

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	17/09/2021
Planning Development Manager authorisation:	SCE	17.09.2021
Admin checks / despatch completed	DB	17.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	17/09/2021

Application: 21/01285/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Nick Harrowing

Address: 8 Cherrywoods Great Bentley Colchester

Development: Proposed removal of existing garden shed and construction of a new shed within the rear garden boundary.

1. Town / Parish Council

Great Bentley Parish Council Not Commented on this application

2. Consultation Responses

Essex County Council Heritage Built Heritage Advice pertaining to an application for: Proposed removal of existing garden shed and construction of a new shed within the rear garden boundary.
Following further review of the proposals I am unopposed to this application.

3. Planning History

00/00661/FUL Erection of a shed/summerhouse Approved 13.06.2000

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

EN17 Conservation Areas

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

Relevant Adopted Policies

SP7 Place Shaping Principles

Relevant Emerging Policies

LP4 Housing Layout

SPL3 Sustainable Design

PPL8 Conservation Areas

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 the 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 held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then 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 (including Site Description and Proposal)

Application site

This application relates to 8 Cherrywoods, Great Bentley, a two storey dwelling located within the settlement boundary of Great Bentley.

Proposal

This application seeks planning permission for the removal of existing garden shed and construction of a new shed within the rear garden boundary.

Assessment

The main considerations for this application are the design and appearance including heritage impact and impact upon neighbouring amenities.

Design and Appearance (including heritage impact)

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 Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place - avoiding the use of ubiquitous standard house types. 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.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

The proposed shed will be located to the rear garden of number 8 Cherrywoods and therefore not visible to the street scene of Cherrywoods. The shed will be constructed from hardie board cladding, TAPC synthetic slate and UPVC windows and doors, materials that are considered acceptable in this location. Although the shed is considered to be large, it is approximately 2.65 metres in height and will retain sufficient space to the boundary.

As the application site is located within the Conservation Area, Place Services Historic Environment officer has been consulted on this application. Originally there were some concerns however the applicant submitted additional documentation and the officer has stated that following further review of the proposal the officer is unopposed to this application.

Impact upon Neighbouring Amenities

The NPPF, at paragraph 130 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. 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 proposed shed will be visible to the neighbouring dwellings number 6 and number 10 Cherrywoods. However due to the single storey nature of the proposal with its pitched roof it is not considered to cause any significant impact upon neighbouring amenities.

Other Considerations

Great Bentley Parish Council have not commented on this application.

No letters of representation have 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 plans:

- Drawing No. CO78QF-103 A
- Drawing No. CO78QF-104 A
- Drawing No. CO78QF -101 B
- Drawing No. CO78QF - 102 B

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? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO