

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/05/2021
Planning Development Manager authorisation:	SCE	12.05.2021
Admin checks / despatch completed	DB	12.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.05.2021

**Application:** 21/00497/FUL **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Kyelan Marvell

**Address:** 3 Cross Way Thorpe Le Soken Clacton On Sea

**Development:** Erection of single storey rear extension

### 1. Town / Parish Council

Thorpe le Soken Parish Council      No Comments received

### 2. Consultation Responses

Not applicable

### 3. Planning History

16/01169/OUT	Outline planning permission for the erection of up to 98 dwellings, public open space and supporting site infrastructure with all matters reserved apart from access.	Approved	28.04.2017
17/01374/DISCON	Discharge of condition 18 (Wildlife protection measures) of planning permission 16/01169/OUT.	Approved	04.10.2017
17/01482/DETAIL	Reserved matters application for the erection of up to 98 dwellings, public open space and supporting site infrastructure and site access.	Approved	13.12.2017
17/01542/DISCON	Discharge of conditions 6 (Construction Traffic Management Plan), 7 Part A (Access Details), 8 (Surface Water Drainage Scheme), 9 (Surface Water Run-off Scheme), 10 (Maintenance Plan), 13 (Tree Protection Details), 14 (Archaeology Trial Trenching Programme), 16 (Construction Method Statement), 17 (Fibre Optic Details) and 19 (Lighting Strategy) for approved application 16/01169/OUT.	Split Decision	24.04.2018
17/01734/DISCON	Discharge of condition 7 part B (Bus Stop Details) of approved	Approved	18.06.2018

	planning application 16/01169/OUT.		
18/00916/DISCON	Discharge of Condition 7 Part C (Residential Travel Information Packs) of 16/01169/OUT.	Approved	14.09.2018
19/00369/DETAIL	Reserved Matters Application following Outline Approval of 16/01169/OUT considering appearance only to allow for a change in brick and roof tile materials (variation of previously approved 17/01482/DETAIL and 18/01195/NMA).	Approved	19.06.2019
20/30266/PREAPP	Proposed single storey flat roof rear extension.	Supported	12.01.2021
21/00497/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Adopted Tendring District Local Plan 2007 (part superseded)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

PPL3 The Rural Landscape

#### **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)**

### Application Site

The application site comprises of a two storey detached dwelling with adjacent existing driveway and garage. The site is on a corner plot location with its front, rear and side elevation visible from Cross Way. The site is recent in construction and has fencing along its side and rear boundaries.

### Proposal

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

### Assessment

#### Design and Appearance

The proposal is of a size and design which is appropriate to the host dwelling and will be finished in materials consistent with the existing house.

The layout of the existing area results in the sites rear elevation being publicly visible resulting in the proposal being seen from Cross Way. However as the proposal is minor in size and will be set back from site boundaries as well as predominantly screened by boundary fencing any views achieved will be minimal and not detrimental to the appearance and character of the existing dwelling and area.

The site is of a sufficient size to accommodate the proposal and still retain sufficient private amenity space.

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.

#### Impact to Neighbours

The proposal will be sited sufficient distance away from neighbouring boundaries and will be predominantly screened by the existing garage and fencing which will prevent it from resulting in a significant loss of residential amenities to the neighbouring sites.

#### Other considerations

Thorpe le Soken Parish Council have raised no objections to the proposal. There have been no letters of representation 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 be carried out in accordance with the following approved plan: 03CW - 002.

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.