

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	17/06/2019
Planning Development Manager authorisation:	SCE	20.06.19
Admin checks / despatch completed	AKQ	21/06/19

ER

Application: 19/00350/FUL **Town / Parish:** Elmstead Market Parish Council
Applicant: Mr K Dyer
Address: Lark Rise Alresford Road Wivenhoe
Development: Erection of a replacement dwelling and garage following demolition of existing property and garage.

1. Town / Parish Council

Alresford Parish Council Have not commented on this application

2. Consultation Responses

ECC Highways Dept

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

1. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.
2. Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the verge or where no provision of verge is present, the carriageway.
Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.
3. The proposed double garage should have a minimum internal measurement of 7m x 5.5m.
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8
4. 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 conditions are 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 1:

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2:

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.

Informative 3:

Any 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.

3. Planning History

15/01447/FUL	Ground and first floor extensions and new roof.	Approved	18.11.2015
19/00350/FUL	Erection of a replacement dwelling and garage following demolition of existing property and garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

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 site is Lark Rise, Alresford Road, Wivenhoe, which is a one and a half storey detached dwelling located outside the settlement development boundary of Alresford. The application dwelling is located on a relatively large plot within an area characterised by detached dwellings.

Proposal

This application seeks planning permission for the demolition of the existing detached property and garage and seeks permission for the erection of a replacement detached dwelling and garage. The

dwelling will measure 23.3 metres in width, 11.1 metres in depth with an overall height of 8.5 metres.

The garage will measure 14.6 metres in width, 7.2 metres in depth with an overall height of 6.2 metres.

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;

The character of the surrounding area is typically rural, with a linear row of detached dwellings on the eastern side of Alresford Road with open fields on the western side of Alresford Road. The application site is situated between 'St Anthony's House' which is a one and half storey detached dwelling and 'The Acorns', a two storey detached dwelling. The replacement dwelling is considered to be of a larger footprint to the existing dwelling however the proposed dwelling will be more in keeping with the character of the area due to the symmetrical nature of the two gables to the front elevation and the dwelling being located in line with the other dwellings along Alresford Road. Therefore it is considered that the proposed development will not represent an unacceptable intrusion into the open countryside. The proposed replacement dwelling is two storeys in height and is considered to be of a size and scale which is in keeping with the character of the area. The proposed garage is one and half storey and it will be located to the north of the proposed dwelling. The proposal will have a dual pitched roof with two dormer windows to the front elevation and a door to the side elevation with a staircase as access. It is considered that the garage is of a size and scale which is in keeping with the proposed dwelling and surrounding area. The site is certainly large enough to accommodate a dwelling and garage in the size proposed without it being detrimental to the rural character of the locality.

In terms of design, the proposal will be of a traditional appearance which will use brick, render and weatherboarding with a tiled roof and it is considered to be in keeping with the character of the area.

As such the development would be well-proportioned and would consist of materials that are suitably sympathetic to the rural character of the area. It is therefore, considered that the redevelopment of this site would, on balance, not result in overriding harm to the rural character of the surrounding area.

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

Although the replacement dwelling is of a larger footprint, due to the plot size and the sympathetic design proposed, it is considered that the replacement dwelling and garage will be well related and is in proportion to the plot and the original dwelling.

(ii) 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, in line with the adjacent dwellings and is located more in keeping with the pattern of development alongside this section of Alresford Road. Although the height of the dwelling has increased, there are other examples of two storey dwellings within the street scene and given the existing residential development to both the north and south, this ensures that the site cannot be characterised as open and therefore there is not considered to be any loss of views of the open countryside as a result.

(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 dwelling would retain significant distance to its side boundaries ensuring it would be sympathetic to the character and appearance of the rural area.

(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, whilst there is significant area within the vicinity of the site to accommodate the parking and turning of two vehicles by measurements of 5.5 metres x 2.9 metres and a garage that exceeds 7 metres x 3 metres as per Adopted Essex Highway requirements. ECC Highways have confirmed no objections to the proposal subject to the following conditions; no unbound materials, any gates should be inward opening, garage measurements, and storage of materials. The garage measurements will not be imposed as the garage complies with Essex requirements and the storage of materials will be an informative. The other conditions will be imposed.

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

There are neighbours to the north and south of the application site. Both the garage and replacement dwelling will be visible to the neighbouring dwelling to the north, 'St Anthony's House'. However, the proposed garage will be located approximately 1.5 metres away from the neighbouring boundary which complies with Policy HG14 of the Tendring District Local Plan and due to the dual pitched roof as well as the single storey nature of the garage, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

To the south of the application site is 'The Acorns'. The proposed dwelling will be visible to the neighbouring dwelling, however the proposed dwelling will be located 9 metres away from the neighbouring boundary as well as the nearest part of the dwelling will be a single storey dual pitched roof element which will not cause any impact upon the neighbouring amenities. To the rear of the application site are open fields.

(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 dwelling is of little to no architectural merit being an L shaped brick and render building. The existing building is not considered to make a positive contribution to the local character. The proposed design and materials are considered to be traditional and more in keeping with the neighbouring properties.

(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.

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

Other Considerations

Alresford Parish Council have not commented on this application.

There have 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 - Full

7. Conditions / Reasons for Refusal

- 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 plan: Site Layout Scale 1:500, Drawing No. 1908/1, Drawing No. 1908/2, Drawing No. 1908/3 and Drawing No. 1908/4

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

- 3 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

- 4 Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the verge or where no provision of verge is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety

- 5 The proposed garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lark Rise, Alresford Road, Wivenhoe.

Reason - The site is unsuitable for an independent residential unit because of the shared facilities and relationship to the host dwelling

- 6 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. 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.

- 7 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To ensure that the development is appropriate within its setting.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the area.

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.

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.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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.

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SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,

Colchester.
CO4 9YQ.

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