

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	04/05/2022
Planning Development Manager authorisation:	AN	05/05/22
Admin checks / despatch completed	DB	05.05.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	05.05.2022

Application: 22/00276/FULHH **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs D and S Philips and Bowden

Address: Greythorpe Church Road Brightlingsea

Development: Proposed formation of swimming pool in rear garden, including paving and decking, and relocation of summerhouse.

1. Town / Parish Council

Brightlingsea Town Council
01.04.2022

Supports application

2. Consultation Responses

Essex County Council
Heritage
05.04.2022

The application is for proposed formation of swimming pool in rear garden, including paving and decking, and relocation of summerhouse. The proposal follows preapplication 21/30082/PREAPP.

Greythorpe is Grade II listed (List UID: 1306722), likely to have been the vicarage to All Saints' Church to the northwest.

As previously advised, there is no objection to this application, subject to the following condition:

- Prior to commencement of above ground works/installation, a schedule of all external paving and decking materials, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such;

Tree & Landscape Officer
22.04.2022

On the western boundary of the application site there are several newly planted, small, trees and two established Spruce. The trees are approximately 7m tall and although they poorly formed with a significant number of dead branches within their crowns, they are reasonably attractive features in their setting.

The separation distance between the Spruce trees and the position of the proposed swimming pool is such that its construction will not adversely affect the health or viability of the adjacent Spruce trees.

No other significant trees or other vegetation will be adversely affected by the development proposal.

There is no public benefit to be gained by new soft landscaping associated with the development proposal.

3. Planning History

94/00502/FUL	Extension to garage to form garage/store	Approved	10.06.1994
94/00503/LBC	Extension to garage to form garage/store	Approved	10.06.1994
95/01144/FUL	(Greythorpe, Strangers Corner, Church Road, Brightlingsea) Conservatory	Withdrawn	28.11.1995
95/01223/LBC	(Greythorpe, Strangers Corner, Church Road, Brightlingsea) Conservatory	Withdrawn	28.11.1995
96/00392/LBC	(Greythorpes, Strangers Corner, Brightlingsea) Conservatory	Approved	16.07.1996
96/00395/FUL	(Greythorpes, Strangers Corner, Brightlingsea) Conservatory	Approved	16.07.1996
78/00321/LBC	Detached garage	Approved	10.04.1978
82/00770/LBC	Single storey extn	Approved	27.08.1982
87/00490/LBC	Utility room	Approved	27.04.1987
87/00006/LBC	Extn to form utility room	Approved	08.06.1987
21/30082/PREAPP	Installation of heated outdoor swimming pool		07.06.2021
22/00276/FULHH	Proposed formation of swimming pool in rear garden, including paving and decking, and relocation of summerhouse.	Current	
22/00277/LBC	Proposed installation of solar panels to roofslope of rear extension and roofslope of garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design
PPL2 Coastal Protection Belt
PPL9 Listed Buildings

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Proposal

This application seeks planning permission for the construction of a swimming pool with paving and decking area with the relocation of an existing summer house in the rear garden of Greythorpe, Church Road. Greythorpe is a Grade 2 listed building located within the settlement development boundary of Brightlingsea and within the Coastal Protection Belt.

Design and Appearance

The pool will measure 10 metres in length and 4 metres in width. Decking will form a sitting out area at the eastern end of the pool next to the repositioned summer house and paving will edge the pool on the north, west and southern sides. The siting of the swimming pool is such that it would not be publically visible due to its position at the western end of the garden.

The proposal will not have a significant impact on the Coastal Protection Belt or rural landscape to the west as the swimming pool is at ground level and located within the existing garden boundaries between two existing residential dwellings ensuring that there is no encroachment which would harm the open character of the local landscape beyond the rear boundary of the property.

The proposed swimming pool and associated works are not considered to cause any adverse impacts to visual amenity.

Heritage

Place Services have been consulted for their heritage advice and they do not object to the proposal.

Place Services suggest imposing a condition requesting a schedule of external paving and decking materials, however as paving and decking of this nature could be laid without the need for planning permission it is not considered reasonable or necessary to impose a condition to this effect in this case.

Due to the distance that the swimming pool will be from the listed building along with the scale and design ensures there will be no significant harm to the listed building or its setting.

Impact on Residential Amenity

The swimming pool is screened from each neighbour by hedging, fencing and mature trees. The repositioned summer house will lie alongside the northern side boundary shared with Goldwell Lodge and will lie adjacent to an existing shed at Goldwell Lodge. Greythorpe is a private residential property and the swimming pool will be for use by the occupiers. As a result of the siting of the swimming pool and repositioned summer house there will be no significant impact to the residential amenity of Goldwell Lodge or Middle House.

Other Considerations

Due to the close proximity of the proposal to two large trees the Council's Tree and Landscape Officer was consulted. The Officer confirmed that the proposal was a sufficient distance from the

two Spruce trees so as not to affect their health and viability and no other trees or vegetation would be adversely affected.

Brightlingsea Town Council support the application.

No other 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 plans: Drawing Number: 1986/22/02 Rev: C.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO