

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	18.08.2021
Planning Development Manager authorisation:	JJ	18/08/2021
Admin checks / despatch completed	ER	18/08/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.08.2021

Application: 21/01128/FUL **Town / Parish:** Thorrington Parish Council

Applicant: David O'Mahony

Address: Conifer House Brightlingsea Road Thorrington

Development: Proposed retention of swimming pool, pool house and home office.

1. Town / Parish Council

Thorrington Parish Council No Comments Received

2. Consultation Responses

None

3. Planning History

00/02045/OUT	Change of use from Garden Nursery to residential - demolish existing buildings and erection of one dwelling and garages (PD rights removed)	Approved	15.04.2002
02/02249/FUL	One dwelling with garages and swimming pool	Refused	13.01.2003
04/00306/DETAIL	New dwelling	Approved	10.05.2004
14/01100/FUL	Proposed new roof, rear extension and internal remodelling.	Approved	26.09.2014
15/01608/OUT	Outline planning for a new dwelling at Conifer House	Refused	18.12.2015

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)
EN1 Landscape Character

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design

PPL3 The Rural Landscape

Status of the Local Plan

Planning law requires that decisions on planning 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 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Site Description

The application site is accessed via a private driveway between the existing linear housing fronting the eastern side of Brightlingsea Road. The site comprises of a detached dwelling with detached garage building, set within a large plot. The property sits alongside 2 other detached properties in large plots, behind the main linear group of dwellings. The surrounding area is rural in nature and the site is bordered by open farmland to the rear.

Planning History

Planning permission 00/02045/OUT for the existing dwelling, condition 7 states:

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 no garages, outbuildings, stables, swimming or other pool shall be constructed upon the land as shown edged red and blue on the plan which is attached to and forms part of this permission.

Reason: To ensure the appropriate development of the site and in the interest of local visual amenity.

Proposal

The application seeks retrospective planning permission for the construction of an outbuilding, comprising of a pool room, office, W.C and pump room and swimming pool with retractable cover within the rear amenity area of the dwelling.

The proposed summer house measures 8.1m wide, 5.1m deep, with an eaves height of 2.5m and a maximum height of 4.6m and is finished in black painted weatherboard, red clay tiles and white uPVC windows and doors. The swimming pool measures 3.5m wide and 9.2m long and is set within a patio area measuring 16.4m x 8.2m.

Design and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

The provision of a swimming pool and a pool house building are considered appropriate within the rear garden of this residential dwelling. The pool house building and swimming pool are of a suitable design, size, siting and scale, such that it does 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 is not 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 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In addition, 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 emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The swimming pool and pool house are located within the rear amenity area, close to the shared boundary with Woodview, Brightlingsea Road, but some distance from the main dwellinghouse. There are no other residential properties within close proximity to the development, nonetheless, due to the small scale nature of the development within the rear amenity area of Conifer House, it is not considered that the proposal impacts on the residential amenities of the neighbouring occupiers in any regard.

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

Consultation Responses

No objections have been received against this retrospective application following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

Highways

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

6. Recommendation

Approval - Full

7. Conditions

No conditions

8. Informatives

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