

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	20/01/20
Planning Development Manager authorisation:	AN	20/1/20
Admin checks / despatch completed	CC	20/01/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	20/1/2020

Application: 19/01788/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs S Doouss

Address: Fairacres Harts Lane Ardleigh

Development: Construction of new 6 bedroom house and double garage. (Following demolition of existing dwelling, garage and outbuildings).

1. Town / Parish Council

Ardleigh Parish Council
have not commented on
this application

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

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.

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

19/01788/FUL	Construction of new 6 bedroom house and double garage. (Following demolition of existing dwelling, garage and outbuildings).	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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 relates to Fairacres, Harts Lane, Ardleigh which is a two storey dwelling located outside the settlement boundary of Ardleigh. The existing dwelling is set back from the Harts Lane and is located on a spacious plot.

Proposal

The application seeks planning permission for the erection of a replacement 6 bedroom dwelling and double garage following the demolition of the existing dwelling, garage and outbuildings.

Assessment

Principle of Development

The proposal involves the replacement of a dwelling and garage 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 rural with detached dwellings located to the north and south of Harts Lane. The application site is situated in between the dwelling to the west 'Adare' and to the east is woodland. The proposed replacement dwelling will substantially increase the footprint of the dwelling, the existing dwelling is considered to be small in relation to its plot size. The site could comfortably accommodate a replacement dwelling of this scale without it appearing cramped or having an adverse impact upon the rural character of the area. Further to this, the site is well screened on all boundaries by mature hedgerow and well established trees as well as being set back from Harts Lane. The application proposes a two and half storey dwelling which is larger than the existing two storey dwelling, however there are a mix of dwellings situated along Harts Lane. It is considered that the proposed development will not represent an unacceptable intrusion into the open countryside. The proposed double garage is single storey with a dual pitched roof and it will be located to the east of the proposed dwelling. The garage will replace the existing garage which is located in the same location. 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 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 it 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 area does not benefit from an open character and there will not be a significant loss of views as a result. 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 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 areas within the vicinity of the site to accommodate the parking and turning of two vehicles by measurements of 5.5 metres by 2.9 metres and a garage that measures 7 metres by 3 metres.

Essex Highways have been consulted on this application and do not raise any objections to the proposal. In terms of the proposed garage, although this is undersized, there is sufficient parking available to the front of the host dwelling to comply with Essex Parking Standards.

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

To the west of the application site is 'Adare', however a sufficient distance is retained to the neighbouring boundary as well as the existing vegetation which will help to screen the proposal, it is considered that the replacement dwelling will not cause any significant impact upon neighbouring amenities.

To the east of the application site is woodland, the proposed garage will be located to the east of the proposed dwelling however, this will replace the existing garage and due to the existing vegetation along the boundary, it is considered that the proposal will not cause any impact to the east.

(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 architectural merit and it 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 dwellings along Harts Lane.

(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

In order to show the extent of the constraint that the tree is on the development potential of the land the applicant has provided an Arboricultural Impact Assessment (AIA) a part of a Tree Survey and Report. The information contained therein is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

It is clear that some tree felling has been carried out and that any tree with the potential to constraint the positioning of the proposed replacement dwelling has been removed. None of these trees was formally protected and their removal did not require the prior consent of the Council.

Notwithstanding the removal of the trees the site remains well treed and the position of the proposed replacement dwelling is such that a good level of screening exists between the proposed dwelling and the highway.

The information contained in the AIA adequately demonstrates that the development proposal can be implemented without causing harm to retained trees. A condition will be imposed to ensure that the development is carried out in accordance with the Tree Survey and Report to ensure that the retained trees are not harmed during the construction phase.

Other Considerations

Ardleigh Parish Council have not commented on this application

No letters of representation have been 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 plans and documents : Drg No. 688/1, Drg.No.688/2, Drawing No. 7711-D-AIA Rev B and Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan in Accordance with BS 5837:2012 Dated 21/11/2019 Revision B by Hayden's Arboricultural Consultants.

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

- 3 The development hereby approved shall be carried out in strict accordance with the Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan in Accordance with BS 5837:2012 Dated 21/11/2019 Revision B by Hayden's Arboricultural Consultants and Drawing No. 7711-D-AIA Rev B unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

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

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

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