

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	06.06.2023
Planning Manager / Team Leader authorisation:	JJ	06/06/2023
Planning Technician final checks and despatch:	CC	06.06.2023

Application: 23/00500/FULHH **Town / Parish:** Little Clacton Parish Council

Applicant: Mr and Mrs Shearer

Address: Garden Cottage Harwich Road Little Clacton

Development: Demolition of an existing dilapidated outbuilding and construction of a new timber framed structure of similar size and scale to be used as workshop space to the rear and annexe accommodation to the front.

1. Town / Parish Council

Little Clacton Parish
Council

Supports Application

2. Consultation Responses

Not Applicable

3. Planning History

01/00372/FUL	Change of use - one existing bedroom to an office and a brick built outbuilding to use for the storage of parts for refrigeration and air conditioning equipment. The property will remain, primarily, a domestic residence	Approved	14.05.2001
91/00036/FUL	Garage and extensions to dwelling.	Approved	07.02.1991
23/00500/FULHH	Demolition of an existing dilapidated outbuilding and construction of a new timber framed structure of similar size and scale to be used as workshop space to the rear and annexe accommodation to the front.	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 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)

Application site

The application site serves a detached dwelling located outside of any defined settlement development boundaries, as identified in the Tendring District Local Plan.

Proposal

This application seeks permission for the demolition of existing dilapidated outbuilding and construction of a new timber framed structure of similar size and scale to be used as workshop space to the rear and annexe accommodation to the front.

Assessment

Design and Appearance

The application site is accessed via a private driveway from Harwich Road, the site is pushed back from the main highway and does not hold an overly prominent location within the area. The proposed replacement outbuilding will be to the front / North of the site and roughly in the same place of the existing structure to be demolished. Due to the sites location it will not appear overly dominant.

The proposed outbuilding will be replacing the existing outbuilding and is of a similar footprint. The application site can accommodate for this building whilst retaining adequate private amenity space. The proposal is therefore considered to be of an acceptable size and scale.

The proposed outbuilding is of a single storey nature. The exterior walls will be finished in horizontal timber cladding with a pitched tiled roof. The proposal is considered to be of an acceptable design and appearance with no significant harmful effects on the visual amenities of the area.

Impact on Neighbouring Amenities

The proposal is of a single storey nature, it therefore poses no significant threat to overlooking or the loss of privacy to the adjacent neighbouring dwellings.

The outbuilding is located a significant enough distance from the neighbouring property as to have no significant effects on the loss of light. Subject to a condition to ensure the annex accommodation remains ancillary to the main dwelling, the proposal is considered to be acceptable from a neighbouring amenity perspective.

Other Considerations

The proposal does not alter the existing parking arrangements at the site, nor does it cause the need for additional spaces. Furthermore, there is adequate space on the site to accommodate parking provisions. The Local Planning Authority therefore deem the application to be acceptable in terms of highway safety.

Little Clacton Parish Council support this application.

No other letters of representation have been received.

Conclusion

The proposal is considered to comply with the above mentioned National and Local Policies. In the absence of material harm the proposal is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be

approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No 200
Drawing No. 201
Drawing No. 202
Drawing No. 203

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: This permission shall only authorise the use and occupation of the annex accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as Garden Cottage (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The application was assessed on the basis of the submission as annex accommodation, and the annexe hereby approved would not be acceptable under the established policies of Local Plan and NPPF due to its location and by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

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