

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	31/07/18
Planning Development Manager authorisation:	AN	6/8/18
Admin checks / despatch completed	ER	09/08/18

Application: 18/01015/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr & Mrs P Harvey

Address: Land Adj Kalarado Kenilworth Grove Thorpe Le Soken

Development: Proposed dwelling.

1. Town / Parish Council

Thorpe-le-Soken Parish Council No comment.

2. Consultation Responses

ECC Highways Dept Kenilworth Grove is a Private Street and the Highway Authority does not wish to object to the proposals as submitted.

Informative1: The vehicular connection to Kenilworth Grove should be constructed to the requirements and satisfaction of the street managers.

Informative2: The Highway Authority would welcome an undertaking from the developer to make good any unavoidable damage to the highway caused by plant and machinery during the construction phase of this proposed development.

Informative3: 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 or by post to:

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

3. Planning History

05/01907/FUL Erection of 1 (no) bungalow Approved 20.12.2005

10/01287/FUL Proposed new dwelling. Approved 12.01.2011

14/00299/FUL	Proposed new dwelling.	Approved	30.04.2014
17/00264/DISCON	Discharge of conditions 3 (materials), 5 (landscaping) and 7 (screen walls and fences) of planning permission 14/00299/FUL.	Approved	10.04.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6A Protected Species

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

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

Site Description

The application site is land adjacent to the north of 'Kalarado', which is located to the north-western corner of Kenilworth Grove within the parish of Thorpe-le-Soken. The site is currently cleared with 1m rising to 1.8m high close boarded fencing to the southern and northern elevations. The character of the surrounding area is predominantly urban, with examples of detached and semi-detached residential properties to all sides. 40m to the north lies a Public Right of Way. The site

falls within the Settlement Development Boundary for Thorpe-le-Soken within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Description of Proposal

The application seeks planning permission for the erection of one detached dwelling serving three bedrooms and measuring 6.6m in height, 9.7m in width and 18m in depth.

History

Under planning references 10/01287/FUL and 14/00299/FUL, permission was granted for the erection of a single detached dwelling of a similar design to that being determined within this application.

Assessment

1. Principle of Development

The applicants agent has stated within the supporting information that previous permission 14/00299/FUL has been implemented with the commencement of ground works; however, no evidence of a material start of works has been provided.

That notwithstanding, the site is situated within the defined settlement limits of Thorpe-le-Soken, as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

2. 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 to be detached, single storey and sited to the north of 'Kalarado', accessed via Kenilworth Grove to the east. In this instance the proposed dwelling is considered to satisfactorily relate to its surroundings. with it being sited in line with the existing pattern of development along this western side of Kenilworth Grove.

With respect to the design of the dwelling, whilst there are minor concerns with regard to height and bulk of the roof, it is acknowledged it will incorporate key features to help break up its overall bulk, including a brick plinth and front gable, whilst the use of red brick and black slate tile is acceptable in this location.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that this will comfortably be achieved.

Therefore, it is considered that the siting and design of the proposed bungalow is acceptable within this location.

3. Impact on Neighbours Amenities

Policy QL11 of the Saved Plan 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'. Policy SD9 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

Given there is an approximate separation distance of 4 metres to the adjacent neighbour to the south and the single storey nature of the dwelling, there is not considered to be any harmful impacts to existing amenities in respect of the dwelling appearing imposing, a loss of light or overlooking.

4. Highways

Essex County Council Highways have confirmed that they do not object to the application as it is a private street.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The submitted plans show the proposed garage accords with the above measurements, whilst there is additional room to the front of the dwelling to accommodate the one additional parking space.

5. Tree and Landscape Impacts

Upon undertaking a site visit it is apparent that the site has been cleared. The submitted plans do show there is one tree to the western section of the application site; however the plans also show that this will not impact the development. Therefore, subject to a decision relating to a soft landscaping scheme, there is not considered to be any identifiable harm in terms of tree and landscape impacts.

6. Biodiversity

Upon undertaking a site visit it was clear that the site is now cleared and therefore there is no requirement for the applicant to supply a phase one habitat survey on this occasion.

Other Considerations

Thorpe le Soken Parish Council have not commented.

There have been no other letters of representation received.

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 number 1700 01.

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

- 3 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - To ensure that the development compensates visually for the loss of open area and soft landscaping and to ensure that the site has a satisfactory appearance in the interest of visual amenity, in accordance with Policies QL9 and QL11 of the Tendring District Local Plan.

- 4 No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the hereby approved dwelling being occupied and thereafter be retained in the approved form.

Reason - The site is publicly visible and therefore quality materials are an essential requirement. Insufficient information has been submitted within the application for full consideration of these details.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring properties known as Meadow View, Llodia House and Kalarado.

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.