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In accordance with Paragraph 194 a Heritage Statement should be submitted which should describe the significance of the building which has been identified as a nondesignated heritage asset. The Heritage Statement should include photographs and an indication of age, origin and state of preservation of the building which would allow a more informed decision on the impact of the proposed development.

Should the local authority deem to grant the application prior to this information being provided then a historic building record should be completed as a condition on the application. It must be noted that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted (Para.205).

Recommendation: This office would recommend that the demolition of the building is not approved until further information is submitted.

Should the local authority approve the application a historic building record should be completed in order to preserve, by record, the historic building:

1) No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

2) The applicant will submit to the local planning authority an approved historic building report (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).

A professional historic building specialist should undertake any fieldwork. A recording brief detailing the requirements can be produced from this office. The District Council should inform the applicant of the recommendation and its financial implications.

3. Planning History

21/01854/FUL Proposed replacement dwelling. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

CP1 Sustainable Transport and Accessibility

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Adopted Tendring District Local Plan 2007 (part superseded)

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Local Planning Guidance

Essex Design Guide

Essex County Council Development Management Policies 2011 (the Highways SPD)

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that

the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, under certain circumstances the level of weight to be afforded to the policies in the 2007 Plan may be reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'tilted balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

5. Officer Appraisal

Site Description

The property is a diminutive single storey detached bungalow which has suffered extensive degradation; at the time of the site visit all that remained of the original dwelling were the walls and exposed roof trusses. The dwelling in its entirety sits forward of the principle elevation of Cherry Trees to the left and partially forward of Rose Cottage to the right.

Description

The application proposes the replacement of the derelict building with a new single-store detached bungalow. The footprint is roughly t-shaped and has an area in the region of 127sqm and, in comparison to the existing building, would be 'shifted' rightwards and extend further rearwards. Its eaves would be around 2.5m and the ridge in the region of 4.8m, its roof would be fully gabled. Off-street parking would be provided in a location similar to the existing. Externally the dwelling would be constructed with a red-brick plinth, white render and Hardieplank cladding to the walls of the porch.

Assessment

The main planning considerations are:

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

Principle of Development

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

Layout, Scale and Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Development in the vicinity is extremely varied in regards to design and scale, though the majority of dwellings are bungalows or chalet bungalows. One neighbour is finished in a self-coloured render and the other in a red-brick – similar variations in external finishes exist opposite the site. The existing dwelling to be demolished (Snowdrop) is clearly set forward of ‘Cherry Trees’ and the proposal is for a replacement dwelling in broadly a similar location. For these reasons, the bungalow entirely accords with the existing pattern of development in both the immediate and wider setting.

Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The proposed dwelling's right flank would be in the region of 8m from the flank of Rose Cottage to the east across their driveway; separation distances between the existing rear of Snowdrop and the façade of Cherry Trees to the rear would be reduced from 12.5m to 9.3m. The new dwelling is in the region of 0.2m high than the existing; however it does not ‘cut across’ the forward-facing window of Cherry Trees which faces almost due south; for these reasons the development protects the amenity of existing residents with regards to loss of light, overbearing and overlooking.

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 bedroom house should be able to provide a minimum of 100 square metres; the plans indicate that this standard can easily be achieved.

Space Standards:-

In March 2015, the government launched a new approach to housing standards and published a new set of streamlined national technical standards. This included publication of Technical housing standards – nationally described space standard.

	No. of Bedrooms	No. of Bed Spaces	Storeys	Min Requirement	Actual Floorspace	Compliance
	3	6	1	95sqm	125sqm	yes

Highway Considerations

Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The site is located within the 30-mph speed limit which is predominately residential with local amenities and access to public transport nearby; the replacement dwelling offers adequate off-street parking. It is acknowledged that the Highways Authority have requested a condition pertaining to the provision and implementation of a Residential Travel Information Pack for sustainable transport, however such a condition would fail to comply with paragraph 56 of the NPPF as the proposal is for a replacement dwelling and therefore unnecessary.

Heritage

The contents of the comments submitted by the Historic Environment Consultant have been considered, particularly:-

The building can be identified on the Tithe map and so must predate c.1840, however is absent from the Chapman and Andre map of 1777. The Chapman and Andre map shows the building would have been built along the route crossing Thorrington Heath.

The building has not been identified on a local list or the HER, however it may be considered a non-designated heritage asset. No information has been submitted with the application however available online photographs reveal exposed timber framing survive internally and the building appears little altered. As the proposal is for the total demolition of the building further information is required to allow a decision to be made on the impact of the proposed development.

In response, there is no information available to confirm the exact age of the building which currently stands though the waste materials on the ground comprise [in part] concrete and strengthening mesh. In combination with evidence that adjacent buildings are clearly mid twentieth century in addition to hardstandings, pavements etc it is clear that significant development has already occurred in the locale. For this reason it is considered that a requirement for a programme of historic building recording would be unreasonable, contrary to paragraph 56 of the NPPF.

Representations

No comments were received in response to the publicity of the application.

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: SCT/2; received 26th Oct 2021 and SC1/CX/1; received 9th November 2021.

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

- 3 Prior to occupation of the dwelling, the access at its centre line shall be provided with a minimum visibility splay with dimensions of 2.0 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 obstruction above 600mm at all times across the entire site frontage.

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.

- 4 No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

- 5 Prior to occupation of the dwelling 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 3.6 metres (equivalent to 4 drop 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 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.

- 7 At no point shall gates be provided at the vehicular access. The access shall remain open and free for use thereafter.

Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 9 The tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 10 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.

- 11 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

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

During the construction phase 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.

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 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.

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