

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	24/10/2019
Planning Development Manager authorisation:	TF	28/10/2019
Admin checks / despatch completed	CC	30/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	30 AP	30/10/19

Application: 19/01330/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr T Barber

Address: 3 - 4 Brook Cottages Colchester Road Elmstead

Development: Refurbishment with extensions to rear and porch for existing cottage, and improvements to existing access and parking provision.

1. Town / Parish Council

Elmstead Market Parish Council No comments received.

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 will see the long-established vehicular access retained and will only offer an improvement to that access that is established and registered. Adequate room and provision for off street parking and turning, as part of this proposal is being retained, 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. A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be retained/ 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 changes to the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1
4. 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 or where no provision of footway 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.

5. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. 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: 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 2: Steps should be taken to ensure that the Developer provides enough 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 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 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

19/01330/FUL	Refurbishment with extensions to rear and porch for existing cottage, and improvements to existing access and parking provision.	Current
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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

HG14 Side Isolation

TR7 Vehicle Parking at New Development

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

Essex Design Guide

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the south of Colchester Road, outside the development boundary of Elmstead and adjacent to the dual carriageway. It serves a detached two storey dwelling,

located centrally within the plot, constructed of red brick with a tile roof with an attached boarded garage to the west. The front of the site has an area of grass with a 1m close boarded fence and iron gates on the front boundary. A concrete hardstanding is located to the east of the dwelling to provide off street parking. The rear garden is laid to lawn with fencing and hedging on the side boundaries, and an open boundary to the rear backing onto open countryside.

Proposal

The application proposes the refurbishment of the existing dwelling, including a two storey rear extension following the demolition of the rear conservatory, a new front porch and improvements to the existing access and parking provision for 3 cars.

The rear extension will measure 3m deep by 7m wide, with an eaves height of 4.4m and a ridge height of 6.5m. The porch will measure 1.6m deep by 3.4m wide with a monopitch roof with an eaves height of 2.3m and a maximum height of 3.1m.

The refurbishment will consist of the entire property being rendered and will include the use of clay multi red plain tiles on the roof.

The application drawings also illustrate the existing attached garage being converted to a utility, store and cloakroom, including a new roof, whilst the external appearance of the front elevation remains the same. This part of the development could be done without the benefit of planning permission.

Assessment

The main considerations of this application are the design, impact on residential amenity, highway safety and parking.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy HG12 of the Tendring District Local Plan (2007) seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related and in proportion to the original dwelling and would not represent overdevelopment of the site.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure the new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents.

Design

The proposed development is considered to be of a scale and nature appropriate to the site and the surrounding area. The front porch will be a modest addition that is considered to be well related to the host dwelling making it appear acceptable within the street scene. Its position within the site does not impact upon parking arrangements and it is considered acceptable in design terms.

The two storey rear extension will replace an existing single storey conservatory extension. The eaves and ridge height of the extension will match the existing dwelling and it will be located centrally within a relatively large plot so it will not result in a cramped appearance and will not overdevelop the site. Some views of the extension may be possible from the road due to the spacious nature of the plot, but due to the position to the rear of the dwelling the extension is not

considered to cause any significant adverse impact on the street scene. The use of render and tiles across the entire dwelling will allow the extensions to blend with the dwelling and the neighbour to the west is also rendered resulting in the development also blending with the surrounding area.

Impact on Residential Amenity

The porch extension will be located on the front elevation of the property and will not cause any impact to the amenities of neighbouring property.

The application proposes 3 no. new windows facing the neighbour to the east; one at ground floor level on the existing side wall, and one at ground floor level and one at first floor level on the rear extension. Furthermore, a new window is proposed on the existing west side elevation at first floor level and a ground floor window in the west side wall of the rear extension. Notwithstanding this, the rear extension will be located over 7m from the neighbour to the west and 13m from the neighbour to the east. Due to the position of the windows on the dwelling and the separation distance between the development and the neighbouring boundaries there is not considered to be a significant adverse impact or loss of privacy caused to neighbouring property or private amenity areas. Furthermore, the rear elevation proposes a Juliet balcony, which will not provide any stepping out area, further reducing the potential risk of overlooking from the development.

The separation distance between the development and neighbouring property and the south facing rear gardens also result in the development not having any adverse impact on the daylight currently enjoyed by neighbouring property, and overall the development is considered acceptable in terms of the impact on residential amenity.

Highway Safety and Parking

Essex County Council has been consulted on this application due to the location of the site on a dual carriageway and the amendments proposed to the existing access and increased parking provision. The proposal will see the long-established vehicular access retained and will offer an improvement to that access that is established and registered. Furthermore, there is adequate room and provision for off street parking and turning, resulting in the proposal being acceptable to the Highway Authority. This is subject to conditions relating to vehicular turning, no unbound materials within 6m of the highway, access width, details regarding entrance gates and no discharge of surface water. Providing the development complies with the conditions imposed the development is considered acceptable in terms of highway safety and parking.

The loss of the attached garage will not impact on parking at the site. The garage is below the internal dimensions of the current parking standards, and as increased off road parking is being made available elsewhere in the site, allowing for 3 spaces which exceeds the parking standard requirements, the development is considered acceptable in terms of the parking available.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the 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 plan: Drawing Number: TB/019/007/A/B, Drawing Number: TB/019/006/A/B/C, Drawing Number: ETB/019/003/A/B and Drawing Number: ETB/019/004.

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

- 3 A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be retained/ 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.

- 4 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.

- 5 Any changes to the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway.
The width of the access at its junction with the highway shall not be less than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

- 6 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 or where no provision of footway 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.

- 7 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 8 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.

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.

Highways Informatives

Informative 1: 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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Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO