

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | CC       | 23.02.2022 |
| Planning Development Manager authorisation:                 | AN       | 23/02/22   |
| Admin checks / despatch completed                           | ER       | 23/02/2022 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC       | 23.02.2022 |

**Application:** 21/02134/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr D Akers

**Address:** The Leys Clay Lane St Osyth

**Development:** Proposed annexe.

### **1. Town / Parish Council**

St Osyth Parish Council      No Comments

### **2. Consultation Responses**

UU Open Spaces  
16.02.2022

Response from Public Realm  
Open Space & Play

Application Details

Application No: 21/02134/FUL

Site Address: The Leys Clay Lane St Osyth Clacton On Sea

Description of Development: Proposed annexe  
Current Position

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear.

Recommendation

No contribution is being requested on this occasion.

Tree & Landscape Officer  
25.01.2022

There are no trees or other significant vegetation on the application site.

There is a medium sized Silver Birch (*Betula pendula*) situated within the curtilage of Kings Lodge that is close to the front boundary of the application site. The tree is in reasonable condition and makes a moderate contribution to the character of the area.

Taking into account the proposed position of the new drive serving the property the roots of the tree will not be adversely affected by the development of the application site.

### **3. Planning History**

|              |  |          |            |
|--------------|--|----------|------------|
| 11/00154/FUL | Proposed first floor and construct new roof.   | Approved | 29.03.2011 |
| 11/00826/NMA | Non-material amendment to change roof material from natural slate (as approved on 11/00154/FUL) to Marley Garsdale fibre cement slate. | Approved | 11.08.2011 |
| 12/00572/FUL | Installation of a single micro scale wind turbine (14.97m to hub, 5.6m diameter blades).   | Approved | 25.09.2012 |
| 16/00748/FUL | Proposed detached double garage with study at first floor.   | Approved | 07.07.2016 |
| 17/01733/FUL | Construction of annexe.  | Approved | 11.12.2017 |
| 21/00593/FUL | Erection of storey rear extension with first floor balcony (following demolition of existing extension and conservatory).              | Approved | 24.05.2021 |
| 21/02134/FUL | Proposed annexe.   | 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)

SP1 Presumption in Favour of Sustainable Development

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

SPL3 Sustainable Design

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 annexe

### Application Site

The site is located to the east of Clay Lane, outside of any defined settlement development boundary.

The site serves a detached bungalow which benefits from a large plot of land of approximately 1.2 hectares. The site is located in a rural area with the surrounding sites largely comprised from small agricultural holdings or paddocks.

This proposal is a renewal of planning permission 17/01733/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 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 annexe will be situated further back on the site than the host dwelling and is located towards the north side of the site. The proposed annexe will measure 7.6 metres wide by 6.9 metres deep with an overall pitched roof height of 6.4 metres.

In effect, the proposed annexe can be considered as an independent dwelling and would normally be considered unacceptable in this location. However, the annexe is necessary for the occupant who suffers with severe learning difficulties resulting in behavioural difficulties and difficulties in being in the company of others. Whilst he can care for himself constant supervision and assistance is necessary. It is for these reasons the annexe is necessary to provide comfortable and appropriate accommodation for the occupant. Currently a mobile home is used for these reasons however this is not appropriate living accommodation during the winter months.

The proposal will be finished in weatherboarding over a brick plinth with a pitched slate roof. It will incorporate a dormer to the rear elevation to provide adequate head room over the staircase. The annexe is set back on the site and will not be visible to the streetscene of Clay Lane. The proposal is considered to be of an appropriate design, scale and appearance in accordance with the host dwelling and surrounding area and is not considered to have any significant harmful effects on the visual amenities of the area.

#### 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 site is located in a rural area with no immediate adjacent neighbouring dwellings. The proposed annexe therefore has no significant impact or harm on neighbouring or residential amenities.

#### Highway issues

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

#### Other Considerations

St Osyth Parish Council have provided no comments on the application.

Tendring District Council's Open Space and Realm department have been consulted on this application and requested no contribution on this occasion.

Tendring District Council's Tree and Landscape Officer has raised no objection to the proposal.

#### 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 plan; Drawing No. 1734B-101 Revision A

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

3. The Residential Annex hereby approved, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Leys, Clay Lane, St Osyth.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity. Permission has been given in this instance due to the special circumstances of the applicant.

## **4. 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.

|   |     |    |
|---|-----|----|
| <b>Are there any letters to be sent to applicant / agent with the decision?</b><br><b>If so please specify:</b> | YES | NO |
| <b>Are there any third parties to be informed of the decision?</b><br><b>If so, please specify:</b>             | YES | NO |