

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	02/10/2018
Planning Development Manager authorisation:	AN	2/10/18
Admin checks / despatch completed	AP	3/10/18

Application: 18/01305/OUT

Town / Parish: Thorpe Le Soken Parish
Council

AL

Applicant: Mr N Jones

Address: Thorpe Green Farm Colchester Road Thorpe Le Soken

Development: Erection of one dwelling.

1. Town / Parish Council

Thorpe-le-Soken Parish
Council

Dangerous access onto heavily used highway.

2. Consultation Responses

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 commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars in accord with current Parking Standards which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

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.

2 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

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.

3 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

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.

4 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

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

Informative1: The Highway Authority observes that there are no recorded Personal Injury Collisions recorded in the vicinity of the proposed vehicle access.

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 or by post to:

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

3. Planning History

09/00428/FUL	Erection of detached two storey dwelling (following demolition of existing dwelling).	Approved	06.07.2009
10/01030/FUL	Proposed entrance canopy.	Approved	25.10.2010
10/01031/FUL	Detached garden store (retention of)	Approved	25.10.2010
11/00751/FUL	Proposed detached dwelling.	Refused	30.08.2011
16/01123/OUT	Proposed detached dwelling to rear of Thorpe Green Farm.	Refused	09.01.2017
17/01011/FUL	Continued use of land for the temporary storage of vehicles, vehicle parts, containers and related equipment.	Approved	15.09.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 lies outside of the settlement boundary of Thorpe-le-Soken as defined by both the adopted and emerging Tendring District Local Plans but it is noted residential properties are present in the locality. The site is effectively a side/rear garden area to the existing property Thorpe Green Farmhouse. The site is laid to grass with a gravelled track leading to outbuildings to the rear of the site. The site has relatively good vegetation screening on the north-west boundary facing the highway (B1033) and the south boundary facing the adjacent agricultural land. A vehicular access is located onto the B1033 which currently serves the existing dwelling.

Thorpe Green Farm comprises a former farm house which has been extended and modernised together with land to the rear containing a number of outbuildings and indoor swimming pool.

The application site measures approximately 0.1ha and comprises part of the residential curtilage to the south of the driveway.

Description of Application

The application seeks outline planning permission with all matters reserved for the erection of one dwelling.

The site plan shows that access to the property would be gained via the existing access serving Thorpe Green Farmhouse.

Assessment

The main considerations in this instance are;

- Relevant Planning and Appeal History;
- Principle of Development (including Scale, Layout and Appearance);
- Residential Amenities;
- Access and Highway Safety, and;
- Other Considerations.

Relevant Planning and Appeal History

- **Site Specific History**

The site was subject of a previous application for 1 detached dwelling to the side of Thorpe Green Farmhouse (red lined site area very similar to this current application) under planning application reference number 11/00751/FUL which was refused and dismissed at appeal for the following reasons;

'would lead to the consolidation of ribbon development outside of the defined settlement limits in an unsustainable rural location with regard to access to facilities such as employment and education, which would be detrimental to visual amenity, the open character of the area and the principles of sustainable development'

More recently the site was subject of an application for outline planning permission under application reference 16/01123/OUT. The red lined site area extended behind the existing dwelling therefore constituting backland development. This application was also refused on the basis that the site is socially unsustainable and the environmental harm of the further urbanised appearance as a result of the development is this backland, edge of settlement location. The application was dismissed at appeal. The Inspector concluded that;

'while the harm caused by the development in social and economic terms would be relatively limited, the benefits, equally, would be small. There would also be harm caused in environmental terms due to the effect on the character and appearance. The benefits would not therefore be sufficient to outweigh that harm and the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth, which is advocated by the Framework and to which I attach considerable weight.'

- **Nearby Site History**

There have been a number of appeal decisions on sites to the north east of the application site, these being closer to the edge of the defined settlement of Thorpe-le-Soken. Most recently is an appeal relating to Springfield, Golden Lane, Thorpe Le Soken CO16 0LD under appeal reference APP/P1560/W/18/3194253 (application reference 17/00933/OUT). The application was refused due to its location outside of the defined settlement. The decision concluded the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, were not outweighed by the benefits. The appeal was allowed and outline planning was granted.

Whilst it is recognised that the site location and characteristics are not wholly comparable to the application being considered here, some points relating to the principles of sustainable development and the approval of housing outside development boundaries are considered relevant to the determination of this application. These are summarised below;

- Thorpe settlement includes an array of day to day facilities. There would be an appropriate level of services, facilities and infrastructure nearby to serve the scale of the development proposed.
- There is a continuous footpath along Colchester Road and the High Street from the junction with Golden Lane. Bus stops are also within a short walking distance. The number of trips by private car associated with a single dwelling would be low and journeys by car would be

short. Travel patterns generated by a single dwelling in this location would not cause environmental harm.

- The site falls within the general definition of previously developed land, the development of which is supported in local and national planning policy.
- Contribute to a small contribution to the maintenance of the vitality of rural communities as well as economic benefits during construction and from future occupants.
- Accepted that the site is not in a preferred location for growth and there would be some conflict with QL1 but this would not result in social, economic or environmental harm.
- There is nothing substantive to suggest that Council's ability to manage growth through the plan-led approach would be undermined.
- The existence of a 5 year housing land supply is not a ceiling on development.

Principle of Development

The site is located outside of the Thorpe-le-Soken Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the National Planning Policy Framework and afore-mentioned appeal decisions constitute material planning considerations.

On 24th July 2018 the revised National Planning Policy Framework 2018 which came into force. The previous planning and appeal decisions therefore refer to the previous sections of the NPPF. For completeness, the relevant sections of the NPPF2 can be summarised as follows;

- Paragraphs 15, 17 and 20 of the recently published National Planning Policy Framework (2018) state that the planning system should be genuinely plan-led, that development plans must include strategic policies to address each local planning authority's priorities for the development and use of land in its area and strategic policies should set out an overall strategy for the pattern, scale and quality of development.
- Paragraph 8 sets out the three overarching objectives for achieving sustainable development. One being the social objective which aims to provide vibrant and healthy communities by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. Furthermore, Paragraph 8 sets out the environmental objective stating that decisions should contribute to protecting and enhancing our natural, built and historic environment.
- Paragraphs 127 and 170 state that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

The NPPF2 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 a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)).

The existence of a 5 year housing land supply is not a ceiling on development and this application site constitutes previously developed land. Having regard to the above, specifically the appeal decision made under APP/P1560/W/18/3194253 (application reference 17/00933/OUT), and the merits of the application can be assessed as follows;

- Economic

It is considered that a new dwelling would make a small economic contribution to the area, for example by providing employment during the construction of the development and from future occupants using facilities in the area.

- Social

The site is located on the edge of 'Thorpe Green' approximately 0.6 miles from the main High Street area and centre of Thorpe-le-Soken. Thorpe settlement includes an array of day to day facilities. There would be an appropriate level of services, facilities and infrastructure nearby to serve the scale of the development proposed.

There is a pedestrian footway on the opposite side of the road 450 metres to the east. There is a bus stop with a good service to Clacton, Walton-on-the-Naze, Colchester and Harwich within walking distance of the site.

The number of trips by private car associated with a single dwelling would be low and journeys by car would be short. Travel patterns generated by a single dwelling in this location would not cause environmental harm.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural built environment.

The red lined site plan has been amended from the previously refused application. The backland nature of the previous refusal and harm identified within the Council's decision and the Inspectors appeal has therefore been overcome.

The dwelling would be a continuation of the linear development on this side of the road and be viewed against a backdrop of the existing dwellings and built form. The boundary screening would soften the visual impact of the development with the hedgerow acting a natural divide between the development and open countryside beyond.

The plot size is considered sufficient to accommodate 1 dwelling in a manner which would not result in a particularly cramped development. Ample private amenity space could be provided for the new dwelling whilst retaining ample space for donor dwelling.

In conclusion, there would be no harm to the aims and objectives of Policy QL1 other than the basic conflict with it insofar as the location outside of a settlement boundary is concerned. The location of the proposal is supported by the NPPF2, it would appear to be previously developed land and in combination with the economic and social benefits these material considerations outweigh the conflict. The principle of residential development for 1 dwelling on this site is therefore considered acceptable.

Residential Amenities

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'.

Officers consider that sufficient space is available on site to provide a development that could achieve an internal layout and separation distance that would not detract from the amenities of the future occupiers of the proposed dwelling or neighbouring dwellings. This would be fully assessed as part of the reserved matters stage.

Access and Highway Safety

The Highway Authority raise no objection to the application subject to a number of conditions.

Officers are satisfied that the plot size is sufficient to provide parking and turning in accordance with parking standards.

The development is for a single dwelling served by an existing access. Officers are satisfied that the road network could accommodate the development without causing material harm to pedestrian or vehicular safety.

In the absence of any harm to highway safety as a result of the development, a refusal based on highway grounds cannot be justified in this instance.

Other Considerations

Thorpe-le-Soken Parish Council raise concerns over the development due to the dangerous access on the heavily used highway.

Highway safety has been considered above.

No individual letters of objection have been received.

Conclusion

It is accepted that the site is not in a preferred location for growth and there would be some conflict with QL1 but this would not amount to any social, economic or environmental harm that would warrant the refusal of planning permission. There is nothing substantive to suggest that Council's ability to manage growth through the plan-led approach would be undermined by the approval of this application. Accordingly the application is recommended for approval.

6. Recommendation

Approval - Outline

7. Conditions

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 No development shall be commenced until plans and particulars of the reserved matters referred to in the above conditions relating to the access, scale, appearance, layout and landscaping have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars in accord with current Parking Standards which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

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

- 5 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

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

- 6 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

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

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.

Highway Informatives

1. The Highway Authority observes that here are no recorded Personal Injury Collisions recorded in the vicinity of the proposed vehicle access.
2. 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:

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653 The Crescent,
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