

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	09/06/2022
Planning Development Manager authorisation:	SCE	10.06.2022
Admin checks / despatch completed	MR	13.06.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.06.2022

Application: 22/00279/FUL **Town / Parish:** Beaumont Parish Council

Applicant: Mr and Mrs Carr

Address: The Acorn Rear of St Veda Chapel Road

Development: Proposed replacement dwelling.

1. Town / Parish Council

Beaumont Parish Council
23.03.2022

The Parish Council would ask for the following observations to be considered:

Access from Chapel Road is via a track and we are not aware of planning consent or approval for this entrance from a 40mph road without pavements.

The footprint of the property is considerably larger than the present building, which is single story, and a two story larger building may not be appropriate for this site.

Concerns have been expressed that approval of this building may set a precedent for replacing other former mobile homes with permanent dwellings within our village.

2. Consultation Responses

ECC Highways Dept
24.03.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. Access to the dwelling will be from an established private access road and no new or altered means of access is proposed as part of this application, the proposal offers adequate off-street parking and turning, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As indicated on drawing no. ACR-01 B and prior to occupation of the dwelling 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. 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

3. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

4. 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.

5. 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

6. The public's rights and ease of passage over public footpath no.8 (Beaumont Cum Moze_159) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

7. Prior to commencement of the dwelling, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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: 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

2: 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: 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.

3. Planning History

17/01996/LUEX	Use of extended former mobile home as a permanent self-contained unit of residential accommodation.	Lawful Use Certificate Granted	15.01.2018
---------------	---	--------------------------------	------------

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site refers to The Acorn, Rear of St Veda, Chapel Road, Beaumont. The dwelling is single storey and located outside of the settlement development boundary.

Site History

Under application 17/01996/LUEX a lawful use was granted for the use of the extended former mobile home as a permanent self-contained unit for residential accommodation.

Under application 17/01997/FUL, planning permission was approved for a 1 and 1/2 storey rear extension and new pitched roof following the demolition of conservatory and rear projection together with existing hipped roof. Also proposed garage, chimney stack and out building - following demolition of existing garage.

Proposal

This application seeks planning permission for a replacement dwelling.

Principle of Development

The proposal involves the replacement of a dwelling outside of any defined settlement boundary. Policies SPL3 and PPL3 offer support for replacement dwellings in the countryside, subject to meeting certain criteria. The proposal is acceptable in principle subject to meeting certain criteria and policy considerations outlined below.

Design and Impact on the Character of the Area

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development must meet high standards of urban and architectural design and should reflect the following place shaping principles which are considered to be relevant to this application:

- o Respond positively to local character and context to preserve and enhance the quality of existing places and their environs
- o Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- o Protect and enhance assets of historical or natural value;
- o Incorporate biodiversity creation and enhancement measures;
- o Protect the amenity of existing and future residents and users with regard to noise, vibration, Smell, loss of light, overbearing and overlooking.

In addition to the overarching Policy SP7 with regard to design, appearance and landscape character outlined above, more specifically extensions to or the replacement of a dwelling outside defined settlement development boundaries should be assessed in line with Policies PPL3 and SPL3 Part A (Design). These policies are concerned with the design, character and appearance of new development and its impact on local landscape character and the protection of the rural landscape.

The proposed replacement dwelling is larger in height and bulk than the existing dwelling. There are a mixture of properties situated along Chapel Road comprising of single storey, one and a half storey and two storey dwellings. The application site is located behind 'St Veda' and accessed via a track from Chapel Road. The proposed dwelling is sited well within the site and broadly in the same location as the existing dwelling, mitigating its impact somewhat within the wider open landscape, particularly from Chapel Road.

The dwelling is one and a half storeys in height with a mixture of features including an oak porch and gable projections with a glazed balcony to the north. It is considered that the proposal is a visual improvement to the existing dwelling and will not represent an unacceptable intrusion into the open countryside. The dwelling would retain significant distance to its side boundaries ensuring it would be sympathetic to the character and appearance of the rural area. The materials proposed are red plain tile, black cladding which are considered appropriate materials for this rural location. The site provides amenity space in excess of the local plan requirements in line with Policy LP4 of the Local Plan.

As such the development would be well-proportioned and would consist of materials that are suitably sympathetic to the rural character of the area. It is therefore, considered that the redevelopment of this site would not result in overriding harm to the rural character of the surrounding area.

Residential Amenity

Paragraph 130 of The Framework maintains that policies and decisions should result in new development that creates 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. Policy SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The replacement dwelling will be visible to both the neighbouring dwellings 'St Lucia' to the south west and 'St Veda' to the south. The plans provided demonstrate that there is a first floor side elevation window located on the western elevation however this will be obscure glazed to avoid any overlooking onto neighbouring amenities.

With regard to the impact of the proposed development upon St Veda to the south of the application site, Essex Design Guide states that where the rears of neighbouring properties face each other at an angle of more than 30 degrees, the minimum spacing may be reduced to 15 metres from the nearest corner. The distance to the boundary from the southern side elevation is 12.5 metres and the back to side distance from the proposed dwelling to St Veda is 29 metres. As set out above, the relationship and spacing between dwellings accords with the standards set out within the Essex Design Guide. The plans demonstrate that the window to the first floor southern elevation serving the storage room will be obscure glazed. The distance and angled juxtaposition of the dwelling means that no significant impact upon neighbouring amenities will result from the development.

Highway Safety/Parking

Paragraph 110 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of this policy are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

The development would utilise the existing vehicular access to the north side of the site, with the other vehicular access being closed off and used for pedestrian access only. Given the size of the site there is ample parking provision provided in excess of the policy requirements.

Furthermore subject to conditions the Highways Authority has no objection to the development.

The site provides sufficient parking in line with Essex Parking Standards.

Trees and Landscaping

Policy SPL3 seeks new development that respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. The design and layout of the proposed development should maintain or enhance important existing site features of landscape, ecological, heritage or amenity value.

The position of the proposed dwelling is set back from the highway and it would not feature prominently in the local street scene. No trees or other significant vegetation will be affected by the proposed development.

The application site currently benefits from a good level of screening provided by a field boundary hedgerow adjacent to Chapel Road. There is little need or public benefit to be gained by new soft landscaping associated with the development

Renewable Energy

Policy PPL10 addresses the renewable energy generation and energy efficiency measures for residential development involving the creation of one or more dwellings. Measures including solar panels, heat pumps and electric car charging points should be considered for all new dwellings.

Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. A condition will be imposed to request an electric charging point is to be implemented.

Financial Contribution - Open Space

The Council's Open Spaces Strategy (2017) identifies the nature of any existing surpluses and deficiencies and provides size and quality standards for the provision of future open spaces and green infrastructure in the District. This is reflected in the Policies HP3, HP4 and HP5 of the 2013-2033 Local Plan. Specifically, Policy HP 5 states that, where new development would be better

served by existing open space within an accessible distance, a financial contribution in lieu of on-site provision will be sought towards any necessary improvement or expansion of existing facilities.

There is currently a deficit of 0.49 hectares of play and formal open space in Beaumont however as this application is for a replacement dwelling, no contribution is required.

Environmental Protection

TDC Environmental Protection Team have been consulted on this application and have stated that they have no comments to make on the submitted constructed method statement. Given the site and surrounding areas historical use for agriculture, the team are requesting a watching brief during the demolition and construction phase. A condition will also be imposed if asbestos is found on the application site.

Representations

Beaumont Parish Council have commented on this application and have stated that the following observations should be considered: Access from Chapel Road is via a track and we are not aware of planning consent or approval for this entrance from a 40mph road without pavements.

The footprint of the property is considerably larger than the present building, which is single storey, and a two storey larger building may not be appropriate for this site.

Concerns have been expressed that approval of this building may set a precedent for replacing other former mobile homes with permanent dwellings within our village.

In regards to the concern raised above, this application had been granted a lawful use certificate to use the mobile home as a permanent dwelling which could allow for a replacement dwelling. Every application is assessed on its own merits however for a replacement dwelling to occur, the dwelling would need to be permanent.

Two letters of objection have been received (from the same address) raising the following concerns:

- Concerns raised in regards to the size of the replacement dwelling.
- Concerns raised in regards to overlooking
- Concerns raised in regards to the access to the replacement dwelling

The concerns raised above have been addressed within the report.

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. ACR- 01 - Rev C

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

- 3 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

- 4 Prior to occupation of the dwelling, the vehicular turning facility as shown on drawing no. ACR-01 C and the vehicular parking area indicated on the approved plans shall be implemented and shall be of a design to have previously been approved in writing by the Local Planning Authority. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason – To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided

- 5 The public's rights and ease of passage over public footpath no.8 (Beaumont Cum Moze_159) shall be maintained free and unobstructed at all times.

Reason-To ensure the continued safe passage of the public on the definitive right of way and accessibility

- 6 Given the historical use of the land, a Watching Brief shall be undertaken throughout the construction phases of the development hereby approved. In the event of unexpected ground conditions being encountered at any time during construction, all site works at the position of the suspected contamination shall stop and the local planning authority and environmental protection team notified. The following minimum requirements for dealing with unexpected ground conditions being encountered during construction shall be adhered to throughout and evidence of each stage reported in writing to the local planning authority for approval:

1. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
2. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
3. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
4. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
5. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
6. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
7. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
8. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
9. A photographic record will be made of relevant observations.

10. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: -re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or - treatment of material on site to meet compliance targets so it can be re-used; or -removal from site to a suitably licensed landfill or permitted treatment facility.

11. A Verification Report will be produced for the work.

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 7 Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the dwellings hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order prior to first occupation of the development.

Reason - In order to promote sustainable transport.

- 8 All new hard surfaced areas 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 or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided

- 9 The approved amended Construction Method Statement received on 14 February 2022 shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 10 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the windows shown on Drawing No. ACR-01 Revision C to the first floor western elevation serving the en-suite and the window to the first floor southern elevation serving the storage room shall be non-opening below 1.7 metres above finished floor level and glazed in obscure glass prior to first occupation and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 11 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls, gates or other means of enclosures, shall be erected to the eastern elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

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: 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

2: 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: 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.

Building Regulations

Fire service access to be provided in accordance with B5.

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