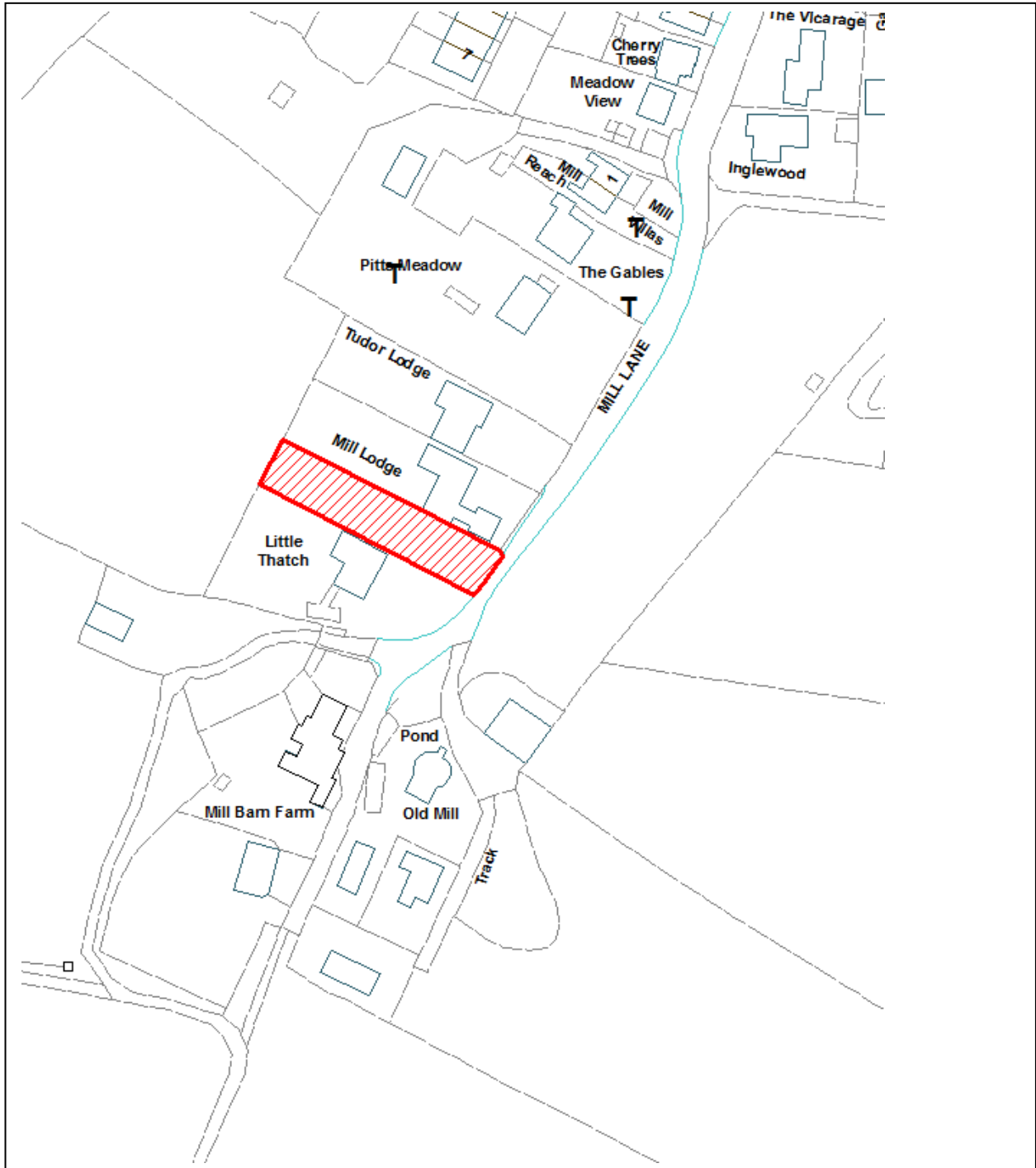


PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

**A.7 PLANNING APPLICATION - 18/00781/FUL - LAND ADJACENT LITTLE THATCH  
MILL LANE, THORPE-LE-SOKEN, CO16 0ED**



DO NOT SCALE

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<b>Application:</b>	18/00781/FUL	<b>Town / Parish:</b> Thorpe-Le-Soken Parish Council
<b>Applicant:</b>	Mr & Mrs Cramphorn	
<b>Address:</b>	Land adjacent Little Thatch Mill Lane Thorpe-Le-Soken CO16 0ED	
<b>Development:</b>	One dwelling.	

## 1. Executive Summary

- 1.1 The application is referred to the Planning Committee by Councillor Land due to the proposal being located within the Conservation Area, the recent construction in Mill Lane has provide to cause significant disruption and the entrance to a small rural lane to a busy highway.
- 1.2 The application seeks planning permission for the construction of one dwelling accessed via Mill Lane.
- 1.3 The application site is located within the defined Settlement Development Boundary for Thorpe Le Soken, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 The proposed dwelling is visually acceptable, will result in no significant harm to neighbouring properties and represents no highway safety risk.

### **Recommendation: Approve**

#### **Conditions:**

1. 3 Year Time limit
2. Approved plans
3. No unbound materials in first 6m of access
4. Prior to occupation – details storage of bicycles
5. Construction Method Statement
6. Visibility Splays
7. Boundary hedge 1m from Highway
8. Obscure windows on South East elevation
9. Details of proposed boundary treatments
10. Soft landscaping along the site frontage

## 2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR4 Safeguarding and Improving Public Right of Way

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

EN23 Development within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

LP1 Housing Supply

LP2 Housing Choice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF 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 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very

specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

#### 5. **Relevant Planning History**

01/01840/FUL	New Cottage	Refused	17.12.2001
02/01638/FUL	Detached house	Withdrawn	08.11.2002
04/00858/OUT	Residential development	Withdrawn	29.06.2004
16/01886/TCA	1 No. Cherry tree – fell	Approved	15.12.2016
17/01933/FUL	Proposal for one dwelling.	Refused	10.04.2018
18/00781/FUL	One dwelling.	Current	

#### 4. **Consultations**

Tree & Landscape Officer	<p>The application site contains overgrown brambles and coarse vegetation although some clearance has been carried out to facilitate access to the land.</p> <p>There is a large Willow in northernmost corner of the site and several small trees in the main body of the land.</p> <p>The Willow will not be affected by the development proposal and the small trees are not an unreasonable constraint on the development potential of the land. None of the trees on the application site merit protection by means of a tree preservation order although it would be desirable to retain trees, where possible, for the positive contribution that they make to the character and appearance of the conservation area.</p> <p>Should planning permission be likely to be granted then a soft landscaping condition should be attached to secure new planting on the site frontage to soften the appearance of the development within the conservation area. This should include tree planting if the existing</p>
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ECC Highways Dept

trees are removed during the construction phase of the development

We retain some concerns that the access onto the High street /B1033 is narrow, with an adverse effect on visibility and therefore the safety of both pedestrians and drivers, but consider that the increased vehicle movements associated with this one additional property could be considered to be within an acceptable tolerance and note that there are no recorded Personal Injury Collisions at the connection of Mill Lane to the High Street.

This does not in any way affect the underlying principal of seeking to avoid the intensification of usage of PROW by private vehicular means in order to avoid associated maintenance and safety issues that would otherwise impact the public usage. It remains that intensification (site dependent) will, more often than not, result in a frequency and volume of vehicular movement that is well beyond levels afforded by established prescriptive rights and therefore give rise to public nuisance issues. Such matters must continue to be material to the determination of all future planning applications where intensification is likely to result.

In consequence, any further development along this land/footpath beyond this application would be unacceptable and would be objected to.”

Highways do not raise any objections to the proposal subject to the mitigation and conditions:

Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriately constructed connection to Mill Lane.

Prior to the proposed access on the proposed development being brought into use, an 11m x 2.4m x 11m visibility splay, shall be provided on both sides of that access onto the Public Right of Way and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or

visibility splays thereafter.

Prior to the occupation of the proposed development, the developer shall make good and effect any repairs necessary to the surface and sub surface of Mill Lane, Public Footpath No11 (Thorpe Le Soken) which have been unavoidably caused by the construction and fitting out phases of the proposed development to the specifications of the highway Authority entirely at the developers own expense.

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

## **5. Representations**

5.1 Thorpe Le Soken Parish Council have objected to this application due to the impact upon the Conservation Area, impact upon the footpath, impact upon the highway and impact upon the neighbours.

5.2 5 letters of objection have been received. The points raised have been summarised below:

- Impact upon light received by rear facing window serving the kitchen of Mill Lodge and the side facing kitchen window.
- Mill Lane is a narrow lane
- Extra vehicles using the lane including construction vehicles
- The proposal will overlook the garden of Little Thatch and impact upon privacy.
- Issue of drainage and surface water
- Land acts as a home to wildlife
- Existing damage to the listed building at the entrance of Mill Lane
- Additional traffic within the Conservation Area.

## **6. Assessment**

### Site Context

6.1 The application site is located on the western side of Mill Lane and is situated in between 'Little Thatch' to the south and 'Mill Lodge' to the north. Mill Lane is an unadopted, unmade road with a mix of housing types including bungalows, terraces, and detached 1.5 and 2 storey dwellings.

6.2 The site lies within the Settlement Boundary for Thorpe -le-soken, as established in the Tendring District Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site lies within the Thorpe-le-soken Conservation Area and it is located to the east of the site is a Public Right of Way which forms the vehicular access to the site.

### Proposal

- 6.3 The application seeks planning permission for the erection of a one and a half storey dwelling measuring 10 metres in width, 12 metres in depth with an overall height of 7.5 metres.
- 6.4 The planning application site has previously been refused planning permission under planning application 18/00781/FUL. This application is considered to overcome these issues.

#### Principle of Development

- 6.5 The application site is located within the defined Settlement Development Boundary for Thorpe Le Soken, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.6 Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.

#### Layout, design and Appearance

- 6.7 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).
- 6.8 The plan demonstrates that the proposed dwelling will be situated towards the front of the site and accessed via a vehicular access from Mill Lane. The proposed dwelling will be one and a half storeys with a traditional cottage design. The materials proposed are red brick and plain tiles which will be in keeping with the character of the area. Due to the sensitive location of the proposed dwelling, a condition will be attached to this decision to ensure a sample of these materials is provided subject to being agreed by the Local Planning Authority.
- 6.9 The residential character of the locality is predominantly linear in form consisting of detached dwellings on fairly spacious plots fronting Mill Lane. Dormer windows to the front of the dwelling are a prominent feature along Mill Lane and therefore the design of this proposal is considered to be in keeping with the character of the area.
- 6.10 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling with three bedrooms or more should be a minimum of 100 square metres. This is achieved comfortably.

#### Impact upon Neighbouring Amenities

- 6.11 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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'.
- 6.12 The neighbouring dwelling Little Thatch is set back from Mill Lane by approximately 21 metres thereby resulting in no material loss of daylight. There are two ground floor windows

proposed on the facing flank of the proposed dwelling which serves the extended kitchen and utility room. These windows as shown on the plans will be constructed from obscure glass and a condition will be imposed to retain to ensure that there is no overlooking onto the neighbouring dwelling, in particular the bedroom window of Little Thatch. The application site is north west facing, and as the sun rises from the east and sets in the west, there is only likely to be a slight loss of sunlight which will not cause any significant impact upon Little Thatch.

- 6.13 The proposal will cause some harm upon the neighbouring dwelling 'Mill Lodge' to the north of the site. The neighbouring dwelling 'Mill Lodge' is situated very close to the neighbouring boundary of the application plot. There is an existing triple window on the southern elevation which serves a kitchen/diner and currently looks out onto the vacant plot. The proposed dwelling is set back to ensure that the dwelling does not cause any loss of light to that window.
- 6.14 There is some impact in terms of sunlight and daylight lost. The Essex Design Guide, which states that the obstruction of light and outlook from an existing window is avoided if the development does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. The rear window which serves the kitchen is a secondary window and due to the loss of light being only in the late evening, it is considered that the proposal is not significant enough to warrant a refusal.

#### Impact upon the Conservation Area

- 6.15 Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.
- 6.16 The application site lies within Thorpe Le Soken Conservation Area, a planning statement has been provided to justify how the proposal will either preserve or enhance the area.
- 6.17 It is considered that due to the proposal being set back from Mill Lane, recently granted permissions for dwellings and the design and use of materials which will be being in keeping with the character of the area, it is considered that the proposal will preserve the character of the Conservation Area.

#### Impact on the setting of Mill Barn Farm

- 6.18 Policy EN23 of the adopted Tendring District Local Plan (2007) seeks to ensure that any proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that the proposals for new developments affecting a listed building or setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric: are explained and justified through an informed assessment and understanding of the significant of the heritage asset and its setting; and are of a scale, design and use materials and finishes that respect the listed building and its setting.
- 6.19 The application site is located approximately 34 metres away from Mill Barn Farm, a grade II listed building. Due to the application site being situated between a number of dwellings the proposal is considered to preserve the setting of the listed building.

#### Trees and Landscaping



- 6.20 The Councils Tree and Landscape Officer has provided the following comments in respect of the impact of development upon current trees;
- 6.21 The application site is overgrown with brambles and coarse vegetation although some clearance has been carried out to facilities access to the land. There is a large Willow in northernmost corner of the site and several small trees in the main body of the land.
- 6.22 The Willow will not be affected by the development proposal and the small trees are not an unreasonable constraint on the development potential of the land. None of the trees on the application site merit protection by means of a tree preservation order although it would be desirable to retain trees, where possible, for the positive contribution that they make to the character and appearance of the Conservation Area.
- 6.23 A condition will be imposed to ensure that soft landscaping is provided to secure new planting on the site frontage to soften the appearance of the development within the Conservation Area.
- 6.24 Therefore, given this advice, the proposal is considered to be acceptable.

#### Highway Safety

- 6.25 Essex County Council Highways has been consulted as part of this application and do not wish to raise an objection. There are some concerns with the access onto the High Street/B1033 being narrow with an adverse effect on visibility and therefore the safety of both pedestrians and drivers, but consider that the increased vehicle movements associated with this one additional property could be considered to be within an acceptable tolerance and note that there are no recorded Personal Injury Collisions at the connection of Mill Lane to the High Street.
- 6.26 This does not in any way affect the underlying principal of seeking to avoid the intensification of usage of PROW by private vehicular means in order to avoid associated maintenance and safety issues that would otherwise impact the public usage. It remains that intensification (site dependent) will, more often than not, result in a frequency and volume of vehicular movement that is well beyond levels afforded by established prescriptive rights and therefore give rise to public nuisance issues. Such matters must continue to be material to the determination of all future planning applications where intensification is likely to result.
- 6.27 In consequence, any further development along this land/footpath beyond this application would be unacceptable and would be objected to.”
- 6.28 There is sufficient parking to the front of the host dwelling to meet the requirements of Essex County Council Parking Standards of 5.5 metres by 2.9 metres.

#### Conclusion

- 6.29 This principle of residential development in this location is acceptable and subject to condition there is not considered to be any visual harm, harm to neighbouring amenities, impact upon Conservation Area or result in highway safety concerns. Therefore the application is recommended for approval.

#### Background Papers

None