

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	30.03.2021
Planning Development Manager authorisation:	SCE	31.03.2021
Admin checks / despatch completed	DB	01.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	01.04.2021

**Application:** 21/00037/FUL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr Stephen Bentley

**Address:** 1 Ashmead Place Elmstead Colchester

**Development:** Proposed erection of a log cabin.

### 1. Town / Parish Council

Elmstead Market Parish Council      No comments received.

### 2. Consultation Responses

N/A

### 3. Planning History

07/01399/OUT	Erection of 2 no. bungalows and 2 no. chalet bungalows. Erection of 2 no. detached garages to serve Bramfield and Avonleigh. Alteration to existing vehicular access.	Refused	31.10.2007
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21/00037/FUL	Proposed erection of a log cabin.	Current	
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### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Proposal**

Proposed erection of a log cabin in the rear garden.

## **Application Site**

The application site is located to the south of Ashmead Place, a semi - detached dwelling located in an infill development, within Elmstead. The site serves a single storey bungalow constructed of exposed brickwork with a pitched tiled roof.

## **Assessment**

### **Design and Appearance**

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed log cabin would measure 4 metres wide by 2.9 metres deep with an overall height of 2.4 metres at the pitch. The walls would be constructed and finished in exposed timber with a low pitched felt roof. This proposal is a single storey construction located to the rear of the host dwelling, so will be entirely obscured from the streetscene of Ashmead Place. The cabin will feature a double entrance door with two windows either side along the front elevation, leading away from the neighbour's fence and toward the garden. There will be one side window facing toward the host dwelling so the impact of the proposal on privacy would be negligible. It is noted that the roof design is low profile, which further reduces the impact of the cabin on the neighbouring dwelling to the east. The design of the proposal is deemed sympathetic to the host dwelling and relates well to its surrounding site. As a result, it is deemed that this proposal is of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining ample private amenity space.

### **Impact on Neighbouring Amenities**

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst 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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties to this proposal are 2 Ashmead Place to the east and Cedwana and Cleddau, Clacton Road, to the rear.

### **Impact on 2 Ashmead Place**

This dwelling is located next door to the host dwelling and the proposed log cabin will be most visible from this dwelling, along the existing boundary fence line. However as the proposal is single storey and only being 2.4 metres in height, it is deemed that the visual impact of the proposal on this neighbouring dwelling will be minimal. The proposal does not feature any windows facing toward this dwelling which could compromise privacy. In summary, it is deemed that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this dwelling.

## **Impact on Cedwana and Cleddau**

These neighbouring dwellings are located to the rear of the site, with the existing 4 metres high trees along the boundary ensuring that the proposal would not be visible from these dwellings. As a result, it is deemed that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of these dwellings.

## **Highway issues**

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

## **Other Considerations**

Elmstead Market Parish Council made no comment on the proposal.

No other letters of representation have been received.

## **Conclusion**

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 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.
  - FLOOR PLAN AND ELEVATIONS
  - REAR GARDEN SITE LAYOUT PLAN (Received 28/01/2021)

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.