

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	23/11/2023
Planning Manager / Team Leader authorisation:	ML	01/12/2023
Planning Technician final checks and despatch:	ER	01/12/2023

Application: 23/01413/FULHH **Town / Parish:** Great Bromley Parish Council

Applicant: Mr Michael and Mrs Deborah Lawes

Address: Spread Eagle Brook Street Great Bromley

Development: Proposed removal of existing garage and replacement with a new cart lodge.

1. Town / Parish Council

Great Bromley Parish Council No comments received

2. Consultation Responses

Essex County Council
Heritage
30.10.2023

The application is for proposed removal of existing garage and replacement with a new cart lodge.

The proposal site is a Grade II Listed 18th Century former pub, now in residential use.

There is no objection to the demolition of the existing garage, which is a modern outbuilding, and the construction of the new cart lodge in the same location. The proposed cart lodge is acceptable in terms of scale, design and materials, providing that the proposed windows are also timber frame.

There are concerns regarding the use of the front garden as overflowed parking space and the extensive use of asphalt which would detract from the special interest of the listed building, making Paragraph 202 of the NPPF relevant. Should this be removed, and the front garden retained as a soft landscaped area, there would be no objection to this application.

3. Planning History

00/00579/LBC	Alteration to electricity supply equipment	Approved	15.06.2000
99/00801/LBC	Demolish existing conservatory/porch and erection of replacement conservatory	Approved	21.10.1999
06/00777/FUL	Erection of stable block, store and tack room, manege and paddocks.	Refused	01.08.2006
07/00083/FUL	Erection of stable block.	Approved	03.04.2007

13/01291/LBC	Proposed replacement of tile hanging with render on front dormers and replacement of front doors.	Refused	27.01.2014
23/01413/FULHH	Proposed removal of existing garage and replacement with a new cart lodge.	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2023 (NPPF)
National Planning Practice Guidance (NPPG)

LOCAL:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout
PPL9 Listed Buildings

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice

No emerging or adopted neighbourhood plan

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The site contains a Grade II Listed Building, known as the former Spread Eagle Public House. The building currently functions as a dwellinghouse and is a two-storey chalet bungalow with gable roof to the side and three front dormers. The gable-fronted dormers have a hanging tile finish to their cheeks and gable end.

The site benefits from a small number of existing outbuildings within the curtilage of the site, many of which are publicly visible from Brook Street. An area of asphalt lies in front of the property with its own vehicular access.

Proposal

This application sees planning permission for the proposed removal of existing garage and replacement with a new cart lodge.

Assessment

Visual Impact

The proposed cartlodge will replace the existing garage at the site and would be positioned within the rear garden behind an existing outbuilding. This rearward setting will allow for much of the development to be screened by other features on the site, thereby lessening its impact and preventing it from appearing as a prominent addition within the streetscene.

The proposed cartlodge is of a size and design which is suitable to the existing house and surrounding site and will be finished in black timber weatherboard with red clay tiles. The use of black boarding is typical of the countryside setting of the site and due to the limited visual impact of the structure, the use of this material is considered acceptable.

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

The new building is therefore considered a suitable change to the site which would not adversely impact upon the visual amenity of the existing house or local.

Heritage Impact

The application site comprises of a Grade II listed building with a small number of non-listed outbuildings within its curtilage. The proposal will be sited rearward of this dwelling and largely screened by outbuildings at the site, allowing for only minor views when viewing the house from Brook Street. Due to the siting and detailed design of the building it would not adversely impact the appearance/ setting of the listed building.

The ECC Heritage team have been consulted and have no objections to the proposal apart from slight concerns that asphalt will be placed in front of the house and this area will be used for parking. The applicants have confirmed that there is already an area of asphalt to the front of the house which will be unchanged as part of this application.

Highway Safety

The ECC Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space. They also state garages should measure 7m by 3m internally.

The proposal will encroach upon the existing parking arrangement and the new cartlodge is slightly undersized when having regard to the guidelines contained within the current parking standards. However the land to the front and side of the house is suitable in size for the off-street parking of two vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

Impact to Neighbours

The proposal is of a small-scale nature which will be set off the shared boundaries and would therefore not result in a significant harmful impact to the amenities of nearby occupiers.

Other Considerations

Great Bromley Parish Council have no objections to the proposal.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

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.

SITE PLAN - REC'D 09/10/23

010

011

DESIGN, HERITAGE AND ACCESS STATEMENT - Rec 09/10/2023

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.

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral