

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	06/12/2019
Planning Development Manager authorisation:	AN	6/12/19
Admin checks / despatch completed	SB	06/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	[Signature]	6/12/19

**Application:** 19/01351/FUL **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr and Mrs N Jones

**Address:** Land adjacent Thorpe Green Farm Colchester Road Thorpe Le Soken

**Development:** Variation of condition 2 of application 19/00426/FUL to allow for an addition to the rear at first floor level and for the addition of solar panels to be installed to provide dwelling with green energy.

### 1. Town / Parish Council

Thorpe le Soken Parish Council      No comments received.

### 2. Consultation Responses

ECC Highways Dept      The Highway Authority does not object to the proposals as submitted.

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

### 3. Planning History

09/00428/FUL	Erection of detached two storey dwelling (following demolition of existing dwelling).	Approved	06.07.2009
10/01030/FUL	Proposed entrance canopy.	Approved	25.10.2010
10/01031/FUL	Detached garden store (retention of)	Approved	25.10.2010
11/00751/FUL	Proposed detached dwelling.	Refused	30.08.2011

16/01123/OUT	Proposed detached dwelling to rear of Thorpe Green Farm.	Refused	09.01.2017
17/01011/FUL	Continued use of land for the temporary storage of vehicles, vehicle parts, containers and related equipment.	Approved	15.09.2017
18/01305/OUT	Erection of one dwelling.	Approved	03.10.2018
19/00426/FUL	Erection of one dwelling.	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
- HG6 Dwelling Size and Type
- HG9 Private Amenity Space
- HG14 Side Isolation
- EN1 Landscape Character
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN6 Biodiversity
- 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
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL3 The Rural Landscape

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 the land adjacent to Thorpe Green Farm located on the south eastern side of Colchester Road within the parish of Thorpe-le-Soken. The application site extends approximately 0.2 hectares and is located on the edge of the built-up area of Thorpe with dwelling to its north and open fields to the south and beyond. The site is effectively a side/rear garden area to the existing property Thorpe Green Farmhouse. The site is laid to grass with a gravelled track leading to outbuildings to the rear of the site. The site has relatively good screening on the north-west boundary facing the highway (B1033) and the south boundary facing the adjacent agricultural land. A vehicular access is located onto the B1033 which currently serves the existing dwelling.

Thorpe Green Farm comprises a former farm house which has been extended and modernised together with land to the rear containing a number of outbuildings and indoor swimming pool.

### Description of Application

The application seeks a variation of Condition 2 of application 19/00426/FUL to amend the approved plans for the development to allow for a first floor addition to the rear approximately 1.5m in depth and solar panels to be installed to the south side facing roof slope to provide the new dwelling with green energy.

### Assessment

The proposed variation is fairly minor in nature. The Principle of Development, Layout, Scale and Impact, Residential Amenities, Highway Safety and Parking, Trees and Landscaping and Financial Contributions are not materially affected by the proposed amendments.

The overall design, appearance and visual impact of the development have been assessed and accepted through the approval of application 19/00426/FUL. The main considerations in this instance is therefore the visual impact and neighbour impact of the rear first floor addition and solar panels only.

### Design and Impact

The application seeks a variation of Condition 2 of application 19/00426/FUL to amend the approved plans for the development to allow for a first floor addition to the rear approximately 1.5m in depth and solar panels to be installed to the south side facing roof slope to provide the new dwelling with green energy.

The proposed solar panels are small in size and will not dominate the roof slope or appear visually prominent. The 1.5m first floor rear element was originally negotiated out of the scheme as officers felt that the depth of the dwelling was excessive on this edge of settlement location. However, the addition in comparison to the fall-back position is minor having regard to the overall appearance of the scheme. The set back from the highway and vegetation along the highway boundary help to screen and minimise the visual impact of the development, which will further softened through a landscaping scheme that remains outstanding. Whilst the previously approved scheme is better in design terms, the overall visual impact is negligible and a refusal is not considered justified in this instance.

### Residential Amenities

The development provides ample spacing around the dwelling and to the neighbouring property. The 1.5m first floor rear addition will not result in any material harm to the amenities of the occupiers or future occupiers of the neighbouring property.

### Trees and Landscaping

There are no trees or other significant vegetation on the application site that would be affected by the development proposal. There is a young Willow situated on the eastern boundary of the land that is shown as retained.

The proposed amendment to the application to install solar panels and a rear first floor addition will not affect existing vegetation.

There is an opportunity for new tree planting to be carried out either side of the proposed vehicular access to the new dwelling. This would help to soften and screen the development and assist with its assimilation into its setting. A landscaping scheme is secured by condition.

#### Financial Contribution - RAMS

This residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, being approximately 2400 metres from Hamford Water SAC. In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

The financial contribution has been secured by way of a Unilateral Undertaking (UU) agreed under the original planning application reference 19/00426/FUL. This is a variation to that permission and the UU remains applicable to this application reference 19/01351/FUL.

#### Financial Contribution - Open Space

No financial contribution was sought under planning approval 19/00426/FUL.

#### Representations

No comments have been received from Thorpe le Soken Parish Council.

No individual letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the revised 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 28.06.2019.

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 plan: Drawing Number: 1 Revision: K and DWG. No. 18/099/101 Rev D.

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

- 4 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 - In the interest of visual amenity and the character of the area.

- 5 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - In the interests of visual amenity as insufficient details have been provided with the application.

- 6 No unbound materials shall be used in the surface treatment of the proposed 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.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity on this edge of settlement location and in the interests of residential amenities.

- 8 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls, gates or other means of enclosures, shall be erected along the southern side boundary of the site or forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and the semi-rural character the locality.

- 10 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the highway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

## 8. Informatives

### Legal Agreement Informative - Recreational Impact Mitigation

This variation application is the subject of a legal agreement. This decision should only be read in conjunction with this agreement as completed under the original planning application reference 19/00426/FUL. 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.

### 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.

### Highways Informatives

#### Informative 1:

For the existing vehicle access being retained for Thorpe Green Farm it would be beneficial if no unbound material is present in the surface treatment of the vehicular access within 6 metres of the highway boundary. To avoid displacement of loose material onto the highway in the interests of highway safety.

#### Informative 2:

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

#### Informative 3:

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

#### Informative 4:

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 5:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

SMO1 ' Essex Highways  
Colchester Highways Depot  
653 The Crescent

Colchester  
CO4 9YQ

Informative 6:

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.