

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	27/9/2022
Planning Development Manager authorisation:	AN	28/9/22
Admin checks / despatch completed	ER	29/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	29.09.2022

Application: 22/00795/FULHH **Town / Parish:** Little Oakley Parish Council

Applicant: Ms Louise Robertson - Louise PT + Yoga

Address: 19 The Hornbeams Little Oakley Harwich

Development: Proposed log cabin in the back of the garden measuring 4 metres x 6 metres for part time use for personal training and yoga sessions.

1. Town / Parish Council

Little Oakley Parish
Council
14.07.2022

Little Oakley Parish Council SUPPORT this planning application but does have concerns that the immediate area in this cul-de-sac can at times become very crowded with vehicles.

2. Consultation Responses

ECC Highways Dept
17.08.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. The Highway Authority observes that this section of The Hornbeams in front of no. 19 is classified as a private road and would not normally comment. The proposal is located at the end of a cul-de-sac, access to the proposal will be from an established private drive, the proposal offers off-street parking, and the business operates a staggered appointment system, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

2. Prior to commencement of the proposal, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at

development.management@essexhighways.org

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environmental Protection
25.07.2022

I have reviewed the above application and have no adverse comment to make.

3. Planning History

11/00164/FUL	Conversion of garage to breakfast area.	Approved	07.04.2011
22/00795/FULHH	Proposed log cabin in the back of the garden measuring 4 metres x 6 metres.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

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

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice

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 erection of a log cabin in the back garden of a detached house within the settlement development boundary of Little Oakley. The log cabin would be used by the applicant for her part time personal trainer and yoga sessions offered to private clients.

Design and Appearance

The proposal will not be visible from The Hornbeams as the application site is located at the end of the cul-de-sac and the log cabin will be sited in the back garden out of view of the public. The log cabin itself is of a scale and design that is typical of a garden outbuilding. It has a low level sloping felt roof and is finished in timber.

The design and scale of the log cabin would result in no material harm to visual amenity.

Impact upon Residential Amenities and Parking

The log cabin will be sited in the south eastern corner of the rear garden where the ends of two long rear gardens of properties on Harwich Road meet. The log cabin will be a distance of 8.5 metres from the northern side boundary shared with 17 The Hornbeams. Over 100 square metres of private amenity space will remain following the construction of the proposal which is considered adequate.

The use of the cabin is detailed within the Planning Statement submitted by the applicant on 22nd September 2022. The Planning Statement specifies the times that sessions would be held in the log cabin and how many people attend. It is noted that the applicant has an existing part time job unrelated to personal training and yoga which is conducted for 18.5 hours a week, while it is acknowledged that the applicant also conducts yoga classes which take place in local public halls and will continue to do so. Background music will play while the sessions take place in the log cabin. It is recognised that clients are mainly local and walk and cycle to sessions, however for those that do drive one car parking space is available on the existing driveway for this purpose while one car parking space is also available behind the existing gates which will be utilised by the applicant for her own car. Intensification of the use of the log cabin for the purposes of the applicant's personal training and yoga business would need to be agreed with the Local Planning Authority

Essex Highways have been consulted and confirm that the proposal is acceptable subject to conditions for the size of car parking spaces and reception/storage of building materials. Given the existing driveway is not changing and there is sufficient space for two cars to park off the road in spaces that meet the current parking standards it is neither necessary or reasonable to impose this condition. The condition for reception/storage of building materials will also not be imposed. It is considered unreasonable and unnecessary to impose a condition for the reception/storage of materials in this case of minor development within the private cul-de-sac when the construction of a small garden outbuilding will be taking place which is commonplace in residential areas.

The Council's Environmental Health team have been consulted and they have no adverse comments to make.

The siting, size and scale of the log cabin, along with the low level use for personal training and yoga sessions detailed in the Planning Statement would result in no significant material harm to residential amenities.

Other Considerations

Little Oakley Parish Council support this planning application but they do have concerns that the immediate area in this cul-de-sac can at times become very crowded with vehicles.

One other letter of representation has been received which raises concerns regarding the vehicular turning and parking arrangements.

The concerns raised above have been addressed in the report.

Conclusion

In the absence of any significant material harm as a result of this proposed 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: Site Layout Plan, annotated Floor Plan and Elevations.

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

3. The hereby approved use shall be carried out in strict accordance with the Planning Statement submitted on 22/09/2022, or for other purposes ancillary to the host dwelling.

Reason – To ensure the use remains low level in the interests of residential amenity and highway safety.

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

