

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	05/08/2020
Planning Development Manager authorisation:	TF	06/08/2020
Admin checks / despatch completed	DB	07/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/08/2020

Application: 20/00663/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Philip and Mrs Emma Burrells

Address: 2 Seafield Road Dovercourt Harwich

Development: Proposed replacement dwelling and vehicle access.

1. Town / Parish Council

No response.

2. Consultation Responses

ECC Highways Dept
18.06.2020

Please note that at present the highway authority is not making site visits due to the COVID-19 restrictions and the observations below are based on submitted material, google earth photo dated April 2009. The proposed site located on a road subject to a 30-mph speed limit; it appears to offer adequate parking and turning via the proposed vehicular access, 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 dwelling, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. 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.
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 in accordance with policy DM1.
5. Prior to occupation of the development 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 more than 4.5 metres (equivalent to 5 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.
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.
6. 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.
7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.
8. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.
9. 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.

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.

3: It is noted that there is an existing warning sign located in the footway near to the proposed vehicular access and this may need to be re-located so it does not impact on the access and this will need to be discussed with the Development Management Team prior to the sign being moved (contact details below).

4: 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

20/00108/DEMCO N	Proposed demolition of 3 bed detached house.	Determination	01.04.2020
20/00663/FUL	Proposed replacement dwelling and vehicle access.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP4 Housing Layout

CP2 Improving the Transport Network

LPG 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal

Site Description

The site is that of a detached three-bedroom house with a hipped roof on a corner plot at the junction of Seafield Road with Fronks Road. The position of the existing built form of the house fits the pattern of development along Fronks Road although for address purposes the property is numbered 2 Seafield Road. The house is in a derelict condition.

The site is within a residential area of Dovercourt.

Proposal

The proposal is to demolish the existing house and erect a five-bedroom detached house. The fifth bedroom would be set within the roof.

The front elevation would be to a symmetrical design, save for a chimney breast to the left hand side when viewing the front of the property. The front elevation of the house would have a gabled two-storey bay to both sides and a centrally placed entrance door beneath a canopy supported by pillars. The central portion of the roof would appear as a side to side ridge, between the front to rear ridges of the side gabled bays. The roof as a whole would be of a crown roof form.

On the central portion of the roof to the front elevation would be a roof light and on the rear elevation would be a dormer, to the fifth bedroom.

The replacement house would be set at essentially the same position as the existing house and would face Fronks Road. However, the proposed replacement house would have a footprint approximately double that of the existing house.

A gap, some 6m wide, would be created in the hedge adjoining the Fronks Road footway where the boundary of the property with Fronks Road adjoins the boundary with the house at 101 Fronks Road.

Assessment

The proposal is for a replacement house within the defined settlement boundary of Dovercourt and is acceptable in broad policy terms and with regard to Policy QL1.

The house is to a good standard of design and is acceptable with regard to Policy QL9.

The opportunity has been taken to design a house with modern accommodation to a high standard and the proposal is acceptable with regard to Policy QL10.

Policy QL11 requires that all new development should be compatible with the surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if a number of criteria are met.

The scale of the proposed replacement house is considered appropriate to the locality. The design creates an impression of a two-storey house with limited roof accommodation. The slightly grand style of the house would make a statement at the road junction and define the corner.

Principle windows at first floor would be to the front, to Fronks Road, or to the rear. There would be windows on the side elevation but to rooms which could be reasonably obscure glazed. The rear dormer at second floor level would look over a rear garden depth in excess of 10m in depth. Any overlooking from this dormer would be no greater in practice than from existing first floor windows of neighbouring properties. The rear dormer would be recessed back from the level of the two rear gables on the rear elevation thereby restricting the angle of view from this dormer. There would be no material adverse impact to the privacy of any neighbour.

The two properties on adjoining plots would experience no material loss of daylight due to orientation. 101 Fronks Road is to the west. 4 Seafield Road is to the south. The plans show that the built form of the proposed house would be clear of a line drawn at 45 degrees from the windows on the rear elevation of 101 Fronks Road. There would be no material loss of outlook to any neighbour.

The proposal is considered acceptable with regard to Policies QL11 and HG3.

The property would have a private amenity area to the rear of the house and screened from Seafield Road by a hedge of more than 100 sq m thereby meeting a standard set out at Policy HG9.

The block plan shows that the built form of the house would be 1.4m from the western boundary and a sufficient distance to retain the hedge along the eastern boundary. The proposal is considered acceptable with regard to Policy HG14.

There would be space in front of the house to park three cars. The local highway authority, Essex County Council, has been consulted on the application and a response received in writing stating that the impact of the proposal is acceptable to the Highway Authority subject to the imposition of conditions relating to visibility splays; a turning facility; no unbound material; implementation of the vehicular access; no discharge of water onto the highway; cycle parking; provision of a travel information pack; and, loading facility during construction.

The proposal is considered acceptable with regard to Policies TR1A and TR7.

The application was advertised by a site notice and letters seeking comment on the application were sent to occupiers of 6 neighbouring properties. Four written responses have been received; three of support and one expressing reservations regarding the proposal having too greater mass, being imposing and resulting in a loss of light to neighbours. The comments of support refer to the derelict state of the existing house and its replacement having a positive impact. Whilst the design would be substantial and make somewhat of an imposing statement at this corner site, the design is considered generally in keeping with this part of Fronks Road. As referred to above, the nearby neighbours are to the west and the comment regarding a loss of light is not supported by officers.

6. Recommendation

Approval.

7. Conditions / Reasons for Approval

- 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: 09-2020-01P; 09-2020-02P; 09-2020-03P; 09-2020-04P; 09-2020-05P; 09-2020-06P; and, Design & Access Statement with accompanying photographs.

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

3. Windows to the side elevations above ground floor level shall be obscure glazed and retained as such.

Reason - In the interest of the residential amenity of occupiers of neighbouring property, in accordance with Policy QL11 of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

4. Prior to occupation of the house hereby approved, the road junction / access at its centre line shall be implemented and provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

5. Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

6. 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 TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

7. 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 TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

8. Prior to occupation of the development 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 more than 4.5 metres (equivalent to 5 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.

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 TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

9. 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 TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

10. Prior to construction above ground level of the house hereby permitted areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified and made available for such use 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 TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

11. Informatives

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.

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.

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.

It is noted that there is an existing warning sign located in the footway near to the proposed vehicular access and this may need to be re-located so it does not impact on the access and this will need to be discussed with the Development Management Team prior to the sign being moved (contact details below).

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

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