

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	8 th Sept 2021
Planning Development Manager authorisation:	SCE	08.09.2021
Admin checks / despatch completed	DB	09.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	09/09/2021

Application: 21/01269/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mrs Aplin

Address: New May House The Green Great Bentley

Development: Proposed reconstruction of outbuilding to form granny annexe as approved under 20/01271/FUL including demolition of former garage.

1. Town / Parish Council

No comments received

2. Consultation Responses

No comments received

3. Planning History

TPC/28/90	Overall reduction of Willow	Current	18.10.1990
TPC/38/93	Works to Willow	Current	14.10.1993
TPC/95/53	30% crown reduction to Willow	Current	14.11.1995
TPC/98/10	30% crown reduction to Willow	Current	23.02.1998
01/01967/TCA	Reduce Willow tree in size	Approved	23.11.2001
05/02117/TCA	Fell 1 Willow adjacent to the green. Reduce and shape 1 Apple tree by 25%, thin out by 10-15%. Reduce 1 Norway Spruce by 2 metres, trim side branches	Approved	04.01.2006
12/00247/TCA	1 No. Fir - fell	Approved	03.04.2012
14/01751/TCA	G1 - mixed hedging - reduce to 1.8m. G2 - Hawthorn - fell	Approved	16.12.2014
18/01712/TCA	1 No. Apple - remove split limb and reduce by approx 30%, 1 No. Willow - reduce to previous cutting points	Approved	05.11.2018
19/01893/TCA	1 No. Willow - Reduce and Reshape by 30%	Approved	06.01.2020

20/01271/FUL	Proposed conversion of outbuilding to granny annexe, replacement roof and replacement of the shed with a timber-framed extension.	Approved	27.11.2020
21/01158/TCA	1 No. Willow - fell.	Approved	29.07.2021
21/01269/FUL	Proposed reconstruction of outbuilding to form granny annexe as approved under 20/01271/FUL including demolition of former garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Adopted Tendring District Local Plan 2007 (part superseded)

EN17 Conservation Areas

TR7 Vehicle Parking at New Development

Relevant Section 2 Policies (emerging)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

CP2 Improving the Transport Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Site Description

The site is located to the east end of Great Bentley Green and comprises a detached dwelling and garage/workshop within a detached outbuilding. During the site visit it was noted that only the skeletal-frame of the garage remained. The buildings are not listed but are within the Conservation Area. Vehicular access to the site is via an established right of access across The Green from Weeley Road. The garage was of brick construction rendered externally, while the workshop was of timber frame clad with feather-edged timber boards. The pitched roof over these was clad with clay pantiles, and was heavily over-grown with Virginia Creeper. The shed was also of timber construction with a flat roof but was in a very poor structural condition.

Description of Proposal

Unlike the approved scheme 20/01271/FUL, the intention of which was to convert the existing outbuilding, currently a garage, workshop and shed to a Granny Annexe, allowing the applicant's daughter and family to move into the existing house; the new application proposal the replacement in its entirety of the outbuilding. The replacement building would be identical in all aspects to the building previously approved in matters such as height, scale, footprint, dimensions and external appearance. The reason why planning permission is required to replace the building is because the nature of the development is outside the scope of the previous approval which was primarily a conversion.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that

developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The proposal is surrounded on three sides by the dwellings Newmays House, Wayside and The Maystead; the replacement building would be identical in all aspects to the building previously approved in matters such as height, scale, footprint, dimensions and external appearance. For these reasons, in regards to its scale and design, the proposed development respects both the character and appearance of the host dwelling and wider streetscene in general.

Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The 3.7m ridge of the proposed replacement roof would be approximately 2m from the boundary with Wayside. The existing building is approximately 20m away from their side (south-west) boundary, with an intervening large detached outbuilding. The structure remains a single-store scale. 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 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Whilst the proposal results in the loss of the garage space the existing access can more than adequately accommodate parking for both the host dwelling and the annex.

Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 197 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

The famous village green (The Green) formed the basis for the designated Conservation Area in 1969, which was amended in 1982, and includes 15 buildings that are listed for their architectural or historical interest. The Area is positioned in the heart of the settlement to encompass The Green, and expands to incorporate the perimeter dwellings. The dwelling is one of the perimeter dwellings referred to; as the structure would be an identical replacement of a previously-existing building it is considered the proposal does not harm the character or appearance of the Conservation Area.

Other Material Considerations

Great Bentley Parish Council make no comment on this application

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

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: NH/GB/4; received 15 July 2021.

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

8. Informatives

Application Approved Without Amendment

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