

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	27/07/18
Planning Development Manager authorisation:	AN	21/8/18
Admin checks / despatch completed	KLE	03/08/18

**Application:** 18/00956/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Mr & Mrs G. Tomlin

**Address:** Cross Farm Station Road Thorrington

**Development:** Demolition of existing chalet bungalow & outbuildings and erection of replacement dwelling together with a 3 bay garage.

### 1. Town / Parish Council

Thorrington Parish Council                      No comment.

### 2. Consultation Responses

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

1. Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be reconstructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 4086-210. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

4. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

5. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Tree & Landscape Officer

There are no significant trees or other significant vegetation on the application site likely to be affected by the development proposal.

On the grass verge to the front of the property there are two mature trees: - a Whitebeam and a Narrow Leaved Ash.

The hedgerow demarcating the boundary with the highway is covered in Ivy and whilst it forms a good screen is has no other value. Nevertheless if it were to be removed then a soft landscaping condition should be attached to secure appropriate front boundary treatment.

If the existing access is used then the trees on the grass verge to the front of the property are not threatened by the development proposal. The retention of trees and front boundary hedgerow is suggested in

section 11.3 of the Design and Access Statement submitted with the planning application.

### **3. Planning History**

93/00241/FUL	Continued use of redundant farm building as small plant and tool hire depot	Approved	06.05.1993
96/00860/FUL	Change of use of store building to habitable accommodation	Withdrawn	13.09.1996
07/01181/FUL	Reconstruction of roof to form first floor accommodation and ground floor extensions to form study, bay and chimney.	Approved	06.09.2007
91/00383/FUL	Continued use of building as small plant and tool hire depot (renewal of permission TEN/471/90).	Approved	29.05.1991
13/01183/OUT	Outline planning application with all matters reserved for construction of 3 no. aspirational dwellings.	Refused	12.12.2013
14/00037/OUT	Outline planning application with all matters reserved for the construction of one aspirational dwelling.	Refused	07.03.2014
17/01360/FUL	Replacement dwelling.	Withdrawn	10.11.2017

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL3 The Rural Landscape

## SPL3 Sustainable Design

### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### Site Description

The application site is Cross Farm, Station Road, Thorrington, which is an east facing, detached, 1.5 storey residential dwelling. The dwelling is constructed of facing brickwork and interlocking concrete tiles, with a flat roof front elevation dormer creating first floor living space. The site is well set back, with the surrounding area being semi-rural; whilst there are adjacent residential properties, further out sees large areas of grassed and agricultural land. The site does not fall within a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Proposal

This application seeks planning permission for the demolition of the existing detached property and the erection of a replacement two storey detached dwelling, which will measure 6.8m in height, 14.2m in width and 24.8m in depth. The dwelling will serve five bedrooms and be constructed with a variety of materials, including white and grey render, cedar timber cladding and aluminium powder coated grey doors and windows

## Assessment

### 1. Principle of Development

The proposal involves the one for one replacement of a dwelling outside of any defined settlement boundary and is therefore acceptable in principle subject to detailed consideration against saved policy HG12. Saved policy HG12 states replacement dwellings will be permitted provided it:

(i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;

There is no set character to the surrounding area; with the existing residential built form comprising of single and two storey detached properties of varying design. It is acknowledged that the replacement is of a larger size than the existing dwelling; however the proposed footprint is not significantly larger, whilst the overall height is comparable to both the existing dwelling and also 'The Panthers' adjacent to the north. In terms of the design it is noted that the bulk of the dwelling has been reduced to the rear, where a large proportion is single storey, helping the dwelling to not appear too imposing from partial views along Station Road. Further, a range of interesting materials are proposed to ensure the dwelling is distinct as a modern addition to the street scene. Whilst the proposal greatly differs from the existing design, it is considered to be of a good modern design with minimal harm identified, thereby resulting in a visual enhancement to the surrounding area. The proposal is therefore acceptable against this criterion.

(ii) is well related and in proportion to the original dwelling;

It is accepted that the proposed replacement dwelling is of a greater size than the existing dwelling; however efforts have been made to reduce the height and reduce the bulk of the rear element. Against this backdrop and that the site is of a significant size comfortably able to accommodate such a proposal, on balance the identified harm is not significant enough to warrant a reason for refusal

(iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

The application site is well set back from the street scene and is located prominently within this section of Station Road. However, given that there is existing mature vegetation along the front boundary views will be largely reduced. Further, the overall height is similar to the existing dwelling and the property adjacent to the north, whilst the rear elements height has been reduced to single storey; therefore further reducing potential views or harm to an open setting.

(iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

The site is located relatively close to its southern boundary; however does ensure 1m separation in accordance with Policy HG9 of the Adopted Local Plan. Further, the existing dwelling is equally closely related to the boundary, thereby ensuring the proposal doesn't create an additional cramped appearance. Further, no planting or screening is proposed to be lost and the Council's Tree and Landscapes Officer has no objections. Therefore this criterion is met.

(v) would not represent over-development of the site;

The site provides parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over-development of the plot.

(vi) would not be detrimental to highway safety;

As a result of the proposal, access arrangements to the site will remain unchanged. Adopted Essex Highway Standards state that a parking space should measure a minimum of 5.5m x 2.9m or a garage, if being used as a parking space, should have minimum internal measurements of 7m x 3m. Whilst the proposed garage does not meet the above requirements, there is significant area

within the vicinity of the site to accommodate the parking of the two necessary vehicles. Essex Highways Authority have been consulted and subject to conditions raise no objections.

(vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

The only adjacent neighbouring property is 'The Panthers' to the north. Whilst the replacement dwelling will be visible, there is an approximate separation distance of 20 metres. The replacement dwelling is to be sited further back than the neighbouring property, therefore having the potential to directly overlook into private amenity areas; however the only side elevation windows will serve en-suites, which will be obscure glazed. There are also first floor rear elevation windows; however the views will be to the far end of 'The Panthers' private garden area. Therefore, there will be no adverse impacts to existing amenities as a result of the proposal.

(viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

The building is not in a poor state of repair and is therefore capable of reasonable improvement or extension; however the existing dwelling does not make a significantly positive contribution to the local character to the extent that its removal would create a negative impact. Therefore the replacement dwelling will result in a neutral impact to the areas local character.

(ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

This criterion is met.

(x) would not exacerbate any existing access, drainage or other problems associated with the site.

The proposal is not believed to exacerbate any of the above issues and is therefore acceptable against this criterion.

#### Other Considerations

Thorrington Parish Council has not commented.

There has been one other letter of support received.

#### Conclusion

In the absence of significant material harm as a result of the proposed development, this 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, drawing numbers 4086-100, 4086-110, 4086-120, 4086-210, 4086-220, 4086-221 Revision A, 4086-222 Revision A and 4086-223.

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

- 3 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be reconstructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 The development shall not be occupied until such time as the car parking and turning area has been provided in accord with the details shown in Drawing Numbered 4086-210. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 6 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.