

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|-------------------------------------------------------------|----------|------------|
| File completed and officer recommendation: | JR | 16.06.2021 |
| Planning Development Manager authorisation: | JJ | 17/06/2021 |
| Admin checks / despatch completed | DB | 17.06.2021 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC | 17.06.2021 |

Application: 21/00758/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs Law

Address: St Georges Court Dead Lane Ardleigh

Development: Erection of detached garage (incorporating cycle store and tack room/w.c.)

1. Town / Parish Council

Ardleigh Parish Council No objection

2. Consultation Responses

N/A

3. Planning History

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|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|
| 00/00813/FUL | Retention of - 1. Brick pillars at property access in Dead Lane (6 foot high) 2. Farm style track from house to opening on Colchester Road over existing path/dirt track | Approved | 03.08.2000 |
| 01/01312/FUL | New wall and gates in association with alterations to vehicular access to improve highway safety and visibility | Approved | 11.10.2001 |
| 94/01149/FUL | Car port and alterations. Change of use of agricultural land to form part of residential curtilage | Approved | 10.01.1995 |
| 03/00213/FUL | Erection of conservatory | Approved | 27.03.2003 |
| 21/00757/FUL | Replacement single storey rear extension, proposed two storey rear extension, two storey front extension and garage conversion, internal alterations and alterations to roof | 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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

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| COM12 | Equestrian Uses and Buildings |
| CP1 | Sustainable Transport and Accessibility |
| EN1 | Landscape Character |
| 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)

Section 1(Adopted)

SP7 Place Shaping Principles

Section 2(Emerging)

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. 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 is located on the eastern side of Dead Lane at the end of a small run of residential dwellings but outside of the settlement development boundary of Ardleigh. The site comprises of a large plot with a detached dwelling to the south of the site and stables, a manège and grazing land to the north.

Proposal

The application seeks planning permission to construct a detached garage building to the north of the main dwelling adjacent to the access to the stable area. The building has a low pitched roof and measures 10m x 7m, with an eaves height of some 2.5m and a maximum height of 4m.

The external materials proposed are slate roof tiles, render and grey uPVC windows and doors. The building would provide a double garage, cycle storage area and tack room which includes a small kitchenette and W.C.

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. Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

Saved Policy HG12 is amongst others, concerned with extensions to dwellings outside of a defined settlement boundary. Whilst the proposed building is an addition to the residential property, the relevant sections of HG12 are adequately covered under the above mentioned policies above, in terms of size, scale, height, character, visual amenity and setting.

The proposed garage building is sited forward of the main dwelling, however given the size of the plot, the fairly rural nature of the site and the set back of the dwelling from the main highway the siting of the building is considered acceptable and it is not uncommon for garages to be forward of the main residential property given the nature of its use.

In terms of its size, scale and overall design, the building is considered to be acceptable and remains subservient to the existing dwelling and the size of the overall plot. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

The garage building would be fairly visible from the main highway, however it is not considered to result in a prominent or incongruous built form in this countryside garden location, due to the existing screening along the boundary and the single storey nature of the building. It is therefore considered that the development would not result in harm to the character and appearance of the existing dwelling, the streetscene or the wider area.

Given the overall size and location of the garage building, it is considered that it would be reasonable to add a condition to any grant of planning permission, in order to ensure the detached building is used only for purposes ancillary to the residential use of the main dwelling, St Georges Court, Dead Lane, Ardleigh and is not used for any separate commercial use in relation to the existing equestrian buildings or as a self-contained unit of accommodation.

Therefore the proposed garage building is considered to be acceptable and policy compliant in these regards.

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. Policy SPL3 states that 'buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents'. Saved Policy QL11 states that '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'.

Whilst the proposed building is a fairly large addition to the front of the site, it is located a significant distance away from the nearest neighbouring property, Meldreth and would not therefore cause harm to the residential amenity of these neighbouring occupiers.

The proposal is therefore considered to be acceptable and policy compliant in these regards.

Highways issues

The proposal does not alter the access arrangements to the site from the highway and provides an additional two covered parking spaces for the main dwelling. Therefore the proposal does not have a detrimental impact on highway safety or the parking provision within the site.

Other Considerations

Ardleigh Parish Council have no objections to the proposal and one representation supporting the application has been received.

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(s): DL-007 Rev A

Reason - For the avoidance of doubt and in the interests of proper planning.

3. The garage building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as St Georges Court, Dead Lane, Ardleigh.

Reason - The building shall remain as an ancillary building and not be used as a separate commercial unit or unit of accommodation. A change of use would require planning permission.

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.

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