

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	31.7.19
Planning Development Manager authorisation:	AN	1/8/19
Admin checks / despatch completed	KNE	02/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	02/08/19

Application: 19/00151/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr Stuart Cadman - Cadman Construction Ltd

Address: Black Tiles High Street Thorpe Le Soken

Development: Variation of condition 2 (approved plans) of planning permission 16/00529/FUL.

1. Town / Parish Council

None received

2. Consultation Responses

None received

3. Planning History

TPC/97/89	Various works to trees	Current	23.02.1998
15/00913/FUL	Alterations and extension to 'Black Tiles' (including an element of demolition) and erection of 3 no. detached dwellings with associated garaging and other works.	Refused	04.08.2015
16/00529/FUL	Erection of 3 no. detached dwellings with associated garaging and ancillary works.	Approved	15.08.2016
19/00150/DISCON	Discharge of Conditions - 4) Hard and soft landscaping, 6) Materials, 7) Screen walls and fences and 15) Construction Method Statement to approved Planning Application 16/00529/FUL.	Approved	21.03.2019
19/00151/FUL	Variation of condition 2 (approved plans) of planning permission 16/00529/FUL.	Current	
19/00832/DISCON	Discharge of Conditions - 6) Materials in relation to Planning Application 16/00529/FUL.	Approved	28.06.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

PPL9 Listed Buildings

Local Planning Guidance

Essex Design Guide

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 site is located at "Black Tiles" on the north-eastern side of High Street and is within the Settlement Development Boundary and Conservation Area for Thorpe le Soken as established in the saved and draft local plans. The site is near to "The Old Vicarage" to the north-west, a Grade II Listed Building, although the application site does not form part of its setting by virtue of the separation distance, the boundary treatment and the intervening public highway 'Vicarage Lane'.

Similarly, the site is near to Comarques a Grade II* Listed Building located on the opposite side of the road to the south west, the application does not form part of its setting for the same reasons.

The site contains a detached, two-storey house with an in-out driveway. The dwelling is centrally located within its plot. Due to an extensive front hedgerow public views into the site are restricted except for where the in-out driveway meets the highway. Immediately to the north-west is Vicarage Lane, a narrow, unmade road, which is also designated as a public footpath and a bridleway.

Description of Proposal

This application seeks a variation to planning permission 16/00529/FUL (for the erection of 3 no. detached dwellings with associated garaging and ancillary works) under Section 78 of the Town & Country Planning Act 1990. The variation sought is to Condition 2 which required that "The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 1278-01 Rev: G, Drawing 1278-05 Rev: E, Drawing 1278-04 Rev: D, Drawing 1278-11 Rev: C and Drawing 1278-07 Rev: B". The amendments to the approved plans comprise raising the bay windows to Plots 1 & 3 to allow a more consistent internal ceiling height, the addition of a brick plinth to the bay window of Plot 3, a glazed light over front door to plot 1 and a minor adjustment to window heights.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below. In determination of the application, regard is to be given to the impact of the development on the character and appearance of the building and its surroundings and upon the amenity of occupants of the building and of neighbouring property.

Conservation Area

The Thorpe le Soken Conservation Area Review (2006) describes this part of the Conservation Area as follows:-

"This part of the Area is characterised by a greater variety of residential built development on the north side of the road, usually within well-defined curtilages of generally suburban scale. Houses are set back in their gardens, the street scene is more spacious, and mature trees become dominant. No particular rules can be derived from the buildings apart from those associated with "good manners" in development terms. Interest and importance derives from the continuing sinuosity of High Street, so that various buildings perform an important function in closing and defining views, although they are unexceptional and can only be regarded as "neutral" in terms of the Area's appearance.

The variations to the plans for three new dwellings already approved are relatively negligible and for this reason the proposal is considered to still preserve or enhance the character or appearance of the Conservation Area.

Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

In this instance the proposed alterations would not harm the character of the surrounding built environment and would retain a satisfactory standard of design by not departing from the originally approved plans.

Impact on Neighbours Amenities

The NPPF, at 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 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'.

In recognition that the proposed variation to the amended plans relates to minor external adjustments, these adjustments would cause no material harm to residential amenity.

Highways

The impact of the proposed development on the Highway-network in regards to vehicular and pedestrian visibility splays and material harm to highway safety has already been established by reason of the granting of the original planning permission. The changes to the approved plans which are primarily to the external buildings themselves have no impact in regards to vehicular and pedestrian visibility splays or would cause material harm to highway safety

Trees

The proposed variation of condition 2 of planning permission 16/00529/FUL will not alter or otherwise affect the impact of the development proposal on retained trees or the potential for new soft landscaping.

Other

As the application is for a variation to condition of a planning application already approved under reference 16/00529/FUL there will not be a requirement for the Unilateral Undertaking associated to the Recreational Disturbance, Avoidance & Mitigation and no contribution will be required prior to commencement of development.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the 15th August 2016.

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: 08285/PO4 E received 29th January 2019, 08285/P-05-D received 20th March 2019, 08285/P-01-E received 20th March 2019, 5207-D received 5th April 2016, 08285/P-02-F received 20th Mar 2019 and 08285/P-03-G received 20th March 2019.

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

- 3 The development hereby approved must be carried out in strict accordance with the Tree Survey Drawing Title TS & AIA Drawing No: 5307 - D dated 5th April 2016.

Reason - In the interests of visual amenity and the character and appearance of Thorpe-le-Soken Conservation Area.

- 4 The development shall take place in accordance with those details shown on drawing number 08285/P04F, received 19th March 2019.

Reason - This is a publicly visible site within the Thorpe-le-Soken Conservation Area where an appropriate landscaping scheme is a visually essential requirement.

- 5 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the Conservation Area.

- 6 The development shall be carried out in accordance with those details shown on drawing number 08285/P-FINISHES and accompanying Finishing Schedule received by the Local Planning Authority on 20th March 2019. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area and Conservation Area are used.

- 7 The screen walls and fences shall be erected prior to the dwellings to which they relate being occupied in accordance with those details shown on drawing number 08285/P04F received on 19th March 2019 and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

- 8 Prior to the first occupation of the proposed dwellings, the proposed vehicular access from High Street shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

- 9 Prior to the proposed access onto the High Street being brought into use, a 1.5m x 1.5m pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 10 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

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

- 11 Prior to the proposed access onto Vicarage Lane being brought into use, the vehicular visibility splays shown on Drawing 08285/P04E received 29th January 2019 shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 12 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 13 Any gates erected at the vehicular accesses shall be inward opening only and shall be recessed a minimum of 6m from the highway.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 14 The development shall be carried out in accordance with the details contained within the Construction Method Statement, received 29th January 2019. The approved Statement shall be adhered to throughout the construction period.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 15 There shall be no construction traffic or any vehicles associated with the proposed development permitted to use Vicarage Lane whatsoever.

Reason - To preserve the fabric of the highway and to ensure the safe passage of pedestrians and equestrians on the definitive right of way.

- 16 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays in perpetuity.

Reason - To ensure that the future outward growth of the hedge 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.

- 17 Notwithstanding the provisions of Schedule 2, Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargements consisting of an addition or alteration to its roof shall be made to the dwellings hereby approved except in accordance with drawings showing full details of such alterations which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and the character and appearance of the Conservation Area.

- 18 Prior to the proposed access onto Vicarage Lane being brought into use, the vehicular visibility splays shown on Drawing 08285/P04E received 29th January 2019 shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

8. Informatives

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO

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:

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