

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 26th 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 10th 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 26th 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

Site Description

The application site is located on the eastern side of St Mary's Road within the settlement of Aingers Green. The site comprises of a detached dwelling with enclosed amenity area and is an agricultural dwelling tied to the adjoining Carpenters Farm.

Proposal

The application seeks planning permission to construct a summer house and swimming pool within the rear amenity area of the dwelling.

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. Policies SP1 and SPL3 reflect these considerations.

The proposed summer house measures 5m wide, 5.5m deep, with an addition 1.5m deep canopy to the front. The building has an eaves height of 2.5m and a maximum height of 4m and is to be finished

in red cedar cladding, with a slate roof and aluminium doors and windows. The swimming pool measures 4.5m wide and 9m long and is set within the ground to a depth of 1.9m.

The surrounding area is rural in nature and is open to the rear, bordering the land associated with farm. A number of new dwellings are under construction to the north of the site. The rear amenity area of the dwelling is loosely bordered by hedging and is laid to lawn and forms a distinctive rear garden area separate from the farmland.

The provision of a swimming pool and summer house are considered appropriate within the rear garden of a residential dwelling and it is not considered that the development would impact on the dwellings agricultural tie.

The summer house and swimming pool are of a suitable design, size, sitting and scale, such that it would not result in any significant harm to the character and appearance of the main dwelling, the rear garden scene or the surrounding rural landscape. The proposed development is to the rear of the property and would not be visible within the public realm and is not therefore considered to have a detrimental impact on the wider streetscene.

Therefore the proposed extension is acceptable and policy compliant in these regards.

Impact to 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 in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is neighboured by a new detached dwelling (Higoaks), which is indicated on the plans to be within the same ownership as the application site. Nonetheless, due to the small scale nature of the development within the rear amenity area of Rowan House, it is not considered that the proposal will impact on the residential amenities of the neighbouring occupiers in any regard.

Therefore the proposed extension is acceptable and policy compliant in these regards.

Highways

The proposal does not alter or increase the parking provision required at the site.

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(s): RH/AG/21/1, RH/AG/21/2

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO