

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	19 th Oct 2020
Planning Development Manager authorisation:	SCE	20.10.20
Admin checks / despatch completed	CC	20.10.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	20.10.2020

Application: 20/01060/FUL

Town / Parish: St Osyth Parish Council

Applicant: A Williamson

Address: 106 Dumont Avenue St Osyth Clacton On Sea

Development: Demolition of existing two storey chalet and replace with new two storey dwelling.

1. Town / Parish Council

Mr Parish Clerk
St Osyth Parish Council No objections.

2. Consultation Responses

ECC Highways Dept The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated April 2019. It is noted that the proposed dwelling will utilise the existing vehicle access for the current dwelling. The proposal provides adequate parking and turning within the development therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

Building Control and
Access Officer No comments at this time.

Tree & Landscape
Officer The demolition of the existing dwelling and its replacement with a two storey dwelling will not adversely affect any significant trees or other vegetation.

The boundary of the site with the highway is demarcated by an established evergreen hedge comprising of Cupressocyparis 'Leylandii'. The hedge has been routinely clipped and forms a good boundary feature. It would be desirable for the hedge to be retained or for a replacement to be secured by a planning condition if it were necessary for the hedge to be removed during the construction phase of any approved development.

3. Planning History

20/01060/FUL Demolition of existing two storey Current
chalet and replace with new two
storey dwelling.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN3 Coastal Protection Belt

HG1 Housing Provision

HG9 Private Amenity Space

LP1 Housing Supply

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

Local Planning Guidance

Essex Design Guide

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 (including Site Description and Proposal)

Site Description

The property is a late twentieth century detached single-storey bungalow with a large south-facing rear garden which backs on to the estuary waters. A number of dwellings in the locale have very established planting to their front boundary and the area has a pleasantly verdant nature. Development in the vicinity is extremely varied in regards to architectural appearance; notwithstanding this plot sizes remain relatively similar.

Description of Proposal

The application proposed the demolition of the existing dwelling and replacement with a part two, part single storey dwelling.

The ground floor has a large footprint just under 340sqm which incorporates a single-storey element with accommodation in its roof void along the east side. This element has eaves in the region of 2.6m; and a full gable up to the height of 5m at which point the roof tip is hipped backwards to a ridge height of just under 6.3m. The façade has two gable-features – these have eaves in the region of 5.4m and a full gable up to a height of just under 6.7m at which point the roof tip is hipped backwards to a ridge of just under 8.3m. The main dwelling has a crown roof around 9.6m. The roof is hipped to all elevations. To the rear of the dwelling the gable-end of the single storey element contains full-height feature glazing to make best use of the estuary-views. The property also has an element of upside-down living with a bedroom at ground floor and a large living room at first floor with access on to a roof terrace. The resultant dwelling would have four bedrooms.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Representations; and,
- Other Considerations.

Principle of Development:-

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance:-

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

It is acknowledged that the new dwelling is much larger than that which it replaces, notwithstanding this the adjacent dwelling is two storey. In regards to the dwelling's external appearance and individual design; there is no recognised vernacular or colour palette in the locale, there are examples of an ultra-modern design. For these reasons the new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design.

Amenities of Existing & Future Occupiers:-

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space. "Private amenity space" comprises a private outdoor sitting area not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It will therefore not necessarily always amount to the entire rear garden. Apart from its private recreation function, private amenity space is also important in achieving well laid out development.

Private amenity space shall be provided to new dwellings in accordance with the following standards:- a three or more bedroom house - a minimum of 100 square metres. The rear garden is extensive and, in accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwelling would have sufficient private amenity space available.

In regards to the scale and siting of the dwelling; separation distances to No. 108 to the east remain over 21m and towards No. 104 to the west around 4.5m; there are no first floor side facing windows; the new dwelling is sited marginally deeper in to the plot and therefore slightly 'beyond' the rear elevations of the adjacent dwellings.

Overall the proposal is considered to secure a good standard of amenity for future occupants of the proposed dwelling and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

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.

Although the proposal comprises of a replacement dwelling with a significantly increased ridge making the dwelling significantly more prominent, there are other examples of dwellings in the immediate area with similar ridge-heights. It is therefore considered that the proposed replacement dwelling will not have a substantial impact upon the Coastal Protection Belt.

Highways:-

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's current Parking Standards require that for dwellings with 3 bedrooms a minimum of 2 parking spaces be provided per unit. The preferred bay size for cars is 5.5 metres by 2.9 metres and the minimum bay size is 5 metres by 2.5 metres.

The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated April 2019. It is noted that the proposed dwelling will utilise the existing vehicle access for the current dwelling. The proposal provides adequate parking and turning within the development.

In regards to the request that there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay – there is an existing dwelling on the site and the development proposed does not materially differ. Further, the plot itself is very close to a dead-end where the speed and intensity of vehicular movements is likely minimal. Finally, the maturity of the leylandii hedge is of significant benefit to the verdant character of the streetscene. For these reasons, it is considered on balance not necessary to impose this condition.

In regards to the request that, 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 – again, there is an existing dwelling on the site and the development proposed does not materially differ. The plot itself benefits from a large parking and turning area. For these reasons, it is considered on balance not necessary to impose this condition.

In regards to the request that any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/cycleway or where no provision is present, the carriageway. The application drawings do not propose entrance gates – an express grant of planning permission would be required for these and at such time their siting/direction of opening could be condition.

6. Representations

St. Osyth Parish Council have no objections.

No comments have been received as a result of the site notice or public consultation.

7. Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

8. Recommendation

Approval - Full

9. 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: 1286/04A and 1286/05A received 7th August 2020 and 1286/06 B received 20th October 2020.

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

- 3 If the Leylandi boundary hedge to the front boundary is to be removed to allow for the construction of the building, a replacement hedgerow comprising of similar specie shall be 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 any 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 - In the interest of visual amenity and the character of the area.

- 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 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.

10. 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.

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.

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

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

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO