

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/01/2019
Planning Development Manager authorisation:	SCE	08-01-19
Admin checks / despatch completed	PN	8/1/19

**Application:** 18/01889/FUL

**Town / Parish:** Thorrington Parish Council

**Applicant:** Tomlinson

**Address:** Rosslyn Coach House Brightlingsea Road Thorrington

**Development:** To remove planning Condition 2 (The development hereby permitted shall be occupied only as an annexe to the existing dwelling and shall not be used as an unrelated unit of residential accommodation) of application 11/00715/FUL.

### 1. Town / Parish Council

Thorrington Parish Council have not commented on this application

### 2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal provides a separate vehicle access to the existing property, Rosslyn this was approved previously under application no. 14/00826/ FUL .The proposals retain adequate room and provision for off street parking and turning, for the existing and proposed dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

- The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

- Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.



3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

4 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/carriageway in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

Although the existing site access is not changing it would be appropriate to cut back/ maintain regularly the vegetation to the south of the Coach House vehicle access to provide adequate inter-visibility between vehicles using this access and those in the existing public highway in the interest of highway safety in accordance with policy DM1

Any 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](mailto:development.management@essexhighways.org) or by post to:

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

UU Open Spaces

There is currently a deficit of 0.4 hectares of formal open space in Thorrington. It is felt that there will be no significant impact on the current open space and play facilities.

No contribution is required on this occasion.

### 3. Planning History

11/60257/HOUEN Q	Conversion of coach house into en-suite bedroom including replacing front double doors with new window & door and adding velux on back		14.06.2011
11/00715/FUL	Conversion of ground floor of coach house into en suite bedroom including replacing front double doors with new window and door and adding velux to rear extension.	Approved	16.08.2011
14/00826/FUL	New crossover for entry to existing double gates and new driveway.	Approved	17.10.2014
17/01055/NMA	Change of material to driveway	Approved	21.07.2017
18/01889/FUL	To remove planning Condition 2 (The development hereby permitted shall be occupied only as an annexe to the existing dwelling and shall not be used as an unrelated unit of residential accommodation) of application 11/00715/FUL.	Current	
99/01742/FUL	Retention of 1.83m high boundary fence	Refused	25.02.2000
11/60257/HOUEN Q	Conversion of coach house into en-suite bedroom including replacing front double doors with new window & door and adding velux on back		14.06.2011
11/00715/FUL	Conversion of ground floor of coach house into en suite bedroom including replacing front double doors with new window and door and adding velux to rear extension.	Approved	16.08.2011
12/60174/HOUEN Q	Domestic use polytunnel - 12' x 20'		19.04.2012
14/00826/FUL	New crossover for entry to existing double gates and new driveway.	Approved	17.10.2014
16/00226/NMA	Change of material to driveway.	Approved	14.03.2016
17/01055/NMA	Change of material to driveway	Approved	21.07.2017
18/01889/FUL	To remove planning Condition 2 (The development hereby permitted shall be occupied only as	Current	



an annexe to the existing dwelling  
and shall not be used as an  
unrelated unit of residential  
accommodation) of application  
11/00715/FUL.

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN3 Coastal Protection Belt

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of recreational open space of new residential development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundary

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

HP5 Open Space, sports and recreation facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility



### **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 Rosslyn Coach House, Brightlingsea Road, Thorrington, a one and a half storey detached annexe located outside the settlement development boundary of Thorrington.

### Proposal

The application seeks planning permission for the removal of planning condition 2 of planning application 11/00715/FUL which reads as follows:



'The development hereby permitted shall be occupied only as an annexe to the existing dwelling known as Rosslyn and shall not be used as an unrelated unit of residential accommodation'.

#### Assessment

The main considerations for this application are the principle of development, design and appearance, private amenity space, impact upon neighbour, highway safety, Coastal protection belt, legal obligation.

#### Principle of development

Paragraph 79 of the NPPF states that; planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting

Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that Thorrington is a smaller rural settlement. However, the application site lies outside of the defined Settlement Development Boundary. Policy SPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that proposals outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the Settlement Hierarchy and any other relevant policies in this plan. Thorrington and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. The draft Settlement Development Boundary has been drawn to accommodate such development and does not include the application site. On this basis the proposal is contrary to both the Saved and Emerging Local Plan. However, paragraph 79 of the NPPF (see above) clearly supports the proposal. The NPPF is the most recent planning policy being published in 2018 and as a result it takes priority over the policies within the Tendring District Local Plan 2007 and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Therefore, the removal of condition 2 of planning application 11/00715/FUL would involve the subdivision of an existing residential dwelling to form an independent dwelling and as a result of this the principle of development is considered acceptable subject to the following criteria.

#### Design and Layout

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.

No details have been provided of changes to the design or appearance of the Coach House/garage and therefore it is considered that the works will be internal only. The proposal would therefore have no adverse impact on the character and appearance of the surrounding area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75 square metres and for three or more



bedrooms should be a minimum of 100 square metres. The submitted plans demonstrate that the Coach House can accommodate more than 100 square metres of private amenity space. The plans also demonstrate that Rosslyn can accommodate more than 100 square metres of private amenity space and this is separated by existing fencing.

#### Impact upon neighbouring amenities

The Coach house is located approximately 83 metres away from the neighbouring property to the west, 'Danshell Healthcare Ld, Thors Park, it is located approximately 6 metres away from the neighbouring property to the north, 'Darmel Lodge' and it is located approximately 33 metres away from the neighbouring property to the south. The proposal is located approximately 4.8 metres away from 'Rosslyn' and it will use a separate access. It is therefore considered that the proposal is positioned a significant distance away from all neighbouring properties to not cause any significant impact upon neighbouring amenities.

#### Highway Safety

Essex County Highways were consulted on this application and do not raise an objection to the application subject to the following conditions:

- The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times. This condition has not been imposed as the block plan demonstrates that there is a garage to provide cycle parking.
- Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This condition has not been imposed as the application is for a single dwelling and would be imposed on major application sites.
- Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway. This condition has not been imposed as gates do not form part of this application. If gates are required, planning permission would be dealt with separately.

Essex County Adopted Parking Standards require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The submitted plans demonstrate sufficient space to the front section of the site to accommodate the necessary parking and also sufficient space to the front of 'Rosslyn' to accommodate two parking spaces. It is therefore considered that the proposal is compliant with highway safety.

#### Coastal Protection Belt

Policy EN3 of the Tendring Local Plan 2007 and Policy PPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft state that new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted, and even when a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline.

The proposal will not have a substantial impact on the Coastal Protection Belt as the Coach House is existing and it lies adjacent to 'Rosslyn' within an existing garden area. It is considered that it will not cause any significant harm to the landscape character of the area.

#### Legal Obligations



Following consultation with the Council's Public Open Space team, they have stated that a contribution towards play and open space is not required on this occasion as it is unlikely there will be any impact on the play/open space deficit.

Other considerations

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 development, the application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 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 and documents: Location and Existing Site Plan scanned 12<sup>th</sup> November 2018, Aerial View of Site scanned 12<sup>th</sup> November 2018, Block Plan scale 1:1250 and Planning Statement dated November 2018.

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

- 3 The reception and storage of building materials shall take place clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest 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.

Highways

Although the existing site access is not changing it would be appropriate to cut back/ maintain regularly the vegetation to the south of the Coach House vehicle access to provide adequate inter-visibility between vehicles using this access and those in the existing public highway in the interest of highway safety in accordance with policy DM1



Any 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](mailto:development.management@essexhighways.org) or by post to:

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

This permission is for the change of use only and it does not include any external alterations or boundary treatments which may require planning permission.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> If so please specify:	YES	NO
<b>Are there any third parties to be informed of the decision?</b> If so, please specify:	YES	NO