

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The Application site serves a detached two storey dwelling located within the settlement development boundary of Brightlingsea.

Proposal

This application seeks permission for the erection of a new brick built detached garage with dual pitched roof.

Assessment

Design and Appearance

The application site is located on a corner plot between John Street and Albert Road. The proposed Garage is located towards the rear of the host dwelling, to the east of the site, and will be visible from the public views of Albert Road. However, the garage is set back within its plot and is not considered to appear overly prominent within the area.

The garage will be of a single storey nature, the exterior walls will be finished in brickwork. The roof will be finished in slate or slate imitation tile. The garage is considered to be of an in keeping design and appearance to that of the host dwelling and its locality and will have no significant harmful impacts on the visual amenities of the area.

The application site is able to accommodate for the proposal whilst retaining adequate private amenity space. It is therefore deemed to be of an acceptable size and scale.

Impact on Neighbouring Amenities

The proposed garage is of a single storey nature and therefore poses no significant threat to overlooking or loss of privacy to the adjacent neighbouring dwellings.

The garage is of a single storey nature, it is therefore not considered to have any significant impact on the loss of light to the adjacent neighbouring dwelling east of the site. Any loss of light that may be caused would first be intercepted by the existing boundary wall and therefore the proposal cannot be said to have any significant harmful effect on the loss of light to this property. The

garage is located an adequate enough distance from other neighbouring dwellings as to have no impact on the loss of light.

Other Considerations

The garage is compliant with Essex County Council Highways Recommendation that a garage measures at least 7m by 3 metres internally in order to be considered an acceptable parking space. The Local Planning Authority therefore deem this application to be acceptable in terms of highway safety.

Brightlingsea Town Council support this application.

No other letters of representation have been received.

Conclusion

The proposal is considered to comply with the above mentioned National and Local Policies. In the absence of material harm the proposal is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No. 0061-A-002 - Site and Block Plan

Drawing No. 0061-A-002 - Site Layout Plan

Drawing No. 0061-A-200 - Proposed Garage Floor Plans and Elevations

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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

