

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/04/2021
Planning Development Manager authorisation:	TF	08/04/2021
Admin checks / despatch completed	DB	08.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	08.04.2021

Application: 20/01382/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Carl Richardson

Address: Arundel House Fronks Avenue Dovercourt

Development: Demolition of existing house and flat over garage and construction of a new contemporary 4 bedroom dwelling, replacement of flat over garage linked with retained swimming pool, together with associated hard and soft landscaping.

1. Town / Parish Council

Harwich Town Council
26.11.2020

Harwich Town Council has no objection to this application.

2. Consultation Responses

Environment Agency
01.04.2021

Thank you for your consultation we have reviewed the plans as proposed and we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility.

We have highlighted these in the flood risk section below. You should consider whether the proposed replacement dwelling could include any more flood risk betterment.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a replacement dwelling which is classed as a more vulnerable development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential < and Exception > Test (s) and be supported by a site specific Flood Risk Assessment (FRA).

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 215913 and dated 18th Jan 2021, are:

Actual Risk

- The replacement dwelling is of similar size and layout to the existing dwelling, so there is no increase in vulnerability at the site and the

flood risk to the proposed development remains the same as the risk faced by the existing development. The proposed replacement dwelling also provides betterment through the inclusion of a Flood Evacuation Plan as detailed in the below bullet points.

- The site lies outside the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences.
- Finished floor levels have not been confirmed however the FRA states they will remain as existing therefore the risk remains the same.
- Flood resilience/resistance measures have been proposed
- The site level has not been provided
- This proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). A Flood Evacuation Plan has been proposed.
- Compensatory storage is not required.

Residual Risk

- Our data shows that in a worst-case scenario the site could experience worst case undefended flood depths of up to 4.94 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 5.32 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Flood resilience/resistance measures have been proposed
- A Flood Evacuation Plan has been proposed.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Further guidance can be found at the end of this letter, we trust you find this advice useful.

observations below based on submitted material, google earth image dated April 2009. The site is located at the end of Fronks Avenue which is a cul-de-sac and the existing vehicular access is unchanged and the site retains adequate parking and turning within the confines of the site.

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. 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.
3. All double garages should have a minimum internal measurement of 7m x 5.5m.
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.
4. 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.
5. 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.

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.

2: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

3: The applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

4: 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.

3. Planning History

00/00915/FUL	Demolition of existing garages. New garages with rear extension to house	Approved	04.08.2000
01/02014/FUL	Demolition of "Chaseway" extension, construction of proposed pool hall and ancillary areas	Approved	10.01.2002
02/00385/FUL	Rear conservatory	Approved	24.04.2002
04/02315/FUL	Orangery, new garden wall and new entrance gates.	Approved	20.01.2005
19/00523/FUL	Proposed loft conversion incorporating dormer, internal alterations, improvements to layout, new entrance porch, two storey garage extension, replacement of existing tiled roof with natural slate, replacement of all windows with powder coated aluminium units and cedar cladding.	Approved	05.06.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
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
LP3	Housing Density and Standards
LP4	Housing Layout
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

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. In this latter regard, as of 26th January 2021, 'Section 1' of the

emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site refers to Arundel House, Fronks Avenue, Dovercourt, a two storey dwelling located within the development boundary of Dovercourt.

Proposal

This application seeks planning permission for the demolition of the existing house and flat over garage and construction of a new contemporary 4 bedroom dwelling, replacement of flat over garage linked with retained swimming pool, together with associated hard and soft landscaping.

Assessment

The main considerations for this application are:

- Principle of development
- Design and Appearance
- Impact upon Neighbouring Amenities
- Trees and Landscaping
- Highway Impact and Parking Provision
- Flood Risk
- Financial Contribution - Open Space
- Habitat Regulations Assessment
- Other Considerations

1. Principle of Development

The site is situated within the defined settlement limits of Dovercourt as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017) and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

2. Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In terms of design and appearance, the dwelling is a two storey dwelling constructed from cedar cladding, powder coated aluminium double glazed windows, white through colour render, single ply membrane roof. The materials proposed are modern and are seen more often in coastal locations. The proposed design and appearance is considered acceptable.

The proposed dwelling would not represent a cramped form of development detrimental to the street scene, as it would provide important gaps to both sides in excess of the minimum standards set out within saved Policy HG14.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100sqm. The submitted plans demonstrate that the proposed dwelling can accommodate more than 100 sqm.

3. Impact upon Neighbouring Amenities

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).

To the west of the application is 'The Hollies' which is a single storey dwelling. Although the proposed works will be visible to the neighbouring dwelling due to the distance it is considered that the dwelling will not cause any impact upon neighbouring amenities.

4. Trees and Landscaping

The application site currently forms part of the residential curtilage of the host property. The garden is set to grass with established boundary vegetation which currently acts as a good screen.

There are two established Ash trees on the southern boundary of the application site. Both of the trees are in reasonable condition and make a positive contribution to the public realm. They can be seen from Lower Marine Parade and surrounding land.

The separation distance between the proposed new dwelling and the trees is such that they will not be affected by the development proposal. In this respect they do not require formal legal protection by means of a Tendring District Council Tree Preservation order at the present time.

As the application site is effectively 'tucked away' there is little public benefit to be gained by securing any soft landscaping as part of the development of the land.

5. Highway Impact and Parking Provision

Essex Highways Authority have been consulted on this application and have stated that no site visit was undertaken in conjunction with this planning application. The conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2009. The site is located at the end of Fronks Avenue which is a cul-de-sac and the existing vehicular access is unchanged and the site retains adequate parking and turning within the confines of the site. The Highway Authority have no objection subject to conditions relating to vehicular turning facility, parking space measurements, garage measurements, cycle parking and residential travel pack. The parking space and garage measurements will not be imposed as the plans provided demonstrate that sufficient parking has been provided. Sufficient space is provided for bicycle storage therefore this condition will not be imposed. This application is a minor application and therefore a residential travel pack is not required.

Furthermore, the Council's Adopted Parking Standards require that for a dwelling with two or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9 metres and garages, if being relied on to provide a parking space, should measure 7m x 3m internally.

The plans provided demonstrate that the flat will serve one bedroom with a garage to the ground floor accommodating 3 parking bays.

The plans also demonstrate that the replacement dwelling will accommodate three bedrooms. It is considered that there is sufficient parking available to serve both the flat and the dwelling in line with Essex Parking Standards.

6. Flood Risk

The site falls within Flood Zone 3a, which is the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by policy QL3 in the adopted Local Plan and policy PPL1 in the emerging Local Plan, requires a 'sequential approach' to the location of new development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The replacement dwelling is of similar size and layout to the existing dwelling, so there is no increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development. The proposed replacement dwelling also provides betterment through the inclusion of a Flood Evacuation Plan as detailed in the below bullet points.

- The site lies outside the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences.
- Finished floor levels have not been confirmed however the FRA states they will remain as existing therefore the risk remains the same.

- Flood resilience/resistance measures have been proposed
- The site level has not been provided
- This proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). A Flood Evacuation Plan has been proposed.
- Compensatory storage is not required.

The NPPF and Local Plan policies refer to the 'Exception Test' which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The application is accompanied by a site-specific flood risk assessment. The Environment Agency confirm that they have no objection as the site is currently defended and the Shoreline Management Plan policy for this area has an aspiration for hold the line.

The proposal is therefore considered to pass the sequential and exception tests and is acceptable in relation to flood risk.

As the proposed development is a replacement dwelling the sequential test is not required to be undertake however it also passes the exception tests and is acceptable in relation to flood risk.

7. Financial Contribution - Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of 12.59 hectares of equipped play in Harwich and Dovercourt.

As this is a replacement dwelling no contribution is being requested from Open Spaces.

8. Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

As this application is for a replacement dwelling, a contribution is not required on this occasion.

9. Other Considerations

Harwich Town Council has no objection to this application.

No letters of representation have been received.

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 plans:

Drawing No. P001 Rev C - Amended Proposed Floor Plans
Drawing No. P002 Rev B - Amended Proposed Elevations
Drawing No. P004 Rev A - Flat Over Garaged Proposed Elevations
Drawing No. P003 - Flat Over Garage Proposed Floor Plans
Drawing No. SK-005 Rev B - Location and Proposed Block Plan

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

- 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

- 4 On commencement of development the Flood Risk Assessment dated 09 March 2021 by Canham Consulting, Reference 215913, shall be immediately brought into use and shall remain in force for the duration of the construction and occupation period. The Flood Evacuation Plan shall remain live documents and be updated where required.

Reason - The site lies within Flood Zone 3a at high risk from flooding.

- 5 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 6 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance and construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure working conditions are sympathetic to residential amenities.

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

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.

2: 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.

Highways

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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3: The applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

4: 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.

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
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