

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	07/01/2019
Planning Development Manager authorisation:	AN	8/1/19
Admin checks / despatch completed	AP	9/1/19

*ML*

**Application:** 18/01691/OUT **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr S Hutchby

**Address:** Leighmark Golden Lane Thorpe Le Soken

**Development:** Proposed demolition of garage & the erection of one dwelling.

### 1. Town / Parish Council

Thorpe-le-Soken Parish Council      No comments received

### 2. Consultation Responses

UU Open Spaces      Response from Public Experience Open Space & Play

Application Details

Application No: 18/01691/OUT

Site Address: Leighmark Golden Lane Thorpe Le Soken Clacton on Sea .

Description of Development: Proposed demolition of garage & the erection of one dwelling.

Current Position

There is currently a deficit of 2.43 hectares of play and formal open space in Thorpe-le-Soken.

Recommendation:

The development is only for one dwelling and located a distance from the nearest play area. Therefore no contribution is needed on this occasion.

ECC Highways Dept

The information that has been submitted in association with the application has been fully considered by the Highway Authority. The proposal retains 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:

1. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
3. Prior to occupation of the dwelling the existing vehicular access for the proposed dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (3 metres minimum - 6 metres maximum), shall be retained at that width for a minimum depth of 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway.
4. There shall be no discharge of surface water onto the Highway.
5. 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.
6. 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.
7. 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).

### **3. Planning History**

16/01047/FUL	Erection of a two-storey, three-bedroom farmhouse-style dwelling and continued use of existing barns for storage purposes.	Approved	23.09.2016
16/01768/DISCON	Discharge of conditions 2(Materials), 3(Landscaping) and 6(Construction Method Statement) of the approved planning application 16/01047/FUL.	Approved	22.11.2016
17/00001/NMA	Revised internal first floor plan. Omission of single window and provision of two first floor windows to en suite rooms on south elevation. Use of white upvc windows and doors on all elevations.	Approved	17.02.2017

18/01691/OUT

Proposed demolition of garage &  
the erection of one dwelling.

Current

#### **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

EN1 Landscape Character

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

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 site is located on the south-eastern side of Golden Lane which is a single-track lane linking Colchester Road (the B1033) to Landermere Road (the B1414). The site is located to the north of Thorpe-le-Soken, which is centred on the High Street approximately 800 metres from the site. The site is located within a row of seven dwellings of varying designs, forms and scales forming a cluster of development within Golden Lane. The site comprises a garage serving the existing bungalow at Leighmark.

### **Proposal**

This application seeks outline planning permission with all matters reserved for the demolition of a garage and the erection of one dwelling.

## Appraisal

### Principle of Development

The site lies 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.

The National Planning Policy Framework 2018 (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 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)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

There would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site's location beyond the settlement development boundary.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of the NPPF and contrary to the development plan.

#### - Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

- Economic

It is considered that 1 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 approximately 680 metres from the edge of the defined Thorpe-le-Soken Settlement Development boundary as defined by both the adopted and emerging Local Plans.

The services within Thorpe-le-Soken itself are approximately 1.1km from the site. There are no pedestrian footpaths adjacent to the site. The nearest pedestrian footpath is situated on Colchester Road to the south-west which is situated 390 metres from the application. As such future occupiers of the dwelling would be forced to walk along overgrown or very narrow grass verges with no street lighting to access the footpath that is still a significant distance from the facilities and services situated within Thorpe-le-Soken. It is therefore considered that the occupiers of the dwelling would be dependent on their car due to the distance to facilities and the unsafe conditions when accessed on foot.

On this basis the development would fail the social strand of sustainable development.

It is evident that there have been other permissions for dwellings granted in the locality. In particular a dwelling was approved in 2016 to the rear of Leighmark. However, at that time the Council could not demonstrate a 5 yr housing supply and therefore the tilted balance with regards to assessing new residential development outside settlement development boundaries was engaged. The benefits of approving a dwelling at the time were therefore deemed to outweigh the harm. More recently, a dwelling was approved on appeal at Springfield, Golden Lane, which is situated 165 metres to the south-west of the site and therefore closer to the pedestrian footpath links on Colchester Road than the application site. Consequently, the additional distance of the application site to the nearest pedestrian infrastructure makes the development materially different to that allowed recently on appeal.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural built 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 site cannot be considered isolated being closely related to existing dwellings such as Leighmark and the adjacent dwellings fronting Golden Lane. Furthermore, the site is well screened by existing trees and vegetation. There is an existing access and stable block on the site associated with the existing paddock/horse grazing use.

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

A dwelling in this location would not appear isolated or at odds with the existing pattern of development. No material landscape harm or harm to the character of the area would result.

## Residential Amenities

The indicative plan provided shows that the property would likely be sited in close proximity to the existing property at Leighmark. However, this facing flank currently accommodates a car port and therefore any impact upon existing resident's amenity would be minimal and shielded by the current structure.

## Highways

ECC-Highways do not have any objections to the development providing the following requirements are secured;

- a turning facility is provided on site
- no unbound materials are used in the 6m of the access
- vehicular access shall be provided prior to first occupation at a width of between 3m-6m
- there shall be no discharge of surface water onto the highway
- cycle parking shall be provided
- residential travel information packs shall be provided
- areas within the curtilage for the purpose of the reception and storage of building shall be identified clear of the highway.

All these requirements are achievable on site and can be secured at the reserved matters stage if permission is granted. The existing property at Leighmark already has ample parking to its frontage. There is sufficient spacing on site to provide a turning space for future residents along with two parking spaces.

## Legal Obligations

The Council's Open Space Team have confirmed that as the development is only for one dwelling and located a distance from the nearest play area that a financial contribution towards play area improvements is not required on this occasion.

## Other Considerations

Thorpe-le-Soken Parish Council has not commented upon the application. No further letters of representation have been received.

## **6. Recommendation**

Refusal

## **7. Reasons for Refusal**

- 1 The site lies outside of the Settlement Development Boundary as defined by 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.

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)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3

(Plan-Making) of the National Planning Policy Framework 2018 (NPPF2). Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely planned, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF2. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan as referred to above.

Thorpe-le-Soken is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Rural Service Centre within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). For these settlements, the emerging Local Plan identifies opportunities for smaller-scale growth. The site is located approximately 680 metres from the edge of the defined Thorpe-le-Soken Settlement Development boundary as defined by both the adopted and emerging Local Plans.

The services within Thorpe-le-Soken itself are approximately 1.1km from the site. There are no pedestrian footpaths adjacent to the site. The nearest pedestrian footpath is situated on Colchester Road to the south-west which is situated 390 metres from the application site. As such future occupiers of the dwelling would be forced to walk along overgrown or very narrow grass verges with no street lighting to access the footpath that is still a significant distance from the facilities and services situated within Thorpe-le-Soken. It is therefore considered that the occupiers of the dwelling would be dependent on their car due to the distance to facilities and the unsafe conditions when accessed on foot. On this basis the development would fail the social strand of sustainable development.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of the NPPF (2018) and contrary to the development plan.

## 8. **Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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