

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	12/10/18
Planning Development Manager authorisation:	AN	15/10/18
Admin checks / despatch completed	SB	15/10/18

AP

**Application:** 18/01388/FUL **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Punch Partnerships (PML) Limited

**Address:** Land Between Kings Cottage and 29 High Street Thorpe Le Soken

**Development:** Erection of one pair of semi-detached houses with detached bin/cycle stores. Detached garage for use as storage by public house. Reconfiguration of car park with associated landscaping and new fencing.

### 1. Town / Parish Council

Thorpe-le-Soken Parish Council      No objection.

### 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. 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.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with 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.

Building Control and  
Access Officer

Insufficient information to comment on.

Tree & Landscape Officer

The application site is situated within the Thorpe le Soken Conservation Area meaning that all trees with a stem diameter greater than 75mm at 1.5m from ground level are afforded formal legal protection

In order to show extent of the potential impact of the development on the trees on the land and any encroachment into their RPA's the applicant has provided a detailed tree survey and report. This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction: Recommendations.

The development proposal shows the retention of the large Sycamore close to the southern corner of the existing garage block and notes that care will need to be taken when demolishing this building to avoid damage to tree roots. This tree is a prominent feature in the conservation area and it would be desirable for it to be retained ' as it is already afforded conservation area protection and is shown as retained it is not considered expedient to make it the subject of a new tree preservation order.

A small group of young trees on the eastern boundary are shown as removed; this will not have an adverse impact on the character or appearance of the conservation area.

On the north western boundary there is a group of large and established Sycamore that also make a good contribution to the appearance of the conservation area. These trees appear to be in good condition and are also shown as retained. It would not be unreasonable for works to be carried out to 'lift and reduce' their crowns to control their size and to address the potential impact on the proposed development.

The development is shown outside the root protection are of these trees therefore it is not considered expedient to make them the subject of a new tree preservation order.

Following consideration of the information provided it appears that the development proposal could be implemented without causing harm to the retained trees. If planning permission is likely to be granted then it will be necessary to adhere to the recommendations contained in the tree report to avoid causing damage to retained trees.

If planning permission is likely to be granted then a condition should be attached to secure details of soft landscaping to soften and enhance the appearance of the development. Soft landscaping should include details of new tree planting

Essex County Council  
Archaeology

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological interest. The proposed development is located in the core of historic Thorpe-le-Soken. On the opposite side of the High Street is the Listed grade II\* 15/16th century guildhall or church house, the Bell Inn. Behind this is the Grade II\* Listed 15/16th century Parish Church (HER 34408). Loblollies to the west of the site is Listed Grade II and is 17th century in origin. The 1st edition OS map of 1875 shows two substantial buildings on the site, together with a small range of outbuildings. The proposed development is therefore likely to impact on late medieval or

post-medieval archaeological remains relating to the historic settlement of Thorpe-le-Soken.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

**RECOMMENDATION: A Programme of Trial Trenching followed by Open Area Excavation**

1. No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.
2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**Reason for recommendation**

The Essex HER shows that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

**Further Recommendations:**

A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation. A brief outlining the level of archaeological investigation will be issued from this office on request.

Tendring District Council should inform the applicant of the recommendation and its financial implications.

**3. Planning History**

99/01163/FUL	Mobile home for residential use whilst The Bell Hotel is rebuilt after fire	Approved	20.09.1999
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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

- EN1 Landscape Character
- EN6 Biodiversity
- EN17 Conservation Areas
- EN23 Development within the Proximity to a Listed Building
- EN29 Archaeology
- HG1 Housing Provision
- 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
- LP4 Housing Layout
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL7 Archaeology
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

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**

### **Site Description**

The application site is land to the north-west of 29 High Street, located within the parish of Thorpe-le-Soken. The site is currently occupied predominantly as a car park in connection with 'The Bell Inn' to the south, however there is also a single-storey detached building to the south-eastern section. The character of the surrounding area is heavily urbanised, with a number of residential and commercial properties to all sides. The site is located within the Thorpe-le-Soken Conservation Area, whilst there are numerous Grade II Listed Buildings in proximity.

The site falls within the settlement Development Boundary for Thorpe-le-Soken within both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

## Proposal

This application seeks planning permission for the erection of a pair of semi-detached houses following the demolition of the existing building on site.

The plans demonstrate 15 parking spaces will be allocated to the southern section of the site.

## Assessment

### 1. Principle of Development

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, Appearance and Layout

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 dwellings are to be semi-detached, sited to the northern section of the site and accessed via an existing access point to the south of the site off High Street. Whilst it is acknowledged the dwellings are sited further to the rear of the existing pattern of development along this section of High Street, there are notable examples of development similarly set back to the north-west, whilst the overall character of the immediate surrounding area is not particularly well defined. Therefore the proposed siting of the dwellings is considered to be acceptable.

In terms of the design of the dwellings, there were initial concerns they appeared bland, lacking features to help them to assimilate well within such an important historical location. However, amended plans have been provided that have sought to improve the design. The dwellings now have more character, and include features such as chimneys, bay windows and canopy's, which all help to break up the bulk of the proposal. Given this, and that the proposed materials (red facing brick and plain clay tile) are acceptable, on balance the visual harm is not considered to be excessive.

The proposed works will also involve the loss of the existing outbuilding located to the south-eastern corner of the site. The existing building is detached with a steep pitched roof, and acts as a pleasant focal point of the site. Accordingly following the submission of amended plans, the proposed detached garage is to include features to mirror the existing building, including similar materials and fake windows. Whilst the existing building remaining in situ would have been welcomed, it is accepted that its siting would result in issues navigating throughout the site, whilst the building is also not protected. Therefore the proposed design amendments, on balance, overcome the buildings loss.

Initial plans also showed significant levels of tarmac to be used. Given its prominent location within a Conservation Area and adjacent to numerous Listed Buildings, this was not considered acceptable. Therefore revised plans have been supplied that show the use of bonded shingle predominantly to the front of the site, which is considered to overcome the initial concerns.

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 information that has been supplied shows that this is comfortably achievable for both the new dwellings.

### 3. Impact to Residential 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the dwelling will be visible to the existing residential properties to the east and west, there is a separation distance of 8m to the west and 1m to the east. Despite being close to the eastern boundary, due to the dwellings' siting this will be located to the rear area of the neighbouring garden, an area less likely to be regularly occupied. Therefore, the impact in terms of the dwellings appearing imposing or resulting in significant loss of light is not considered to be significant. Further, there are no first floor side elevation windows that could directly overlook, and whilst the first floor front elevation windows have the potential to overlook into adjacent neighbouring properties, existing vegetation, 1.8m high boundary treatments and sufficient separation distances will ensure this will not be significantly harmful to warrant a refusal reason. Further, first floor rear elevation windows will have views to the furthest rear of Numbers 17 and 19 Landermere Road, but again to an area not likely to be regularly occupied.

It is therefore considered that whilst the dwellings will be apparent to the surrounding neighbours, the harm identified is not significant enough to warrant a reason for refusal.

### 4. Heritage Impact

Paragraph 196 of the National Planning Policy Framework (2018) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN17 of the Adopted Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site falls within the Thorpe-le-Soken Conservation Area and there are numerous Grade II Listed Buildings within the surrounding area. Whilst the site is within a prominent location, the Thorpe-le-Soken Conservation Area Review does not make particular reference to it, instead highlighting the historic importance of the immediate surrounding area as proof of a long-established settlement. Given this and the earlier comments regarding the lack of significant harm of both the design and layout of the proposed dwellings it is considered that, on balance, despite the site being within an area of such rich historic importance, the proposed dwellings will preserve the character and appearance of the Conservation Area.

There are a number of Listed Buildings in proximity of the site; notably 'The Bell Hotel' to the south-west and 'Thorpe-le-Soken Baptist Church' to the north-west. It is acknowledged the proposed development will result in a degree of harm to the setting of both Listed Buildings; however given main views of the buildings from the High Street will be unaffected, that there is significant separation distances and that two dwellings within a highly sustainable location is welcomed, the public benefits outweigh the limited level of harm.

### 5. Highways

Essex County Council as the Highways Authority have been consulted and raise no objections subject to conditions relating to the use of no unbound materials and the submission of a Construction Method Statement.

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. Whilst the proposed garage does not accord with the above standards, there is sufficient space to the front of each dwelling to accommodate the necessary two parking spaces per dwelling.

The proposed development will also see the loss of some existing parking area associated with 'The Bell Inn' to the south-west. Adopted Parking Standards state there should be a maximum provision for 1 parking space per 5sqm of the building. Whilst the proposal does not meet the above requirements, there is still provision for 15 spaces, whilst the highly sustainable location means there will be a lot of visitors arriving by foot, thereby reducing the need for parking. Further, the works will see improvements to the surfacing of the car park, which is currently in a poor state, and therefore on balance the lack of parking spaces is not considered detrimentally harmful.

## 6. Biodiversity

Given there is a potential for the presence of potential roost features within the existing outbuilding on site, the agent for the application has supplied a Bat Survey. The survey concludes that there are currently no bats roosting within the areas affected by the proposals, however advises that any lighting on the buildings or associated land is designed to minimise light spill so not to affect commuting or foraging bats. Accordingly a condition to reflect this will be attached to this decision.

## 7. Tree and Landscape Impacts

The site is located within a conservation area, meaning all trees with a stem diameter greater than 75mm at 1.5m from ground level are afforded formal legal protection.

A detailed tree and survey report has been provided to show the extent of the potential impact of the development upon any trees on the land and any encroachment into their Root Protection Areas (RPA). The development shows the retention of the large Sycamore to the southern corner of the existing garage block. This tree is a prominent feature in the conservation and it would be desirable for it to be retained - the plans show care will need to be taken when demolishing the building to avoid damaging the tree roots.

On the north-western boundary there is a group of large and established Sycamore that make a good contribution to the appearance of the conservation area. These are shown to be retained, whilst it would be unreasonable for works to be carried out to 'lift and reduce' their crowns to control their size and address potential impacts of the proposed development. The plans show works fall outside of their RPA's.

Overall the development can be implemented without causing harm to the retained trees. A condition for details of soft landscaping, including for details of new tree planting, will be attached to this decision, in order to soften and enhance the appearance of the development.

### Other Considerations

Thorpe-le-Soken Parish Council have no objections.

There has been one letter of observation received, where there is no objection subject to an existing tree being removed and the boundary not being harmed.

## 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 numbers 17.2565.100 P3, 17.2565.101 P6, 17.2565.102 P3, 17.2565.103 P2, ENC/120718/7CC9-Top, and documents titled 'Bat Surveys' and 'Planning, Design and Access Statement'.

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

- 3 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.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway.

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

- 5 No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

Reason: The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

- 6 No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Reason: The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

- 7 Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground

archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

- 8 The recommendations as highlighted within Section 5 of the submitted Bat Survey shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

- 9 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 - To enhance the visual impact of the proposed works.

- 10 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 enhance the visual impact of the proposed works.

- 11 No above ground development shall be commenced until samples of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

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

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.