

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	12/03/2019
Planning Development Manager authorisation:	AN	14/3/19
Admin checks / despatch completed	ER	14/3/19

Application: 19/00033/FUL

Town / Parish: Tendring Parish Council

Applicant: Mr Neville

Address: Rosier Crown Lane Tendring

Development: Demolition of existing dwelling and construction of replacement dwelling and pool house.

1. Town / Parish Council

Tendring PC have no objection to the application.

2. Consultation Responses

Building Control and
Access Officer

No adverse comments at this time.

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal will utilise the existing shared vehicular access and includes adequate space for off street parking and turning within the curtilage, therefore:

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

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified 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 condition is 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:

' Comments have been made on planning drawing 895/01; the inward opening gate and vehicle parking arrangements including the retained garage are acceptable as shown on this drawing.

' All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
CO4 9YQ

pp Director for Highways & Transportation
Enquiries to Caroline Tracey
Telephone: 03330 130119
Email: caroline.tracey@essex.gov.uk

Building Control and
Access Officer

No adverse comments at this time.

3. Planning History

03/02314/LUEX	Land and buildings used for the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products. Buildings used for these purposes were erected prior to 1993, without planning permission.		12.02.2004
11/00823/FUL	Proposed change of use from the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products to the storage and sale of furniture and associated items together with the demolition of existing buildings associated with the business use and construction of new single storey building as replacement.	Approved	10.11.2011
15/01347/DISCON	Discharge of condition 08 (materials) of planning permission 15/00900/FUL.	Approved	14.09.2015

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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)

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 (including Site Description and Proposal)

Site Description

The application relates to the property known as Rosier sited on the western side of Crown Lane, Tendring. The property is a large detached, mock tudor style dwelling with a detached forward sited garage and number of small outbuildings to the rear. The site is located outside the defined Tendring Settlement Development Boundary but is sited adjacent to existing dwellings and Ford Barns Home Store and Cafe buildings. The site is enclosed on all boundaries by fencing to the rear and dense hedgerows to the side and front.

Description of proposal

The application seeks full planning permission for the demolition of the existing dwelling and its replacement with a larger property and pool house outbuilding to the rear.

The dwelling is of a similar footprint and siting as the existing dwelling and outbuildings. The existing garage to the front is to remain.

Assessment

The main considerations in this instance are;

- Principle of development;
- Impact on Neighbours;

- Parking Provision;
- Other Considerations.

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 of the adopted Tendring District Local Plan (2007) as set out below.

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;
- (ii) is well related and in proportion to the original dwelling;
- (iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;
- (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;
- (v) would not represent over-development of the site;

The proposed dwelling has been amended to break up the front elevation and improve the elongated appearance of the original proposal. The existing property and proposed dwelling are of a similar scale and the plot allows for the increase in size. The site can satisfactorily accommodate the proposed dwelling and outbuilding without having a detrimental impact on the character of the site and surroundings. Its size, scale, siting and appearance are all comparable to the existing dwelling and adjacent barn buildings. The replacement dwelling will sit comfortably within its plot and make a positive visual contribution to the setting.

- (vi) would not be detrimental to highway safety;

The existing access onto the highway would remain unchanged with no material harm to highway safety from the replacement dwelling. Sufficient parking is provided to serve the dwelling within the garages and frontage.

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

The site is located a considerable distance from neighbouring dwellings preventing any material harm to residential amenity.

- (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 existing building is of little to no architectural merit being a mock tudor style at contrast with the rural character of the area. The existing building is not considered to make a positive contribution to the local character. The proposed design and finish mimic the barn style buildings and sit comfortably adjacent to these large scale buildings and in this semi-rural location.

- (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;

This is not relevant.

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

There is no evidence or suggestion that this would be an issue.

Having regard to the criteria of HG12 set out above, the replacement of the existing dwelling with the proposal is acceptable.

Impact on Neighbours

There is significant separation distance between the replacement dwelling and the neighbouring properties. Furthermore, the existing commercial buildings adjacent provide screening. No harmful impact on neighbouring amenities with regards to daylight, outlook or privacy will result from the proposal.

Parking Provision

Ample parking is provided within the double and site frontage.

Representations

Tendring Parish Council raise no objection to the development.

1 letter of representation has been submitted generally in support of the proposal making the following comments;

- Will complement the retail barn and coffee shop.
- The removal of 3 mobile homes should be secured so as not to set a precedent for other uses.

The acceptability of the application has been addressed above. The mobile homes do not fall within the application site and are not being considered as part of this application. Therefore this application cannot control the removal of the aforementioned mobile homes.

Other Considerations

The application details the use of weatherboarding and clay plain tile roofing. The brick plinth and colour finish have not been included and a condition is therefore considered necessary.

Conclusion

In the absence of material harm as a result of the 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 No. 895/01 A, Drawing No. 895/04 A, Drawing No. 895/03 A and Drawing No. 895/05.

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

- 3 No above ground works shall take place until details of the materials to be used in the construction of the external surfaces of the replacement dwelling and outbuilding hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Details shall include the Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

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 Agent, 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.