

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/06/2019
Planning Development Manager authorisation:	ARG	28/6/2019
Admin checks / despatch completed	Wne SB	28/06/19 28/06/19.

**Application:** 19/00579/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Mr J Bell

**Address:** Land to Clacton Road Thorrington

**Development:** Proposed dwelling and cartlodge. Amendment of planning permission 18/00886/FUL to add utility room and conservatory.

### 1. Town / Parish Council

Thorrington Parish Council have not commented on this application.

### 2. Consultation Responses

ECC Highways Dept

It is noted that this application only concerns an amendment to planning permission 18/00886/FUL, the Highway Authority does not object to the proposals as submitted and in accordance with proposed block plan, floor plan and elevations drawing no. P01.

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

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.

### 3. Planning History

18/00139/FUL	Erection of dwelling and cart-lodge, with access served from adjacent agricultural access track.	Approved	14.03.2018
18/00886/FUL	Erection of dwelling and cart-lodge, with access served from adjacent agricultural access track. (Alteration to planning approval 18/00139/FUL.)	Approved	02.08.2018
19/00579/FUL	Proposed dwelling and cartlodge. Amendment of planning permission 18/00886/FUL to add utility room and conservatory.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

TR1A Development Affecting Highways

- TR7 Vehicle Parking at New Development
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- COM6 Provision of Recreational Open Space for New Residential Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Strategy for North Essex
- SP6 Place Shaping Principles
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- HP5 Open Space, Sports & Recreation Facilities
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is an infill plot located on the southern side of Clacton Road, at the western end of the settlement, and is situated between Clearview Bungalow and a modest ribbon of dwellings, and further to the east are 2 modern residential developments. There is residential development on the north side of the highway. The dwellings in the locality are a mix of bungalows, dormer bungalows and 2-storey houses. The site is located outside of the defined settlement boundary of Thorrington within the Draft Local Plan and the site is situated inside the settlement boundary of the Publication Draft (2017). The site currently forms an agricultural field and access adjacent to Clearview, and separated from it by a substantial tree-lined hedge, and the site has a direct road frontage to Clacton Road.

The application has had two previous permissions. The previous consent under application 18/00139/FUL was for the erection of dwelling and cart-lodge, with access served from adjacent agricultural access track. Planning reference 18/00886/FUL was granted planning permission for the Erection of dwelling and cart-lodge, with access served from adjacent agricultural access track. (Alteration to planning approval 18/00139/FUL.) The application sought to move the proposed dwelling closer to the neighbouring boundary to the south east 'Poppinjay'.

### Proposal

This application proposes the erection of a one and a half storey 4-bedroomed dwelling and a three bay garage with a utility room and conservatory. The proposed dwelling is of an L shape with the main element measuring 10.4 metres in width, 10 metres in depth with an overall height of 6.9 metres. The other element will measure 6.2 metres in width, 5.25 metres in depth with an overall height of 6.6 metres. The proposed utility room will be located to the western elevation of the host dwelling and it will measure 2 metres in width, 3.7 metres in depth with an overall height of 3.7 metres. The proposed conservatory will be located to the south eastern elevation of the dwelling and it will measure 3.8 metres in width, 5.15 metres in depth with an overall height of 3.1 metres.

The proposed garage will be located to the south of the application site and it will be accessed by the same track as the dwelling. The proposal will measure 9.35 metres in width, 7.85 metres in depth with an overall height of 4.2 metres.

The dwelling sits centrally on the plot and occupies much of the available frontage (as do the majority of dwellings in the area) with a garden to the rear and parking/turning to the front with the existing trees and boundary hedges remaining.

The dwelling follows the general building line and reflects other dwellings within the settlement. The proposal is to be accessed from the existing agricultural track to the west of the site which continues to give access to the agricultural field to the south.

## Appraisal

The main considerations for this application are:

- Principle of Development
- Design and appearance
- Impact on the amenity of neighbours
- Trees and Landscaping Impact
- Highway Safety
- Legal Obligations - Open Space
- Habitat Regulations Assessment

### Principle of Development

The principle of residential development on this site for the erection of a dwelling and cart-lodge, with access served from adjacent agricultural access track through the approval of a full planning permission under application 18/00139/FUL and 18/00886/FUL.

### 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 proposed dwelling is considered to be acceptable in terms of design as established under planning application 18/00139/FUL and 18/00886/FUL. The proposed utility room is located to the western elevation of the host dwelling and it will be visible from the street scene of Clacton Road. The proposal will be set back from the highway by approximately 16.5 metres and due to the single storey nature of the utility room, as well as the mono pitched roof and the use of black hardi plank weatherboarding; it is considered that the utility room is acceptable in terms of design and appearance. The proposed conservatory is located to the rear of the host dwelling and therefore the proposal will not be visible to the street scene of Clacton Road. The proposal is single storey with a hipped roof and it will be constructed from brick, natural slate, UPVC windows to match the host dwelling. It is therefore considered that the conservatory is acceptable in terms of design and appearance.

### Residential Amenities

The utility room will only be visible to the neighbouring dwelling to the west as the proposal is located to the western elevation of the host dwelling. Due to the approximate distance of 4 metres to the neighbouring boundary as well as the single storey nature of the proposal with its mono pitched roof which will slope away from the neighbouring amenities, it is considered that the utility room will not cause any adverse impact upon the neighbouring dwelling.

The proposed conservatory will only be visible to the neighbouring dwelling to the east as the proposal is located to the south eastern elevation of the host dwelling. Due to the single storey nature of the proposal as well as the hipped roof which will reduce any loss of light to the neighbouring dwelling, it is considered that the conservatory will not cause any adverse impact upon the neighbouring amenities.

#### Trees and Landscaping Impact

The main body of the application site is set to grass and does not contain any trees or other significant vegetation.

There is a medium sized and established Oak on the eastern boundary of Crossview although this tree will not be affected by the development proposal.

The site layout and soft landscaping proposals plans show new tree planting that will help to soften and enhance the appearance of the development. The soft landscaping scheme is acceptable.

#### Highway Safety

Essex Highways have been consulted on this application and raise no objection in accordance with proposed block plan, floor plan and elevations drawing no.P01.

#### Legal Obligations – Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of 0.4 hectares of formal open space in Thorrington. It is felt there will be no significant impact on the current open space and play facilities and therefore a contribution is not required.

#### Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Having considered the proposed avoidance and mitigation measures above, Tendring District Council conclude that in this instance it would be unreasonable to seek mitigation measures. The development has commenced and this application relates solely to two small extensions to the dwelling. This application seeks to amend the original planning permission which has been implemented and does not involve any increase to the number of properties to be built.

Having made this appropriate assessment of the implications of the plan or project for the site it is concluded that the application does not fall within the scope of RAMS and as such a contribution will not be sought.

#### Other Considerations

Thorrington Parish Council has not commented on this application.

No letters of representation have been received.

## Conclusion

Having taken all of the considerations into account, it is considered that there is not significant material harm as a result of the development and therefore the application is recommended for approval.

## 6. Recommendation

Approval – Full

## 7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Dwg No. P01, Dwg No. P02, Drawing No. P03

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on drawing - Drg no P02, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the surrounding area.

- 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 120 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 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 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 Prior to occupation of the development the vehicular access shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 7 At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.

Reason - To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

- 8 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.

## 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

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