

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Proposal

This application seeks planning permission for erection of an outbuilding for the use as an annexe. The outbuilding will be sited within the back garden of a detached bungalow located within the settlement development boundary of Point Clear, St Osyth. The application site also lies within the Coastal Protection Belt.

Design and Appearance

The new annexe will be sited up to the northern side boundary, abutting the rear boundaries of the properties of 233 and 234 Point Clear Road. The annex will be finished in grey eternity cedar cladding with a flat roof and UPVC windows and doors. The proposed materials are commonly used for garden buildings and due to its position within an enclosed garden it will not be publicly visible.

The height of the annexe is 2.8 metres which will be visible above the fence line from the neighbouring properties of 233 and 234 Point Clear Road, however they have outbuildings at the ends of their gardens which will help obscure the view of the proposal.

The design and scale of the extension and the annexe is acceptable and would result in no material harm to visual amenity.

Impact upon Residential Amenity

Due to the position of the annexe it will not have a significant impact on any of the neighbouring properties given the sizes of the adjacent gardens and the distance it will be from the private dwellings.

More than 500 square metres of garden will remain following the construction of the proposal which is considered more than adequate and there will be no change to the off road parking provision.

Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt due to its position in an already residential area. The proposal does not constitute over development of the modest application site which is able to accommodate a detached single storey annexe.

Other Considerations

St Osyth Parish Council have objected to the construction of the annexe which they consider constitutes a separate dwelling away from the existing property and deemed to be an attempt to establish a second residence. The annexe is permissible for use ancillary to the main dwelling of 6 Dumont Avenue. Any other proposed use, including the use as a separate dwelling would require a further planning application.

No further letters of representation have been received.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

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 plan: Drawing no. 01

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

- 3 The hereby approved annexe shall only be used ancillary to the residential use of the dwelling known as Rosewood, 6 Dumont Avenue, St Osyth, Clacton on Sea, CO16 8JP.

Reason - The application site is unsuitable for an additional independent residential unit.

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