

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	20/03/19
Planning Development Manager authorisation:	AN	25/3/19
Admin checks / despatch completed		26/3/19

Application: 19/00158/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr and Mrs P French

Address: Home Farm 119 Harwich Road Mistley

Development: Proposed swimming pool building and roof to connect two existing outbuildings.

1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 28th February 2019 the Parish Council made No Comment.

2. Consultation Responses

Tree & Landscape Officer The information submitted with the application shows the removal of 2 trees: an Ash and an Alder. Both are growing close to the existing outbuildings and neither would be viable in their current positions in the medium to long term. The trees are not well formed specimens and are not visible from a public place. Consequently they have no impact on the appearance of the public realm.

The position of the proposed development is such that it will be relatively well associated with the existing buildings and therefore will be unlikely to have an adverse impact on the local landscape character.

3. Planning History

00/00013/TELCO M	Erection of one 15-metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and development ancillary thereto.	Determinati on	02.02.2000
01/01340/FUL	Proposed tennis court with changing room and practice wall	Approved	10.10.2001
98/00078/LBC	Two replacement wooden window frames - as existing	Refused	21.04.1998
99/00809/FUL	Proposed alterations and extensions to existing dwelling	Approved	19.07.1999
99/00810/LBC	Proposed extensions and alterations to existing dwelling	Approved	19.07.1999
19/00160/FUL	Proposed ground solar array.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN3 Coastal Protection Belt

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

EN23 Development Within the Proximity of a Listed Building

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL9 Listed Buildings

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some 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. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is land to the north of Home Farm, which is located to the northern section of Harwich Road within the parish of Mistley. Home Farm is a Grade II Listed Building. The site falls outside of the Settlement Development Boundary of Mistley within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The character of the surrounding area is semi-rural, with a large number of residential properties to the west and grassed/agricultural land to the east. The site also falls within an Area of Outstanding Natural Beauty and within a Coastal Protection Belt.

The buildings listing is as follows:

Cottage. C18 or earlier. Timber framed and rough rendered. Thatched roof. Central chimney stack. One storey and attics. Casement windows with pentice boards over to right and left of central door, surround with pilasters, frieze and flat canopy. To the right is a brick built rough rendered single storey range with red pantiled roof, red brick chimney stack and 2 C20 casements. q.v. 3/227.

Description of Proposal

This application proposes the erection of a single storey outbuilding to be utilised as a swimming pool complex. Further, permission is also required for the construction of a roof to link two curtilage listed buildings together (this is also the subject of Listed Building Consent within reference 19/00159/LBC).

Assessment

1. Visual and Landscape Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN3 of the Adopted Local Plan states new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted. The onus will be on the applicant to prove such a need, by showing that by reason of its critical operational requirements the development cannot be located outside the Coastal Protection Belt. Even where a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline.

Policy EN5 of the Adopted Local Plan states development which would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB, including views towards it from outside, will not be permitted.

The site falls within a Coastal Protection Belt, and an area proposed as an extension to the Suffolk Coast and Heaths AONB. It is therefore important to assess the impacts to the natural beauty of the landscape within this area. The site is well screened by existing mature vegetation, and will be closely related to the existing dwelling and outbuildings, which will largely help to reduce landscape impacts. While there were initial concerns that the building was too large in relation to existing buildings on site, amended plans have been provided that have half-hipped the roof and removed the link section to the outbuilding adjacent. Further, an additional plan has shown the size of the proposal in relation to the adjacent garage, which in fact shows the garage is higher than that being proposed. Therefore, while there may be partial views looking from the east, the building has been positioned in such a location to reduce its visual impact. Given this, and the reduced design

following the submission of amended plans the proposal, on balance, does not represent significant harm to warrant a reason for refusal.

The proposed roof link is of a minor nature, set well back from the street scene. Therefore there will be no views of this, while the material and design is in-keeping with the existing outbuildings. Therefore, there is not considered to be any detrimental visual harm as a result.

2. Heritage Impact

Paragraph 196 of the National Planning Policy Framework (2018) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Adopted Local Plan states that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. The sentiments of this are carried forward within Policy PPL9 of the Emerging Local Plan.

The proposed swimming pool complex is to be located to the north-east of Home Farm, approximately 45 metres set back from Harwich Road. Home Farm is a Grade II Listed Building and therefore it is important to ensure the setting of this building is preserved. While there were initial concerns that the overall bulk and height of the building would appear prominent within the setting of the Listed Building, amended plans have been provided to reduce the impact by half-hipping the roof and removing the element linking the building to an existing curtilage listed outbuilding. Given this and that it is acknowledged there would be limited views of the building from the south, east and west due to existing mature vegetation, the building will not appear overbearing in relation to the Listed Building. Further the proposed materials (red stock brick, black stained boarding and clay pantiles) are acceptable in this location, although a condition will be attached to ensure full details of these are provided.

With respect to the construction of the roof link, this is a minor addition that will result in no loss of views to the Grade II Listed Building, and due to the use of in-keeping materials will also preserve the setting of the curtilage listed outbuildings. Therefore, while there are no public benefits as a result of the overall proposal, the harm identified to a designated heritage asset is less than substantial, with the setting of the Grade II Listed Building and curtilage listed buildings being preserved. The works are therefore acceptable against this criterion.

3. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, '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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In terms of impacts to neighbouring properties, the nearest adjacent property is Number 117 Harwich Road to the south-west. However, there is an approximate separation distance of 40 metres as well as existing mature vegetation to the western boundary, which will ensure the building does not appear imposing or result in a significant loss of light. Further, the building is to be single storey, ensuring there will be no overlooking as a result.

Other Considerations

Mistley Parish Council has raised no objections to the proposed development.

No other letters of representation have been received.

6. Recommendation

Approval.

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 numbers 18/1001/1 Revision B, 18/1001/2 Revision B, 18/1001/3 Revision B, 18/1001/4 Revision B, 18/1001/6 Revision A and 18/1001/7 Revision A.

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

- 3 No development shall be commenced until samples of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The site is within a sensitive location and it is important that the materials used are of a high quality, in the interests of visual amenity and protecting the character and appearance of the Grade II Listed Building.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.