

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	09.01.2023
Planning Manager / Team Leader authorisation:	JJ	11/01/2024
Planning Technician final checks and despatch:	JJ	11/01/2024

Application: 23/01688/OUT **Town / Parish:** St Osyth Parish Council

Applicant: Mr Kevin Linton

Address: Maldon Wood Farm House Rectory Road Weeley Heath

Development: Outline planning permission for the erection of 1no. single storey one bed annexe with all matters reserved.

1. Town / Parish Council

St Osyth Parish Council

The Parish Council objects to this application on the basis that the proposed extension is detailed as being an annexe, yet is not only detached, but is also a considerable distance from the existing dwelling.

There are concerns that the proposed annexe has the potential to become a separate dwelling, independent from that of the main residential property, and that it approved the result will see another dwelling built outside of the recognised Settlement Development Boundary.

2. Consultation Responses

ECC Highways Dept
18.12.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following requirement;

1. The proposed ancillary accommodation is to be used in conjunction with Maldon Wood Farm House, Rectory Road only. Reason: If the proposed annex was to be used as a separate independent household the development would lead to an increase in unnecessary traffic movements to and from the site. The condition is also felt necessary due to the lack of visibility, location, lack of footways and limited access to public transport would mean that virtually all journeys generated by the proposal would be by private vehicles, which is contrary to the aims and objectives of Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informative:

i. 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

ii. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii. 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.

iv. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

UU Open Spaces
06.12.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 1.34 hectares of equipped play in Weeley

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Weeley Village Hall LEAP & Open Space 0.5 miles from development

- Hilltop LEAP 1 mile from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- No contribution is being requested on this occasion. The Parish Council are in the process of up grading the currently play area, which will then be adequate to cope with some additional development.

Identified project*:
(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- N/a

Tree & Landscape Officer
06.12.2023

The main body of the application site is set to grass and currently forms part of the residential curtilage of the host property.

There is a small group of ornamental conifers and shrubs to the east of the existing garage block however they do not feature prominently in the public realm. It is not clear from the information provided whether this group is to be retained but it is not considered to be a significant constraint on the development potential of the land.

There are two established Scots Pine trees on the northern site boundary. These trees will be unlikely to be affected by the proposed development as there is adequate space for the required separation between the trees and the position of the proposed new annexe.

No other important trees or other significant vegetation on the application site or adjacent land will be adversely affected by the proposed development.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Environmental Protection
06.12.2023

With reference to the above OUTLINE application; I can advise the EP Team have no comments to make at this planning phase.

Building Control and
Access Officer

No comments received

3. Planning History

00/00522/FUL	Extension to dwelling. New triple garage	Approved	29.06.2000
22/01215/OUT	Outline planning permission for the erection of 1no. three bed dwelling with all matters reserved.	Refused	22.02.2023
23/01688/OUT	Outline planning permission for the erection of 1no. single storey one bed annexe with all matters reserved.	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2023 (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):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Essex Design Guide

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There is no neighbourhood plan in place for this site area.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site is to the north east of a detached dwelling which is located towards the north-east of Rectory Road and situated outside of any defined settlement development boundary as identified within the Tendring District Local Plan 2013-2033 and beyond. The red line application site consists of a section of what appears to be maintained residential garden land.

The wider area indicated in blue on the site plan is comprised from a detached dwelling with numerous outbuildings and benefits from a large plot of land. The site is well-screened from the public views of the area by extensive tree and shrubbery planting along the boundary line.

Proposal

This application is seeking outline planning permission with all matters reserved for the erection of 1 no. single storey one bed annexe to be located to the north east of the existing dwelling, with all matters reserved.

The remaining matters, namely design and appearance, impacts on neighbouring amenities, and highway safety do not form part of the determination of this application.

Assessment

Principle of development

The application site is located outside of any defined settlement development boundary as identified by the Tendring District Local Plan 2013-2033 and beyond. However, this application is for the erection of an annexe, which, if approved, will be used as ancillary to the host dwelling and a condition could also be implemented on any subsequent planning approvals to ensure its use remains as such. There is therefore no significant principle objection to the proposed development.

Design and Visual Amenities

Paragraph 130 of the National Planning Policy Framework (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and establish or maintain a strong sense of place.

Policy SP7 of the Tendring District Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of the Local Plan also require that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

Policy PPL3 of the Tendring District Local Plan states that the Council will protect the rural landscape and will refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to native hedgerows, trees and woodlands.

The development will consist of one annexe situated towards the north of the main dwelling and is well set-back from the main highway. Scale, layout and appearance do not form part of the determination of this application and as such no elevational drawings have been provided for Officers to comment on. However, it is noted that the proposals description states the annexe will be of a single storey nature within any future reserved matters application. The proposed site plan submitted with this application (Drawing No. OUT-01) also demonstrates that the site can easily accommodate for the proposed annexe whilst retaining adequate private amenity space, however given that the proposal is submitted in outline with all matters reserved, and in the event that outline consent is forthcoming, this plan will not form part of any approved plans condition since it is indicative only (and given the outline with all matters reserved nature of the proposal). Any annexe on the site plan proposed will also be capable of being located well-back from the main highway and is unlikely to appear overly dominant within the area. Officers therefore considered that an annexe in the location shown can be of an in keeping and acceptable scale.

Impact on Neighbouring Amenities

Paragraph 130 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

Policy SP7 of the Tendring District Local Plan requires that the amenity of existing and future residents is protected. Policy SPL3 seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The application is in outline form, with all matters reserved for any future reserved matters planning application. That notwithstanding, it is acknowledged that there are no immediate neighbouring dwellings adjacent to the proposed annexe and therefore there is no significant risk of causing harm to the loss of daylight / sunlight to neighbouring dwellings. Furthermore, a single storey annexe in the location shown would pose no significant risk of overlooking or loss of privacy to any neighbouring property. Officers are therefore content the proposal would cause no significant harm to existing amenities.

Highway Safety

Essex Highways Authority have been consulted on this application and have confirmed they have no objection to the proposal. Their comments can be viewed in full above.

There is adequate space to the front of the site to accommodate for parking.

Tree and Landscape

The Councils Tree and Landscape Officer has been consulted on this application. Their comments can be viewed in full above and have been summarised here.

The Landscape officer has stated that the small group of ornamental conifers and shrubs to the east of the existing garage block do not feature prominently within the public realm. Therefore, whilst it is not clear whether this group is to be retained it is not considered to be a significant constraint on the development potential of the land. Furthermore, the two established Scots pine trees on the northern site boundary are unlikely to be affected by the proposed development as there is adequate space between the trees and the proposed new annexe. No other important trees or significant vegetation on the application site or adjacent land will be adversely affected by the proposal.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Taking the above into consideration, within a future planning application it is expected that it would be accompanied by an Arboricultural impact Assessment as well as soft landscaping details.

Financial Contributions – Open Space and RAMS

Whilst the Council's Open Space Team have been consulted on this application and have concluded that no financial contribution is to be requested on this occasion. Officers believe that as the proposal is for an annexe which will be used ancillary to the host dwelling, it would be unreasonable in this instance to request any financial contribution towards Open Space and / or RAMS on this occasion.

Other Considerations

St Osyth Parish Council have submitted the following comments on this application;

"The Parish Council objects to this application on the basis that the proposed extension is detailed as being an annexe, yet is not only detached, but is also a considerable distance from the existing dwelling.

There are concerns that the proposed annexe has the potential to become a separate dwelling, independent from that of the main residential property, and that it approved the result will see another dwelling built outside of the recognised Settlement Development Boundary."

Officer Response – This proposal is seeking Outline planning permission, with all matters reserved, for the erection of one single storey annexe in the area shown on the site plan (red line area). There is no proposal for an extension to the main dwelling as part of this application. Whilst this application is in outline form, officers had due regard to the description of development put

forward which is for a single storey annex in this location, moreover in the event of an approval a condition will also be imposed to ensure that the use of the annexe remains ancillary to that of the host dwelling, this will avoid the annexe becoming its own separate dwelling.

No other letters of representation have been received.

Conclusion

Outline consent (with all matters reserved) is sought for one single storey annexe, to be used ancillary to that of the host dwelling, there is therefore no principle objection to the proposal. While no detailed drawings have been provided Officers are content that through the submission of a future reserved matters application, an acceptable design can be put forward that would also not be harmful to the neighbouring amenities. Essex Highways Authority have raised no objection to the application. Therefore, the proposal is thought to be compliant with the national and local planning policies and is recommended for approval.

6. Recommendation

Approval - Outline

7. Conditions / Reasons for Refusal

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: Application for approval of all outstanding and the final reserved matters for the development must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters for the development or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 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 reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. 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 APPROVAL OF RESERVED MATTERS

CONDITION: No development shall commence until approval of the details of:-

- the Appearance of the building(s) and place,
- Scale of the building(s),
- Layout of the building(s) and site,
- Landscaping

(hereinafter called "the reserved matters") for that particular phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and agreed order of phasing.

REASON: To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters as may be listed to agreed in writing prior to any commencement of the approved development. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase.

The reserved matters that may be listed above are further defined under government guidance as follows:-

APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features

LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

SCALE: The height, width and length of each building proposed within the development in relation to its surroundings

3 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. 3975-OUT-LOC - Site Plan - Received 29.11.2023

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.

- 4 **CONDITION:** Prior to the commencement of development, an Arboricultural Impact Assessment shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: There are a number of trees on the application site, and the assessment is therefore required to fully assess the extent to which the trees and hedge are a constraint on the development of the land and to identify the way that retained trees would be physically protected.

NOTES: The Arboricultural Impact Assessment should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction' Recommendations.

- 5 **SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION**

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as Maldon Wood Farm House (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 proposed annexe would not be acceptable under the established policies of Local Plan and NPPF 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.

Highways Informative:

i. 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

ii. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii. 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.

iv. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
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Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	NO
Are there any third parties to be informed of the decision? If so, please specify:	NO