

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	19/10/18
Planning Development Manager authorisation:	AN	19/10/18
Admin checks / despatch completed	AN	23/10/18

Application: 18/01502/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mrs Russell

Address: Maranetha Dale Hill Kirby Le Soken

Development: Proposed replacement dwelling.

1. Town / Parish Council

Thorpe-le-Soken Parish Council No comment.

2. Consultation Responses

Tree & Landscape Officer The application site is well populated with trees and benefits from a high level of screening provided by boundary hedgerows.

Whilst there are several mature trees on the land the position of the existing dwelling and adjacent open areas allows sufficient room for the development proposal to be implemented without the need for the removal of trees or boundary vegetation.

Taking into account the boundary vegetation and the open areas within the application site as well as the low risk of harm to existing trees it is not considered expedient to make a Tree Preservation Order in respect of any of the trees on the land.

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 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.

2 The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning 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.

3 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, 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.

4 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.

3. Planning History

N/A

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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 213 of the NPPF (2018) 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 48 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. They raise 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 48 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 Maranetha, which is a 1.5 storey detached residential dwelling located to the northern section of Dale Hill within the parish of Kirby-le-Soken. The character of the surrounding area is typically rural, with large areas of agricultural land to the north-east and north-west, and a large area of grassed land to the south. That notwithstanding, there are occasional examples of detached dwellings on large spacious plots within the vicinity. 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 7.8m in height, 16m in width and 12.3m in depth. The dwelling will serve three bedrooms and be constructed with red brick, white render and natural slate tile.

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 scant existing residential built form comprising of single and 1.5 storey detached properties of varying design. It is acknowledged that the replacement is of a larger size and height than the existing dwelling; however the proposed footprint is not significantly larger, the site is well screened and key design features including a front canopy, chimney and single storey side and rear extension have been incorporated to reduce the overall impacts of the dwelling. 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 bulk of the proposal with the aforementioned design features. Further there is sufficient space within the site to comfortably accommodate the proposal and therefore the harm identified 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 set back from the street scene, the overall depth is approximately the same as the existing dwelling, whilst the proposal is not a significant departure from the existing dwelling. Therefore it is not considered to result in a significantly detrimental impact or intrusion to the surrounding area to warrant a reason for refusal.

(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 proposed dwelling is to be sited centrally within the site, set away from the surrounding boundary vegetation. The dwelling is also of a similar footprint to that in situ, whilst 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 Car Parking Standards state that a parking space should measure a minimum of 5.5m x 2.9m. 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 properties are located to the north and east. However, given a significant separation distance of approximately 40m to each property and mature vegetation to all boundaries, there will be a neutral impact to existing neighbouring amenities.

(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

Thorpe-le-Soken Parish Council has not commented.

There has been no other letters of representation 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.

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 MWK/1, MWK/2 and MWK/3.

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

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.