

3. There shall be no discharge of surface water onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

Note: With reference to the above condition the applicants attention should be drawn to the recent alterations to householder permitted development in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run-off and overloading of sewers.

4. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. Any double garages should have a minimum internal measurement of 7m x 6m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

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).

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.

The above condition is 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.

NOTE: Public Rights of Way - The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no5 (Thorpe le Soken) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of

highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

NOTE: Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

Informative 1:

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 or by post to:

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

Informative 2:

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

Informative 3

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Informative 4

Traffic Routes In order that this Authority performs its legal duty to ensure highways remain fit for purpose, prior to the commencement of any work on the site, a joint inspection of the Bridleway to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from construction traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

Tree & Landscape Officer The main body of the application site is set to grass with established boundary hedgerows. There are several important trees, mainly on the boundary of the application site as well as on land to the south. Several of the trees are afforded formal legal protection by a Tendring District Council Tree Preservation Order: ref TPO/91/22 Hedge End and TM1722 17682288.

In section 5.3 of the Planning Statement submitted with the application it states that 'the previous Arboricultural Assessment is included' this does not appear to be the case although a plan showing the Root Protection Areas(RPA's) of the retained trees has been provided and the Site Layout Plan shows the RPA's overlaid with the proposed development.

In essence the amended layout is not dissimilar to that previously approved and is not likely to cause harm to retained trees. However the applicant has not provided evidence to demonstrate this or to show how retained trees will be protected for the duration of the construction phase of any development for which planning permission may be granted.

Therefore in order to show the potential impact of the development proposal on the trees on the land, to identify those that could be retained and those that may need to be removed to facilitate the development proposal or for arboricultural reasons the applicant should provide a tree survey and report.

The information should be in accordance with BS5837 2012 Trees in relation to design demolition and construction: Recommendations.

In terms of soft landscaping the site layout plan shows new tree planting; annotated with an adequate specification. Combined with the indicative planting shown on the Site Layout Plan the proposals are acceptable and further details can be secured by a condition attached to any planning permission that may be granted.

Tree & Landscape Officer (following the submission of additional information) The tree report is sufficient to demonstrate that harm will not be caused to protected trees and that retained trees will be protected for the duration of the construction phase of the development.

3. **Planning History**

16/01386/OUT	Residential development of 0.30ha of land to provide 2 detached dwellings.	Refused	26.10.2016
18/00039/DETAIL	Reserved matters application following outline planning approval 16/01386/OUT (allowed at appeal) - Erection of detached dwelling on northern plot.	Approved	28.02.2018
18/01591/FUL	Variation of design and siting of approved dwelling including provision of detached swimming pool and domestic workshop buildings.	Approved	06.11.2018
18/02106/TPO	1 No. Oak - Fell	Withdrawn	04.01.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG1 Housing Provision

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

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

SPL1 Managing Growth

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 known as The Brambles, and is sited to the northern end of St Michael's Road within the Parish of Thorpe-le-Soken. The character of the surrounding area is semi-rural, with large open agricultural and grassed land to the north, east and west, but large areas of residential and commercial urban built form to the south. The site falls outside of the Settlement Development Boundary for Thorpe-le-Soken, as defined in both the Adopted Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft (June 2017).

History

Outline planning permission for two detached dwellings was granted under appeal (reference number APP/PA1560/W/17/3168892), following the initial refusal within planning application 16/01386/OUT.

Within planning permission 18/00039/DETAIL, reserved matters for one of the two plots (which is also the subject of this application) was approved.

More recently, planning permission 18/01591/FUL was granted for a variation of 18/00039/DETAIL. The differences included the dwelling being located 8m further to the west, the inclusion of two outbuildings (one to serve a workshop and one to serve a swimming pool) and an extension of the sites curtilage of approximately 20m to the east.

This application is closely related to 18/01591/FUL; the only difference to that permission is that the soft red brick material is to be replaced with lbstock Sevenoaks yellow brick.

Description of Proposal

This application is a full planning application for one of the two dwellings approved under appeal reference APP/PA1560/W/17/3168892.

The dwelling is to be two storeys, detached, and will be served by four bedrooms. The only amendment to the detailed scheme previously approved under 18/01591/FUL is that the soft red brick material is to be replaced with Ibstock Sevenoaks yellow brick.

Assessment

1. Principle of Development

Whilst the site falls outside of a recognised Settlement Development Boundary within both the Adopted and Emerging Local Plans, under planning appeal reference APP/PA1560/W/17/3168892 the principle of residential development has previously been established. Deliberation therefore falls to the detailed considerations below.

2. Layout, Design and Appearance

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 submitted plans show that the proposed dwelling is to be sited to the western section of the site. Whilst Condition 4 of the appeal decision made reference to the reserved matters being in accordance with the indicative layout plan submitted within the outline application, this indicative plan showed no detailed drawings and therefore it would be unreasonable to restrict the layout and scale of the dwellings to accommodate this. Furthermore, the dwellings siting will contribute to the existing strong and linear building line running from south to north along this section of St Michael's Road.

The residential development further to the south of the site has no set defined character, although most dwellings are typically detached, two storeys and with a predominant use of red or cream brick, whilst each plot measures approximately 10 metres width. The proposed dwelling is also to be detached, two storeys and accessed via an access point to the south-west corner of the site, whilst measuring 8.1 metres in height, 14.4 metres in width and 15.3 metres in depth, and therefore would not appear out of character with the existing built form. Further, the only amendment to the previous approval on this site (reference 18/01591/FUL) sees use of yellow brick as opposed to red brick. This will not appear incongruous, with the adjacent property to the south 'Hedge End' also of a similar construction.

In terms of the dwellings design, whilst it is large, attempts have been made to break up the bulk and soften its appearance; namely through the inclusion of a canopy area, a chimney and a single storey rear element, which will also serve a balcony area.

The plans also incorporate two outbuildings, one to serve a swimming pool and one to serve as a workshop. Both are of a relatively large height and mass; however the design and appearance is in-keeping with the proposed dwelling and garage. Further, it is also noted that had either building been reduced to 4 metres in height and sited 2.5 metres away from the side boundary then it would benefit from permitted development rights once the dwelling was built and occupied, and therefore the visual harm of the additional height (0.6m in the case of the workshop and 1m for the swimming pool) is not considered harmful enough to warrant a reason for refusal.

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 plans submitted demonstrate that this level of amenity space is comfortably provided for.

3. Impact on Neighbouring 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).

In terms of the impact on neighbouring amenities, there are adjacent neighbours potentially impacted upon to the south. However, given that there is a significant separation distance of approximately 65 metres to the existing properties and that the sites southern boundary is heavily protected via existing mature vegetation, there will be a neutral impact to existing amenities as a result.

It must also be acknowledged that the site adjacent to the south has planning permission for the erection of a single dwelling, and any future impacts to the future occupier's amenities as a result of this proposed dwelling must be considered. Whilst it is accepted that the proposed first floor side elevation windows will have the potential to overlook into the future rear garden area, the southern boundary separating the two plots is heavily vegetated with mature trees, which will significantly reduce any overlooking impacts. Further there is also likely to be an approximate separation distance of 20 metres, thereby ensuring no significant loss of light.

The additional outbuildings are both single storey and sited equally as far away from neighbouring properties as the main dwelling. Given this and the heavily vegetated southern boundary, views of these buildings will be minimal so will bear a neutral impact to existing and future neighbouring amenities.

Therefore, on balance, there is not considered to be significant detrimental harm to existing and future neighbouring amenities as a result of the proposed development.

4. Highways

Essex Highways have been consulted as part of this application and have stated that the proposal is acceptable subject to conditions relating to visibility splays, vehicular turning facilities, no discharge of surface water onto the highway, the siting of future boundary planting and areas within the curtilage for reception and storage of materials shall be identified clear of the highway.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is 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. Whilst the proposed garage does not meet the above requirements, there is considered to be sufficient space to the front and side of the dwelling to comfortably accommodate the necessary two parking spaces.

5. Trees and Landscape Impact

The site layout plan shows a minimal incursion into the RPA's of the trees on the application site and on adjacent land. In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has provided a tree survey and report, which demonstrates that harm will not be caused to protected trees and that retained trees will be protected during the duration of construction works.

The soft landscaping details showing tree species and specification are acceptable.

Other Considerations

Thorpe-le-Soken Parish Council has not commented on the application.

There have been no other letters of representation received.

Conclusion

It is concluded that in light of a lack of significant material impact as a result of this proposal, this application is recommended for approval.

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 0357_DD_001, 0357_DD_002, 0357_DD_003, 0357_DD_004, 0357_DD_005, 0357_DD_006, 0357_DD_007, 0357_DD_008, 0357_DD_009, 0357_DD_010, 0357_DD_011 and 0357_DD_012.

- 3 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 17 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 4 Prior to occupation of the development the vehicular turning facilities, as shown on the submitted suite plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 5 There shall be no discharge of surface water onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 6 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Reception and Storage of Building Materials

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.

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.