

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 development, 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.

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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

3. Planning History

00/00823/FUL	Extensions and change of use from coach house into granny annexe - Renewal of consent No. TEN/94/1142	Approved	03.08.2000
94/01142/FUL	(Coach House, Culver House, Colchester Road, Thorpe le Soken) Minor alterations and change of use from coach house into granny annexe	Approved	17.05.1995
11/01035/LUEX	Residential use as a single dwelling (C3 use) so that two single		24.10.2011

dwellings are comprised in The Coach House and Culver House (in non-compliance with Condition 4 of planning permission 00/00823/FUL)

16/30141/PREAPP	Proposed erection of a detached wood cabin/summer house to be used as an annexe to the main house.	Approved
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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

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

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

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 relates to the land to the rear of The Coach House. The Coach House is a two storey detached building which as its name suggests, has the appearance of a former coach house or mews type building. It is located on the north eastern side of Colchester Road and was originally approved as an annexe associated with Culver House to its south.

The area subject of this application is to the north of The Coach House with a separate vehicular access on to Golden Lane. The site is currently occupied by static mobile home within the curtilage of The Coach House and is occupied by the applicant's parents.

The plot upon which the mobile home is stationed has a frontage of approximately 17m and a depth in excess of 45m. It is screened across the frontage by a number of trees and hedgerow, which will not be affected by the scheme. The existing access on to Golden lane will be retained.

Description of Application

The application seeks full planning permission for the replacement of the existing mobile home.

This involves the sub-division of the site and the creation of a new residential plot and the erection of a detached bungalow and detached garage.

Assessment

The main considerations in this instance are;

- Relevant Planning and Appeal History;
- Principle of Development;
- Residential Amenities;
- Access and Parking, and;
- Other Considerations.

Relevant Planning and Appeal History

- Site Specific History

The Coach House was subject of an application for a lawful development certificate under planning reference 11/01035/LUEX for:

'Residential use as a single dwelling (C3 use) so that two single dwellings are comprised in The Coach House and Culver House (in non-compliance with Condition 4 of planning permission 00/00823/FUL).'

On the evidence submitted the application satisfied that, on the balance of probability, the site had been used as a separate residential unit and in breach of Condition 4 of planning permission 00/00823/FUL for four years prior to the date of the application.

Subsequently, the mobile home was placed on the land to the rear and used as an annexe in association with The Coach House. The annexe/mobile home falls within the permitted development rights for The Coach House and does not require planning permission.

- Nearby Site History

There have been a number of appeal decisions on sites to the west and north-east of the application site, these being a further from 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;

- o 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.

- o 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.

- o 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 in close proximity to the junction of Golden Lane with Colchester Road approximately 0.2 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 along Colchester Road approximately 50 metres from the site. There is a bus stop with a good service to Clacton, Walton-on-the-Naze, Colchester and Harwich also 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 dwelling would have a site frontage and address Golden Lane. Although the dwelling is to the rear of The Coach House, the dwelling is not considered to constitute backland development.

The dwelling would appear as an infill development with any views between the well vegetated boundaries being against a backdrop of the existing dwellings and built form surrounding the site.

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 (also having regard to the 2 new dwellings being considered under 18/01348/FUL).

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 appears as previously developed land being a garden area and already being occupied by a mobile home. 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'.

The proposed dwelling is single storey in scale with a fully hipped roof arrangement. The dwelling retains ample space to neighbouring properties to not result in any harm. The proposed dwelling is considered to result in a neutral impact upon neighbouring amenities having regard to the existing movement and activities associated with the mobile home already on the site.

Ample private amenity space in excess of that required by saved Policy HG9 of the adopted Tendring District Local Plan 2007 is provided.

Access and Parking

The existing access onto the highway would remain with no material harm to highway safety from the replacement of one mobile home for one dwelling. Ample parking is provided to serve the new dwelling within the garage and site frontage.

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 replacing an existing mobile home. 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.

Representations

Thorpe-le-Soken Parish Council raise no objection.

2 individual letters of objection have been received. The concerns raised can be summarised and addressed as follows;

- Site is outside development boundary of adopted and emerging plans.
Results in more urban sprawl.
Set a precedent for further development outside the defined boundaries.
The principle of development has been addressed in the main report above.
- Loss of agricultural land.
The land is not agricultural land and forms part of residential curtilage of The Coach House.
- Caravan should never have been approved.
The siting of the caravan falls within permitted development rights associated with The Coach House.
- Poor and dangerous site access on busy narrow lane adjacent to riding school.
The Highway Authority raise no objection. The dwelling will be served by an existing access already being utilised by The Coach House.
- Noise and disturbance from construction.
This is an inevitable part of the building process and for a limited time only. This cannot form a reason for refusal.
- Construction vehicles will cause problems on this narrow lane.
A condition requiring a construction method statement will form part of this permission.
- Boundary hedgerow needs to be retained to avoid overlooking.
The application shows that the existing hedgerows and planting are to be retained. A condition requiring a hard and soft landscaping scheme will form part of this permission.
- Surface water and drainage needs to be agreed.
Surface water drainage strategies are only required for major development in excess of 10 units. The decision includes a permeable surfacing condition. Drainage is not a planning matter and will be dealt with by building regulations.

- No mention of affordable housing.
Affordable housing contributions are only required for major development in excess of 10 units.
- Nearby application for 5 houses rejected (17/00235/OUT).
Since this application, appeal decisions have come forward for nearer, more comparable sites. These decisions have been material to the determination of this application.
- Should be considered alongside 2 further dwellings proposed (18/01349/FUL).
Every application is assessed on its own merits. Regard has been had to the private amenity areas retained for the donor dwelling and those proposed under 18/01349/FUL. The impact of the 2 dwellings proposed adjacent to The Coach House will be assessed in full as part of that application.

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 - Full

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 No JJCR-02 and Drawing No JJCR-01.

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

- 3 Prior to the commencement of any above ground works, full details/samples of the external facing and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

- 4 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.

- 5 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 6 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 JJCR-01. 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.

- 7 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 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 9 The removal of any vegetation for site access/site clearance shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected boundaries of the site or any part of the site forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - To retain the open aspect and semi-rural character of the locality in the interests of visual amenity.

- 11 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme 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 - In order to enhance the visual appearance of the proposed dwellings.

- 12 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 13 Prior to the commencement of any above ground works, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatments shall be implemented before the dwellings hereby permitted are occupied.

Reason - In the interests of providing adequate privacy for occupiers of the development and neighbouring residential properties and in the interests of visual amenity.

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.

Highways Informatives

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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