

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/9/18
Planning Development Manager authorisation:	SCE	25/09/18
Admin checks / despatch completed	AP	26/9/18

KAC

Application: 18/01237/FUL **Town / Parish:** Thorrington Parish Council

Applicant: Vaughan and Blyth (Contractors) Ltd

Address: Heathfields Clacton Road Thorrington

Development: Variation of Condition 2 of 16/01802/FUL to change drawing numbers 635/1 and 635/2 (approved plans) to 635/1 rev c and 635/2 rev c in order to allow and alteration to house type on Plot 10, addition of single storey projection to rear.

1. Town / Parish Council

Thorrington Parish Council No comments

2. Consultation Responses

Tree & Landscape Officer The works set out in the variation to condition 2 of 16/01802/FUL will not alter the impact of the development proposal on the trees on the application site.

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

Informative1: 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

Building Control and Access Officer No comments.

3. Planning History

02/01842/FUL	Demolition of 2 No. properties and replacement with 2 No. houses	Approved	10.12.2002
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03/00877/FUL	Variation of Condition 7 of planning permission 02/01842/FUL relating to requirement to demolish dwellings prior to commencement of development.	Approved	17.09.2003
03/02405/FUL	Demolition of existing storage buildings and construction of dwelling	Approved	22.06.2004
05/00096/FUL	Construction of new dwelling		15.06.2005
05/01959/FUL	Widen existing vehicle crossover.	Approved	23.12.2005
91/00863/FUL	Variation of Condition 2 of permission TEN/1175/90 (delete the words 'In association with his residential occupation of the adjacent dwelling - Heathfields').	Refused	24.09.1991
16/01802/FUL	Demolition of existing bungalow, annexe and out buildings and construction of 3 no. 4 bedroom detached houses and associated garaging.	Approved	06.01.2017
17/00931/DISCON	Discharge of conditions 03 (materials) 04 (landscaping) 08 (construction method statement) 09 (contamination) of planning permission 16/01802/FUL.	Approved	28.07.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

HG9 Private Amenity Space

EN1 Landscape Character

EN3 Coastal Protection Belt

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

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

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 Heathfields, Clacton Road, Thorrington, which is a development located south of Clacton Road. The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007), but within the Settlement Development Boundary of Thorrington in the Draft Plan (Tendring District Local Plan 2013-2033 and Beyond: Publication Draft).

To the west of the site lies the neighbouring property Arisaig which is one and half storey weatherboarded property with double garage to the front. To the east of the site is a site which gained planning permission for 9 detached dwellings (16/00545/FUL). To the north on the opposite side of Clacton Road is a residential estate and to the south of the site is agricultural land. There is a mixture of size, types and designs of dwellings in the area.

Proposal

The application seeks to vary the planning condition 2 of application 16/01802/FUL to allow for a single storey extension to plot 10. The proposal will measure 7.1 metres in width, 3 metres in depth with an overall height of 3.5 metres.

Assessment

The main considerations for this application are the principle of development, visual impact and impact upon neighbouring amenities.

Principle of Development

The principle of development has been established through the planning history of the site through planning application 16/01802/FUL which this application seeks to vary.

Visual Impact

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The single storey extension will be located to the rear of plot 10 and therefore will not be visible from the street scene of Clacton Road. The proposal is single storey in nature with a mono pitched roof which is considered to be in keeping with the character of the area due to plot 11 and 12 also having single storey rear extensions of a similar scale, design and appearance. It is therefore considered that the proposal is acceptable in terms of design and appearance.

Impact upon neighbouring amenities

The proposal will be visible from both neighbouring dwellings however the extension will be located approximately 1.3 metres away from the neighbouring boundary to the east and 1.1 metres away from the neighbouring boundary to the west. Due to the distance as well as the single storey nature

and mono pitched roof, it is considered that the proposal will not cause any overlooking or impact to the neighbouring amenities.

Other considerations

The Trees and Landscaping Officer and Essex Highway Authority do not object to this application.

Thorrington Parish Council have not commented on this application.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the amended proposal, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 635/1 Rev C, 635/2 Rev C, 635/3, 635/4, 635/5, 5725-D, the Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement produced by Haydens dated October 2016 and the preliminary ecological appraisal and protected species surveys produced by Geosphere Environmental Limited dated November 2014.

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

- 2 The materials used in construction shall be those stipulated on the 'Materials Schedule' approved under reference 17/00931/DISCON.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 3 The approved scheme of landscaping shown on drawing no's. 635/1 Rev B (approved under planning reference - 17/00931/DISCON) shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 4 Prior to the first occupation of the development hereby permitted, the proposed estate road, at its bellmouth junction with Clacton Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. straight for the first 10m within the site reducing down to no less than 4.8m in width and flanking footways 2m in width returned around the radius kerbs which shall connect to the existing footways in both directions. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason -To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 5 Prior to the access being brought into use, minimum vehicular visibility splays of 90m by 2.4m by 90m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

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.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or proposed highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 7 The development shall be constructed in accordance with the construction method statement approved under 17/00931/DISCON.

Reason - To ensure that on street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 8 The development shall be carried out in strict accordance with the land contamination mitigation measures approved under 17/00931/DISCON and outlined in the following documents; Phase 2 Ground Investigation and Contamination Assessment (16-2512r) dated May 2016 produced by Murray Rix Limited.

Reason - To protect future residents against any potential contaminants present on the site.

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.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and satisfaction of, the Highway Authority, details to 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:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

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.

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