order 2015 (as amended)).

Description of Proposal

The application seeks to vary condition 2 (approved plans) of approved planning reference 20/01471/FUL; condition 2 pertaining to which plans the application was approved to.

The approved building was roughly T-shaped; the distance between the cross of the T and the leg of the T being 0.4m to the left and 0.8m to the right. The variation of the approved plans balances the 'leg' so that it sits centrally under the cross of the T with insets of a uniform 0.7m.

Other variations are relatively minor and include:-

- A new door to the east elevation
- Two windows to the south elevation
- Replace one door with a window to the west elevation

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.

The siting of detached buildings with access on to Lime Street is commonplace in the locale, many of these buildings are of similar height (for example at 73 Tower Street). The scale, siting and external appearance of the proposed building closely reflects other similar approvals in the locale.

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).

Whilst the building is 5m high, it is nonetheless sited at the bottom of the garden which faces easterly and separation distances in excess of 30m from the rear of neighbouring dwellings exist. Although roof-lights are proposed in the north and south roofslopes, no windows are proposed in the west elevation of the mezzanine level. For these reasons 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.

The proposal neither generates an additional need for parking nor diminishes the existing parking provision at the site.

Representations

One objection has been received, this is summarised as:-

We are concerned that the 'annex' has been enlarged and altered becoming a bungalow with a mezzanine floor	The floorspace is identical in terms of sqm to the approved application
The room above the ground floor appears to be a bedroom leading from a balcony with extra light	The layout is identical to the approved application
Why is it necessary to have an escape route in case of fire unless this is a requirement if someone was proposing to live in the room upstairs	The application is described as an annex; solely for the purpose of providing additional living space.
This building would be setting a very dangerous precedent	Each application is determined on its own planning merits.

Brightlingsea Town Council are neutral and have no objection to this 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 plans: HD2101/PL/010 with un-numbered floor plans and elevations; received 18th March 2021.

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO