

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NAI	22/08/19
Planning Development Manager authorisation:	GS	22/08/19
Admin checks / despatch completed	WNE	22/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KC	23/8/19

**Application:** 19/00885/FUL

**Town / Parish:** Thorrington Parish Council

**Applicant:** Mr & Mrs Beckwith

**Address:** Glebe Farm Clacton Road Thorrington

**Development:** Proposed replacement five bedroom detached dwelling (following demolition of existing dwelling).

### 1. Town / Parish Council

Thorrington Parish Council have not commented on this application.

### 2. Consultation Responses

ECC Highways Dept

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

The proposal is at the end of a private road, utilising an existing vehicular access that is situated off Clacton Road which is subject to a 30-mph speed limit. The proposal retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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 occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.  
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.
2. No unbound material shall be used in the surface treatment of the vehicular access 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.
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of

footway/cycleway 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.

4. The public's rights and ease of passage over public footpath / bridleway / byway no. 182\_12 (Thorrington) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. 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/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) 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. No vehicles associated with the development shall affect the ease of passage along the PROW.

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: 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

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.

### **3. Planning History**

00/01951/FUL	Conservatory extension	Approved	19.12.2000
05/01157/FUL	Extension.	Approved	26.09.2005
17/30091/PREAPP	Proposed one new dwelling.	Refused	04.05.2017
17/01709/FUL	Proposed one new dwelling with garage and associated driveway, hard and soft landscaping.	Refused	07.03.2018
19/00885/FUL	Proposed replacement five bedroom detached dwelling (following demolition of existing dwelling).	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

EN3 Coastal Protection Belt

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

PPL2 Coastal Protection Belt

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 (2019) 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that

the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site refers to Glebe Farm, Clacton Road, Thorrington, a two and a half storey dwelling located outside the settlement development boundary of Thorrington.

### **Proposal**

The application seeks planning permission for the proposed replacement five bedroom dwelling (following the demolition of the existing dwelling).

### **Assessment**

#### **1. Principle of Development**

The proposal involves significant extensions and alterations to a dwelling sited outside of a Settlement Development Boundary. It is acceptable in principle subject to detailed consideration against saved policy HG12, which states the proposed works 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 dwellings on the southern side of Clacton Road with open fields south of this. The application site is set back from the surrounding dwellings and accessed via an existing long access. The replacement dwelling is considered to be of a larger footprint to the existing dwelling however due to the size of the plot and the site being set back significantly from the highway, it is considered that the proposal will not cause any harm to the rural character of the area. The existing dwelling is of little architectural merit. 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.

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

Due to the application site being set back from the highway as well as the vegetated nature of the area, the presence of dense trees/hedges on the site boundaries of the site and setback siting of the proposed dwelling from the highway access point, it would not appear unduly prominent in views from the surrounding area. The site itself as mentioned above is well screened, therefore the proposal is considered that it will not be visually intrusive to the skyline.

(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 site 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 ample parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over development on 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 as per Adopted Essex Highway requirements.

Essex County Highways have been consulted on this application and do not raise any objections subject to conditions relating to vehicular turning facility, no unbound materials, gates set back a minimum of 6 metres, public footpath shall be maintained free and unobstructed at all times, parking space measurements, cycle parking and storage of building materials. All of the conditions will be imposed apart from parking space measurements, as there is sufficient parking available on site to accommodate at least two parking spaces in line with Essex Parking Standards, cycle parking as there are outbuildings on site which can accommodate this and the storage of building materials will be imposed as an informative only.

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

There is sufficient distance to the neighbouring dwellings which front Clacton Road to ensure that there would not be any loss of amenity to residents.

(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 considered capable of reasonable improvement, however it makes only a neutral contribution to local character and there is therefore no objection to its replacement.

(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.

### Trees and Landscaping

The application site currently forms the residential curtilage of the host property and is relatively well populated with young and early mature trees.

In order to show the extent of the constraint that the trees are on the development potential of the land and to determine the potential impact of the development on the trees the applicant has

provided a Tree Survey and Report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

The Tree Report contains a Tree Constraints Plan that shows the extent of the area around the trees that should be protected to ensure that they are not harmed by the development proposal. It shows the Root Protection Areas (RPA's) of the trees and identifies the area of land within which development should not be take place or where specialist construction techniques will be required.

The proposed site layout shows that the position of the replacement dwelling will occupy a very similar footprint to the existing dwelling and will not comprise the retention or viability of trees included in the survey.

As none of the trees are threatened by the development proposal and as their location is such that they cannot be clearly seen from a public place, none of them have such amenity value that they merit protection by means of a tree preservation order. However a soft landscaping condition has been imposed to ensure that the proposed dwelling will be assimilated into its setting.

#### Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt as it will replace an existing dwelling and it is therefore considered that the dwelling will not cause any significant harm to the landscape character of the area.

#### Other Considerations

Thorrington Parish Council have not commented on this application.

There have been no other letters of representation received.

## **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: Drawing No. 01 A, Drawing No. 02 A, Drawing No. 08 F, Drawing No. 09 F, Drawing No. 10 D, Drawing No. 24387se-01, 3D Visual Impression 1, 3D Visual Impression 2, 3D Visual Impression 3, 3D Visual Impression 4, Arboricultural Impact Assessment dated 25th May 2019 and Arboricultural Impact Assessment Appendix.

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

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local

Planning Authority. The scheme shall include 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 enhance the visual impact of the proposed works.

- 4 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 enhance the visual impact of the proposed works.

- 5 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

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

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

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway 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.

- 8 The public's rights and ease of passage over public footpath / bridleway / byway no. 182\_12 (Thorrington) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 9 The development shall be constructed in full accordance with the details shown within the submitted 'Arboricultural Impact Assessment and Preliminary Method Statements', and on drawing no. 24387se-01 Topographical Survey.

Reason - To safeguard the continuity of amenity afforded by existing trees and hedgerows.

## **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. No vehicles associated with the development shall affect the ease of passage along the PROW.

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.

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

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.

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