

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	01/08/2018
Planning Development Manager authorisation:	JCE	01-08-18
Admin checks / despatch completed	SB	02/08/18

**Application:** 18/00886/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Mr J Bell

**Address:** Land adjacent Crossview Clacton Road Thorrington

**Development:** Erection of dwelling and cart-lodge, with access served from adjacent agricultural access track. (Alteration to planning approval 18/00139/FUL.)

### 1. Town / Parish Council

Thorrington Parish Council      Have not commented on this application

### 2. Consultation Responses

Tree & Landscape Officer      The main body of the application site is set to grass and does not contain any trees or other significant vegetation.

There is a medium sized and established Oak on the eastern boundary of Crossview although this tree will not be affected by the development proposal.

The site layout and soft landscaping proposals plans show new tree planting that will help to soften and enhance the appearance of the development. The soft landscaping scheme is acceptable

Building Control and Access Officer      Work is to be carried out under an initial notice, therefore we are unable to comment.

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

1      Prior to the first occupation of the proposed development, the proposed vehicular access shall be reconstructed at right angles to the highway boundary and shall be provided with an appropriate vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2      No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.  
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with

Continued

3 Prior to the proposed access being brought into use the applicant shall provide a 5.5m wide parallel band visibility splay across the entire sites frontage to Clacton Road Thorrington which shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 1444/P01.b. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5 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.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Construction Method Statement is acceptable to the Highway Authority and would be content for this to be subject to a Compliance Condition.

Informative2: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Environmental Protection    The submitted construction statement dated 22/01/2018 should be amended to include the following to minimise potential nuisance to nearby existing residents caused by construction works,

- ' No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays
- ' The use of barriers to mitigate the impact of noisy operations (if needed) will be used where possible.
- ' No materials produced as a result of the site development or clearance shall be burned on site.
- ' All reasonable steps shall be taken to minimise dust and litter emissions from the site whilst works of construction works are in progress.
- ' The design range should be complied with under BS8233:2014.

### 3. Planning History

18/00139/FUL	Erection of dwelling and cart-lodge, with access served from adjacent agricultural access track.	Approved	14.03.2018
18/00886/FUL	Erection of dwelling and cart-lodge, with access served from adjacent agricultural access track. (Alteration to planning approval 18/00139/FUL.)	Current	

### 4. Relevant Policies / Government Guidance

- NPPF National Planning Policy Framework July 2018
- National Planning Practice Guidance
- Tendring District Local Plan 2007
- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG6 Dwelling Size and Type

- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- EN1 Landscape Character
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Strategy for North Essex
- SP6 Place Shaping Principles
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape
- CP1 Sustainable Transport and Accessibility

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is an infill plot located on the southern side of Clacton Road, at the western end of the settlement, and is situated between Clearview Bungalow and a modest ribbon of dwellings, and further to the east are 2 modern residential developments. There is residential development on the north side of the highway. The dwellings in the locality are a mix of bungalows, dormer bungalows and 2-storey houses.

The site is located outside of the defined settlement boundary of Thorrington within the Draft Local Plan and the site is situated inside the settlement boundary of the Publication Draft (2017). The site currently forms an agricultural field and access adjacent to Clearview, and separated from it by a substantial tree-lined hedge, and the site has a direct road frontage to Clacton Road. The application had previous consent under application 18/00139/FUL for the Erection of dwelling and cart-lodge, with access served from adjacent agricultural access track. This application seeks to move the proposed dwelling closer to the neighbouring boundary to the south east 'Poppinjay'.

### Proposal

This application proposes the erection of a one and a half storey 4-bedroomed dwelling and a three bay garage. The proposed dwelling is of an L shape with the main element measuring 10.4 metres in width, 10 metres in depth with an overall height of 6.9 metres. The other element will measure 6.2 metres in width, 5.25 metres in depth with an overall height of 6.6 metres.

The proposed garage will be located to the south of the application site and it will be accessed by the same track as the dwelling. The proposal will measure 9.35 metres in width, 7.85 metres in depth with an overall height of 4.2 metres.

The dwelling sits centrally on the plot and occupies much of the available frontage (as do the majority of dwellings in the area) with a garden to the rear and parking/turning to the front with the existing trees and boundary hedges remaining.

The dwelling follows the general building line and reflects other dwellings within the settlement. The proposal is to be accessed from the existing agricultural track to the west of the site which continues to give access to the agricultural field to the south.

## Appraisal

The main considerations for this application are:

Principle of Development  
Design and appearance  
Impact on the amenity of neighbours  
Trees and Landscaping Impact  
Highway Safety

### Principle of Development

The principle of residential development on this site for the erection of a dwelling and cart-lodge, with access served from adjacent agricultural access track was sought through the approval of a full planning permission under application 18/00139/FUL.

### Design and appearance

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

The proposed dwelling is considered to be acceptable in terms of design as established under planning application 18/00139/FUL. Due to the proposal being moved closer to the neighbouring dwelling, sufficient space is retained to ensure that the proposal does not have an impact upon the character of the area. As a result the proposed change is considered to be acceptable in terms of design and appearance.

### Residential Amenities

The proposal will only have an impact upon the neighbouring dwelling to the south east, 'PoppinJay'. Although the dwelling has been moved closer to the neighbouring boundary, there is just over a 1 metre gap retained which complies with Policy HG14 of the Tendring District Local Plan. It is therefore considered that the proposal will not cause any significant impact upon residential amenities.

### Trees and Landscaping Impact

The Tree and Landscaping officer has been consulted on this application and has stated that the site layout and soft landscaping proposal plans show new tree planting that will help to soften and enhance the appearance of the development. The officer considers the soft landscaping scheme to be acceptable.

### Highway Safety

Essex Highways have been consulted on this application and raise no objection subject to the proposal complying with the submitted conditions.

New conditions have been suggested by ECC highways however, as the application is for a small change to the positioning of the dwelling, the conditions suggested would be considered unreasonable to the previous conditions. Therefore the original conditions on the 18/00139/FUL will be imposed.

### Other Considerations

Thorrington Parish Council has not commented the current proposal.

No letters of representation have been received from local residents.

## Conclusion

Having taken all of the considerations into account, it is considered that there is not significant material harm as a result of the development and therefore the application is recommended for approval.

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Refusal

- 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 and documents:  
DWG NO. P01c, DWG No. P02c, DWG No. P03b and planning statement dated 24/01/2018

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

- 3 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety

- 4 Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan 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

- 5 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

- 6 Prior to occupation of the development the vehicular access shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner 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 in perpetuity.
- Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety
- 8 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
- 9 The new property shall be provided with at least 2 parking spaces and 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
- 10 Any double garages should have a minimum internal measurement of 7m x 6m.
- Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety
- 11 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Reason: In the interest of the appearance of the area.

## 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.

Please note the comments for the environmental protection department

The submitted construction statement dated 22/01/2018 should be amended to include the following to minimise potential nuisance to nearby existing residents caused by construction works,

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays

The use of barriers to mitigate the impact of noisy operations (if needed) will be used where possible.

No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps shall be taken to minimise dust and litter emissions from the site whilst works of construction works are in progress.



The design range should be complied with under BS8233:2014.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> If so please specify:	YES	NO
<b>Are there any third parties to be informed of the decision?</b> If so, please specify:	YES	NO