

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	04/07/2019
Planning Development Manager authorisation:	AN	4/7/19
Admin checks / despatch completed	AS	5/7/19

Application: 18/01558/FUL

Town / Parish: Thorrington Parish Council

Applicant: Mr & Mrs T Wright

Address: Land adjacent to 5 Chapel Lane Thorrington

Development: Proposed new dwelling.

1. Town / Parish Council

Thorrington Parish
Council

ORIGINAL COMMENTS

At their meeting on Wednesday night (5th December 2018) Thorrington Parish Council wished to record the following comments concerning the above mentioned application. It was noted that this dwelling would be a terraced property and neither of the properties would have sufficient amenity space. There would be insufficient space to accommodate 2 4 x 4 vehicles off road for this additional dwelling. Chapel Lane is narrow and any additional parked vehicles from this new dwelling would seriously impact on the already difficult traffic flow, especially as this proposed dwelling would be very close to the corner & junction of Chapel Lane and Church Road. As Essex County Council are implementing a 12 month trial of a one way system in Chapel Lane, Thorrington Parish Council have concerns regarding the delivery of building materials not being viable and the extra vehicles building services inevitably bring, all requiring access which would make it impossible for building works to be serviced in a one way system without causing chaos in the area of the building site and neighbouring roads. In conclusion Thorrington PC were opposed to this application. Please ensure that these comments are noted and taken into consideration

Thorrington Parish
Council

AMENDED COMMENTS

See document dated 4th October 2018

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 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5metres and shall be a continuous extension of the existing vehicular access to No. 5 Chapel Lane Thorrington constructed at right angles to the

highway boundary and provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority. Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with 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 accesses throughout. 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.

3 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter. Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 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. 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

3. Planning History

No site specific history.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
HG14 Side Isolation
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
EN6 Biodiversity
EN11A Protection of International Sites European Sites and RAMSAR Sites
COM6 Provision of Recreational Open Space for New Residential Development
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP4 Housing Layout
PPL4 Biodiversity and Geodiversity
HP5 Open Space, Sports & Recreation Facilities
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
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 (2019) 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 relates to number 5 Chapel Lane, Thorrington a semi-detached dwelling on the western side of the road located within the settlement development boundary for the Parish.

The application site itself is to the side of the property and currently forms the side garden and parking areas for the donor dwelling. The dwelling is one of a group of 3 pairs of the same style dwellings with pebble dash finishes.

Description of Proposal

The application seeks full planning permission for the erection of a 2 bedroom dwelling adjoining number 5 Chapel Lane creating an end of terrace property.

The site frontage is to be adapted to allow for 2 off street parking spaces for both the donor and proposed dwelling with an enlarged dropped kerb.

The donor dwelling is to be clad in grey weatherboarding with a brick plinth.

The design, appearance and finish of the proposed dwelling will match the overall appearance and finish of the resultant adjoining, donor dwelling.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Design and Visual Impact;
- Residential Amenities;
- Access and Parking;
- Financial Contributions - RAMS;
- Financial Contributions - Open Space/Play Space, and;
- Representations.

Principle of Development

The site is located within the Thorrington Settlement Development Boundary as defined within the adopted District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond 2017.

Saved Policy HG3 of the adopted Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, highway and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. These sentiments are carried forward within draft Policy SPL2 of the emerging Tendring District Local Plan 2013-2033 and Beyond 2017.

Although Thorrington is categorised as a Village within the adopted Local Plan and a Smaller Rural Settlement within the emerging Local Plan, the pre-ample of draft Policy SPL1 states that these villages are still under pressure to grow and can achieve a small scale increase in housing stock over the plan period, including 'infill' developments.

As the site is within the defined settlement limits and has not been safeguarded for an alternative use, and is essentially an 'infill' development, the principle of residential development is therefore acceptable subject to the detailed considerations below.

Design and Visual Impact

Paragraph 127 of the National Planning Policy Framework 2019 states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

The application proposes the erection of a 2 bed dwelling adjoining the donor property at 5 Chapel Lane and has been amended following concerns with the design and bulk of the proposal as originally submitted. The amended application now takes on a form and appearance similar to the 2 storey side extension approved at number 1 Chapel Lane under planning reference 11/01242/FUL. The dwelling is set back from the forward most part of the front elevation, has a hipped roof form, exposed rafters and a fenestration layout to match the main element of the donor dwelling. The scale and proportion of the proposed dwelling sits comfortably within the plot and street scene and cannot be considered significantly harmful. Whilst it is recognised that the site lies within a row of semi-detached dwellings, the character of the area in general is very mixed. Given that the property could be extended in a very similar form to the proposal (as at number 1), it would be unreasonable to conclude that the visual impact upon the character of the area would warrant refusal of planning permission.

The proposal retains 4 metres to the side boundary with number 4 Chapel Lane (to the south west) with the rear projecting element of the new dwelling retaining 8 metres to the boundary with

number 6 Chapel Lane (to the north east) and over 20 metres to the rear boundary. The new dwelling will be positioned on the boundary with the donor dwelling but will not project rearward to an extent that could be considered dominant. The proposal therefore exceeds the requirements of saved Policy HG14, will sit comfortably within the plot and not appear cramped or as over-development of the site.

The donor property is to be clad in grey weatherboarding with a brick plinth. These alterations can be carried out under permitted development rights as the area does not lie within a conservation area. The proposed dwelling will therefore match the resultant donor property. Overall, the alteration to the donor dwelling and the proposal will add interest to the street scene breaking up the pebble dash finishes and contribute positively to the area.

Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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 (2017). Furthermore, saved Policy HG14 states that a minimum of 1 metre side isolation should be retained to safeguard the amenities and aspect of adjoining residents.

As stated above, the proposal retains 4 metres to the side boundary with number 4 and 8 metres to the boundary with number 6 Chapel Lane. The new dwelling will be positioned on the boundary with the donor dwelling but will not project rearward to an extent that could be considered harmful to outlook or light. The proposal therefore exceeds the requirements of saved Policy HG14, will not appear oppressive to neighbouring properties or result in any material loss of outlook or light.

The proposed development includes a first floor rear facing window serving a bedroom and not a main living area minimising any overlooking and any potential harm. Regardless of the use of the room, this window is not excessive in size with only obliquely angled views into the immediate garden areas of neighbouring properties and some longer views to the rearward parts of the neighbouring gardens. Views are also minimised by existing boundary vegetation. For these reasons, any overlooking cannot be considered significantly harmful as to warrant refusal of planning permission on these grounds.

The development also includes a side facing first floor window. However, this serves a stairwell and again will not result in any harmful overlooking or material loss of privacy. The existing property also has a side facing window and the resultant relationship is not materially different to the existing.

The traffic movements associated with a single, modest 2 bedroom dwelling cannot be considered materially harmful in terms of noise and disturbance to neighbouring dwellings.

Saved Policy HG9 sets out the minimum requirements for private amenity space. A 3 bed dwelling should be served by a minimum of 100 square metres and a 2 bed dwelling should be served by a minimum of 75 square metres. An up to date site layout plan has been provided. The donor property will retain approximately 180 square metres of private amenity space while the new dwelling will be served by approximately 190 square metres (side garden area not included as may not be wholly private). The development therefore provides private amenity areas for the both the new and donor property in excess policy requirements.

Access and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

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.

The site frontage is to be adapted to allow for 2 off street parking spaces for both the donor and proposed dwelling with an enlarged dropped kerb. The side garden area also has the potential to provide further parking. The traffic movements associated with a single, modest 2 bedroom dwelling cannot be considered materially harmful to highway safety.

Essex County Council Highway Authority raise no objection to the development subject to conditions that will be imposed where necessary.

Financial Contributions - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Financial Contributions - Open Space/Play Space

The Council's Open Space Team have been consulted in accordance with the requirements of Saved Policy COM6 of the adopted Tendring District Local Plan 2007 and Draft Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

There is currently a deficit of 0.4 hectares of formal open space in Thorrington. However, whilst there is adequate provision in terms of play to cope with some additional development the provision is now in need of replacement to cope with the increased population of the village, the nearest play area being at Chapel Lane located next to the proposed development which will see the biggest impact. A contribution is justified and relevant to this application which will be spent on improving facilities at the play area on Chapel Lane/Church Road, Thorrington.

This application is accompanied by a unilateral undertaking securing the financial contribution.

Representations

Thorrington Parish Council object to the development (original and amended) on the following grounds;

- Would result in a terraced property.
- Insufficient private amenity space for proposed and donor dwelling.
- Insufficient parking.
- Highway safety due to narrow lane, additional parked cars and delivery and construction vehicles.

These concerns are addressed in the main report above.

4 letters of objection have been received (from 2 addresses). The concerns raised can be summarised as follows;

- Creation of a terrace not in keeping.
- Use of cladding is out of character.
- Overdevelopment of the site.
- Cramped.
- Overlooking and loss of privacy.
- Insufficient parking.
- Overcrowded on narrow lane.
- Highway safety issues due to narrow lane.
- Unsustainable location with a lack of amenities.
- Undersized gardens.
- Noise disturbance from additional traffic.

These concerns are addressed in the main report above.

- Harmful impact upon historic chapel opposite.

The chapel opposite is not a listed building and does not form part of the setting of the site. The design and impact of the dwelling is considered acceptable as set out above.

- Obstruction, disruption and noise nuisance from construction.

This is an inevitable part of the building and construction process and cannot form a reason for refusal. Any noise and disturbance would be for a limited period only and statutory noise complaints would be dealt with under environmental legislation, not planning.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

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 no. 01 Revision E and Drawing no. 02.

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

- 3 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5metres and shall be a continuous extension of the existing vehicular access to No. 5 Chapel Lane Thorrington constructed at right angles to the highway boundary and provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses throughout.

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

- 5 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 6 The dwelling shall not be occupied until such time as the car parking areas indicated on the plans (serving the proposed and donor properties), have been hard surfaced and sealed. The car parking areas shall be retained in this approved form at all times and shall not be

used for any purpose other than the parking of vehicles related to the use of the dwellings thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent and 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.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

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 or by post to:

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