

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	30/09/22
Planning Development Manager authorisation:	JJ	30/09/2022
Admin checks / despatch completed	ER	30/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.09.2022

Application: 22/01253/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr Jay Currell

Address: Tudors Wenlock Road Weeley

Development: Proposed replacement dwelling.

1. Town / Parish Council

St Osyth Parish Council
22.09.2022

Whilst the Parish Council has no objections to the development itself, Councillors would refer this application to the TDC Tree & Landscape Officer for all arboricultural matters.

2. Consultation Responses

Tree & Landscape Officer
01.09.2022

The application site is well populated with a mixed age range and species of trees.

On the land close to the south eastern boundary of the application site there are several mature Oaks that have the potential to constrain the development potential of the land. The north western boundary also contains trees primarily Sycamore, Trembling Poplar and some Oak at the southern end of this boundary.

In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has submitted details of the trees and the extent of their Root Protection Areas (RPA's). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The information provided shows that the proposed position of the dwelling is such that its construction would not result in an incursion into the RPA of the trees.

Should planning permission be likely to be granted then a condition should be attached to secure an Arboricultural Method Statement setting out details of the way that retained trees will be physically protected for the duration of the construction phase of any approved development.

In terms of soft landscaping it would be desirable to secure details of new planting on the boundary with Wenlock Road in order to retain the rural character of the area. The landscaping of the main body of the garden will not affect the character or appearance of the public realm and therefore details of this part of the application site are not considered necessary as part of the planning process.

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. The replacement dwelling will be situated off Wenlock Road, a no through road and classed as a private road. The proposal will retain adequate room and provision for 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. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the carriageway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

2. Any part of the existing access as shown on the site layout plan (DWG. 988_A_SC_07) that is no longer required shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

3. 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 less 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 vehicular crossing.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, and sealed. 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.

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 carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway 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: 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.

3: 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.

4: 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

03/00700/FUL	Proposed ensuite and wardrobe extension	Approved	02.06.2003
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4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP7 Self-Build and Custom-build homes

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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.

5. Officer Appraisal

Site Description

The application site is 'Tudors', which is a detached, single storey residential dwelling located on the southern side of Wenlock Road, within the parish of Weeley. The immediate surrounding area is relatively urbanized, with residential properties located adjacent to the north-west and east, however beyond that, the character becomes more rural with large areas of grassed and agricultural land to the south and east in particular.

The site is located outside of a recognised Settlement Development Boundary.

Description of Proposal

This application seeks planning permission for the erection of one dwelling, following the demolition of the existing dwelling on site as well as the existing outbuilding located to the rear of the site.

The proposed replacement dwelling will be a large 'L-Shaped' property two storeys in height, will be served by four bedrooms, and will be finished in red brick and red tile. The dwelling will be located in approximately the same location as the existing dwelling, although due to its significantly larger footprint it will span the majority of the width of the site.

Assessment

1. Principle of Development

The application involves the one-for-one replacement of an existing dwelling on the site, and will therefore not result in any additional dwellings. Moreover, although the application does not explicitly propose a self-build dwelling, the principle of a replacement dwelling is supported by Policy LP7, subject to detailed considerations discussed below.

2. Visual Impacts

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.

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. 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.

The proposed development will result in the erection of a replacement of the existing single storey property with a much larger two storey dwelling. While the scale will clearly be a significant increase to the existing dwelling, it is acknowledged that there are other two storey dwellings with similar footprints along this section of Wenlock Road. Given this the principle of a two storey dwelling is acceptable in this location, and while it is noted the footprint is approximately double that of the existing dwelling and outbuilding, the plot itself is of a sufficient size to comfortably accommodate that being proposed. The proposal would therefore not appear cramped or overdeveloped in this location and is therefore acceptable in this regard.

In terms of the proposed design, effort has been made to include key design features that help break up the overall bulk of the proposal, such as front gables, a chimney, and a lean-to connection to the garage. In addition the proposed red brick and red tile materials appear in-keeping with the surrounding area and are not objected to.

Overall, while it is acknowledged the dwelling is of a far larger design than the current property, the site is comfortably able to accommodate it without appearing cramped or overdeveloped. The existing buildings on site are in a poor state of repair and do not contribute positively to the areas character, and the proposed design is supported. Therefore there are no objections to the visual impacts of the proposal.

3. Impact to 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 Adopted Local Plan 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 main property within the immediate vicinity likely to be impacted upon is that located to the south-east of the site, known as 'The Maudlings'. However, while the proposed dwelling is two storeys in size, it is noted that there is an approximate separation distance of 22 metres and the eastern boundary of the site is well screened with mature vegetation. Given this there are likely to be only minimal views, and also minimal overlooking potential. Furthermore, the proposal would not result in any significant loss of sunlight/daylight, or appear oppressive, and therefore there will be no significant harm to the existing amenities that would justify recommending a reason for refusal.

4. Highway Safety

Essex Highways Authority have been consulted on the application, and have stated that they have no objections subject to conditions relating to the use of no unbound materials, the closure of any part of the existing access no longer required, the width of the access, the vehicular parking area, and the storage of building materials.

Furthermore, Essex Car Parking Standards state that dwellings with two or more bedrooms should provide two car parking spaces measuring 5.5 metres x 2.9 metres or, if a garage is providing for one or more of the parking spaces, it should have internal measurements of 7 metres x 3 metres. The dwelling includes a double garage that would meet the above requirements, while there is also sufficient space to the front of the property, and therefore the above parking requirements are comfortably met.

5. Tree Impacts

The Council's Tree and Landscape Officer has been consulted, and has stated the following:

"The application site is well populated with a mixed age range and species of trees.

On the land close to the south eastern boundary of the application site there are several mature Oaks that have the potential to constrain the development potential of the land. The north western boundary also contains trees primarily Sycamore, Trembling Poplar and some Oak at the southern end of this boundary.

In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has submitted details of the trees and the extent of their Root Protection Areas (RPA's). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The information provided shows that the proposed position of the dwelling is such that its construction would not result in an incursion into the RPA of the trees.

Should planning permission be likely to be granted then a condition should be attached to secure an Arboricultural Method Statement setting out details of the way that retained trees will be physically protected for the duration of the construction phase of any approved development.

In terms of soft landscaping it would be desirable to secure details of new planting on the boundary with Wenlock Road in order to retain the rural character of the area. The landscaping of the main body of the garden will not affect the character or appearance of the public realm and therefore details of this part of the application site are not considered necessary as part of the planning process."

Therefore, conditions in relation to an Arboricultural Method Statement and soft landscaping details are recommended to be included.

6. Biodiversity

In terms of biodiversity, the proposal is for a larger replacement dwelling and although the site is substantial and sylvan in character, it is nevertheless already a residential site and not considered to have high biodiversity value. The proposal would not be considered to harm biodiversity subject to a condition for a hard and soft landscaping scheme which will add further mitigation and therefore result in no conflict with Policy PPL4.

Other Considerations

St Osyth Parish Council have stated they have no objections to the development itself, but would refer the application to the Tree & Landscape Officer for all arboricultural matters.

One additional letter of observation has been received, where it is asked that during development all work and site traffic do not block the access to any neighbouring homes, and that the road be maintained.

Conclusion

The proposal will result in a one-for-one replacement of an existing dwelling and therefore there are no in principle objections. The proposal is far larger, both in terms of height as well as footprint, compared with the existing dwelling, but Officers consider there is sufficient space on the site to comfortably accommodate this, while the design is also supported. There is no significant harm to neighbouring amenities, and Essex Highways Authority do not offer any objections. Accordingly the application is recommended for approval.

6. Recommendation

Approval.

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 Numbers 0988_A_SC_00 Rev A (Site Location Plan), 0988_A_SC_01 (Site Layout & Roof Plan), 0988_A_SC_02 (Ground Floor Plan), 0988_A_SC_03 Rev A (First Floor Plan), 0988_A_SC_04 (Front & Side Elevations), 0988_A_SC_05 (Rear & Side Elevations), and the document titled 'Tree Survey Schedule'.

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 carriageway.

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

- 4 Any part of the existing access as shown on the site layout plan (DWG. 988_A_SC_07) that is no longer required shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in 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 less 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 vehicular crossing.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 6 The dwelling hereby shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, and sealed. 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.

- 7 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading/unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.

- 8 Prior to above ground works of the development hereby approved, a hard and soft landscaping scheme shall have first been submitted to and agreed in writing by the local planning authority, including details of any boundary treatment. Thereafter, the hard landscaping and boundary treatment shall be implemented in accordance with the details which may have been agreed prior to first occupation. Soft landscaping shall be implemented in accordance with the details which may have been approved in the first planting season following substantial completion of the development. Any species planted becoming diseased or dying within 3 years of planting shall be replaced to the satisfaction of the local planning authority.

Reason - In the interests of visual amenity, biodiversity enhancement and landscape protection.

- 9 The approved landscaping scheme shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the local planning authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In order to soften and mitigate the visual impact of the development on the remaining open fields beyond having regard to the semi-rural setting of the site.

- 10 No development shall take place until an Arboricultural Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. Such a document should include details of how the trees are to be protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To ensure that no development impacts upon the protected trees.

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 Informatives:

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.

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2: 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.

3: 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.

4: 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.