

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	03.08.2022
Planning Development Manager authorisation:	AN	4/8/22
Admin checks / despatch completed	ER	04/08/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.08.2022

Application: 22/01005/FULHH **Town / Parish:** Clacton Non Parished

Applicant: Mrs Sue Angus

Address: 48 Gorse Way Jaywick Clacton On Sea

Development: Proposed erection of outbuilding to be used as gym/storage.

1. Town / Parish Council

Clacton Non-Parished No comments required

2. Consultation Responses

Not Applicable

3. Planning History

00/00985/FUL	Proposed extensions	Approved	28.07.2000
02/00032/FUL	Proposed extensions	Approved	07.02.2002
22/01005/FULHH	Proposed erection of outbuilding to be used as gym/storage.	Current	
22/01131/FUL	Proposed side extension following demolition of No. 50 Gorse Way.	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

SPL3 Sustainable Design

PPL1 Flood Risk

PP14 Priority Areas for Regeneration

Local Planning Guidance

Essex Design Guide

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 (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of an outbuilding to be used as gym / storage.

It is worth noting that since submission of this application, a further application has been made for the erection of a single storey side extension at number 48 Gorse way, following the demolition of No. 50 Gorse Way, under application reference 22/01131/FUL.

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. Policies SP1, SP7 and SPL 3 of the Tendring District Local Plan 2013-2033 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.

The proposed outbuilding will be located to the rear of the site adjacent to the west elevation. Currently the outbuilding will not be visible to the streetscene as it is shielded by No. 50 Gorse Way. However should application 22/01131/FUL be approved the proposed building will be partially visible to the streetscene at the gap between the host dwelling and neighbouring dwelling to the east. Although it will be set back from the highway and will not appear overly prominent. The proposed outbuilding is considered to be of an acceptable size and scale with the application site able to accommodate for a proposal of this size whilst retaining adequate private amenity space. The proposed building will be finished in cladding with a flat roof design. It is considered to be of an acceptable design and appearance with no significant harmful effect on the visual amenities of the area.

Flood Risk

The application site is located within National Flood zones 2 and 3. The Gov.uk advice for flood risk and coastal change identifies that minor developments, including householder developments such as the current proposal, are unlikely to raise significant flood risk issues. Policy PPL1 states

that development proposals must be accompanied by a Flood Risk Assessment. The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level. Although no flood risk assessment has been submitted with the application, the annexe will be used ancillary to the existing dwelling where refuge can be sought in the event of a flood.

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 SPL 3 of the Tendring District Local Plan 2013-2033 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed outbuilding is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings.

The proposed outbuilding is not located within close proximity to the adjacent neighbouring dwellings and has no impact on loss of light.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Clacton is non-parished and therefore no comments are required.

One letter of representation has been received. The letter stated that the neighbouring dwelling known as 50 Gorse way. The letter stated that this property no longer has any residents and so no objection will be submitted on this application for this address.

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. AWA/1132/01 and Drawing No. AWA/1132/02

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

- 3 The outbuilding hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as '48 Gorse Way, Jaywick, Clacton on Sea'.

Reason - The site is unsuitable for an independent residential unit because

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