

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	22/11/19
Planning Development Manager authorisation:	AN	26/11/19
Admin checks / despatch completed	XAG	29/11/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EN	29/11/19

**Application:** 19/01276/FUL

**Town / Parish:** Thorpe Le Soken Parish  
Council

**Applicant:** Mr & Mrs Jackson

**Address:** Land adjacent Pitts Meadow Mill Lane Thorpe Le Soken

**Development:** Variation of Condition 2 of 17/01378/FUL to amend the previously approved design.

### **1. Town / Parish Council**

Thorpe-le-Soken Parish Council      No comment.

### **2. Consultation Responses**

Essex County Council Heritage      The application is for the variation of condition 2 of 17/01378/FUL to amend the previously approved design.

The above concerns land adjacent to Pitts Meadow, located within the Thorpe le Soken Conservation Area and in close proximity to a number of listed buildings, including the Parish Church of St Michael (Grade II\* listed, HE Ref: 1147716) and Mill Barn Farmhouse (Grade II listed, HE Ref: 1322624).

The external materials as labelled on the proposed elevation drawings are not fully understood, possibly being labelled erroneously, yet the incorporation of corrugated sheeting as the roof treatment is not considered appropriate within the conservation area and clarification is recommended. The number of hard surface materials (three) in the relatively small area of the driveway is also considered excessive, introducing visual clutter and inconsistency, and it is recommended that this be revised and unified. With changes to the appearance of the fenestration and the form of the building, the proposal is considered to dilute an already poor design in conservation terms, one lacking reference to the vernacular character of the conservation area and forms/elements present throughout, at odds with its local distinctiveness and posing as a negative contribution to the existing street scene. The assumed raising of the ridge line is seen to increase the scale and prominence of the building, where this inappropriate structure would dominate the immediate environment and its historic context.

For the above, the proposed scheme is considered to cause "less than substantial" harm to the significance of the conservation area and the significance of the listed buildings as derived from their setting (all designated heritage assets), where paragraph 196 of the NPPF is relevant.



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 the access being brought into use, the vehicle 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 road junction / 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 road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.7metres, shall be provided with an appropriate vehicular crossing of the footway/highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. 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 in accordance with policy DM1.

4. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety 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. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.



The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

8. The public's rights and ease of passage over public footpath no. 11(Thorpe Le Soken) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

9. 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.

The above conditions are 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.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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.

### **3. Planning History**

17/01378/FUL	Erection of one dwelling.	Approved	25.10.2017
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### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas



HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

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

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL8 Conservation Areas

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 (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**

### Site Description

The application site is situated to the south-west of Pitts Meadow, Mill Lane, Thorpe-le-Soken. The surrounding area is characterised by numerous detached and semi-detached residential dwellings. To the east of the site is a large open field, protected by mature vegetation. To the west is also open field and beyond that a large area of paddock land. The site lies within the Settlement Boundary for Thorpe-le-Soken, as established in the Saved Tendring Local Plan 2007. The site also lies within the Thorpe-le-Soken Conservation Area, while to the south-east is a Public Right of Way.

### Description of Proposal

This application seeks planning permission for the variation of condition 2 of previous planning permission 17/01378/FUL. This will amend the previously approved design of the dwelling by raising the eaves and ridge heights, adding a solar panel to the rear elevation, and amending the fenestration to the front and side elevations.

Originally the plans included a double garage to the front of the dwelling. However, Officers raised concerns that this would appear too prominent, would set a harmful precedent for other similar examples, and be harmful to the amenities of the adjoining neighbours. As such amended plans have been submitted to remove this element from the proposal.

### Site History

Under planning reference 17/01378/FUL, planning permission was granted for the erection of a detached two storey dwelling, with measurements of 8 metres in height, 12 metres in width and a depth of 11.9 metres, and will serve three bedrooms.



## Assessment

### 1. Visual Impact

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 works will see a number of alterations to the design previously considered acceptable within 17/01378/FUL. The raising of the eaves and ridge levels is the most noticeable amendment, and will result in the dwelling appearing slightly more imposing upon the street scene. However given that this will only result in an increase of 0.7 metres to the dwellings' height, and the adjacent dwelling to the south is of a similar height, there is not considered to be significant visual harm. The proposed solar panel is a minor change and is to the rear of the dwelling, so will have a neutral visual impact, while the amendments to the fenestration to the front and side elevations are minor alterations and will bear no visual harm.

### 2. Heritage Impact

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN23 of the Adopted Local Plan states that development that would adversely affect the setting of a listed building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The site is located within the Thorpe le Soken Conservation Area and in close proximity to a number of listed buildings, including the Parish Church of St Michael (Grade II\* listed, HE Ref: 1147716) and Mill Barn Farmhouse (Grade II listed, HE Ref: 1322624).

As such the Council's Historic Environment consultant has been consulted on the application. They initially stated that the number of hard surface materials (three) in the relatively small area of the driveway was excessive, introducing visual clutter and inconsistency. Amended plans were therefore provided to ensure this was all covered in limestone chippings, which is considered acceptable. Further complaints were raised in regard to the appearance of fenestration and form of the building, and the raising of the ridge height; however given that a similarly designed building has permission there is not considered to be sufficient harm to object on these grounds.

### 3. Impact to 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).

The majority of the changes are minor adjustments to the previously approved scheme, and will result in a neutral impact to neighbouring amenities. With regards to the increase in height, it is acknowledged there will be an element of the dwelling appearing more imposing. However that notwithstanding there is a 2.5m and 3m separation to the adjacent neighbours, while it will not result in any additional overlooking concerns. Therefore there is not considered to be sufficient harm to justify a reason for refusal.

### 4. Highway Safety



Essex Highways Authority have been consulted and have stated they raise no objections subject to conditions relating to visibility splays, the width of the access, the use of no unbound materials, a vehicular turning facility, the submission of a construction method statement, the public footpath, and any boundary planting being set back from the highway. Some of these were conditioned on the original planning application so will be carried across to this permission. The two additional conditions will be attached to this decision. A further condition relating to cycle storage details was requested, however given the site is of a sufficient size to accommodate this it would not be reasonable to request this on this occasion.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The submitted plans show there is sufficient space to the front of the dwelling to accommodate the necessary parking requirements.

#### 5. Tree and Landscapes Impacts

To show that the retained tree to the rear of the site will not be harmed by the development proposal the application has shown the position of the Root Protection Area (RPA) on the Block Plan. Taking into account the separation distance between the proposed dwelling and the tree, and the condition of the tree, this information is considered adequate.

There are no other trees in the main body of the land that significantly constrain the development potential of the land.

A condition will be attached to secure details of the indicative soft landscaping shown on the Block Plan, and soft landscaping should include at least two trees on, or close to, the site frontage.

#### Other Considerations

Thorpe-le-Soken Parish Council have not commented.

No other letters of representation have been received.

#### 6. Recommendation

Approval.

#### 7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 0260\_DD\_01C, 0260\_DD\_02B, 0260\_DD\_03E, 0260\_DD\_04B, 0260\_DD\_05B, 0260\_DD\_06E, and 0260\_DD\_07D, and the untitled Construction Method Statement.

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

- 2 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order England 2015 (or any Order revoking and re-enacting that Order with or without modification), the side elevation first floor window serving as a bedroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 3 No unbound materials shall be used in the surface treatment of the proposed vehicular access 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.

- 4 Prior to the proposed access being brought into use, vehicular visibility splays of 17m by 2.4m by 17m as measured along, from and along the nearside edge of the carriageway, 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.

- 5 Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 6 Prior to the occupation of the proposed development, the developer shall make good and effect any repairs necessary to the surface and sub surface of Mill Lane, Public Footpath No11 (Thorpe Le Soken) which have been caused by the construction and fitting out phases of the proposed development to the specifications of the highway Authority entirely at the developers own expense.

Reason - To ensure the continued safe passage of pedestrians on the definitive right of way.

- 7 The public's rights and ease of passage over public footpath no. 11(Thorpe Le Soken) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way.

- 8 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.

- 9 All external facing and roofing materials shall be in full accordance with the details as shown on drawing numbers 0260\_DD\_06E and 0260\_DD\_07D.

Reason - The site is situated within the Thorpe-le-Soken Conservation Area and materials that are in-keeping with the surrounding area are essential.

## **8. Informatives**

### Highways Informatives:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.



## 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 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.