

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/07/2020
Planning Development Manager authorisation:	AN	20/07/2020
Admin checks / despatch completed	CC	20.07.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	20.07.2020

Application: 19/01627/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr Paul Foley

Address: Station House Station Road Thorpe Le Soken

Development: Proposed 1.5 storey (3 bedroomed) detached dwelling.

1. Town / Parish Council

Thorpe Le Soken Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept
09.06.2020

AMENDED COMMENTS

Please note that at present the highway authority is not making site visits due to the COVID-19 restrictions and the observations below are based on submitted material, google earth photo dated April 2019 and a previous visit to the site.

The Highway Authority observes that the road is classified as a Private Road and therefore does not object to the proposals as submitted, subject to the following conditions:

1. 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.

2. No unbound material shall be used in the surface treatment of the vehicular access or driveway throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. 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 more than 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb 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.

4. Any new boundary planting shall be planted a minimum of 1 metre back from the highway verge 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

5. 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 parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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 carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety 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: As the road is classified as a Private Road, the applicant should therefore be requested to demonstrate the rights of pass and repass to the proposed development site exist in perpetuity and that the applicant also has the necessary permissions to make a vehicular connection to the road.

2: 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 or by post to:

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

ECC Highways Dept
20.11.2019
ORIGINAL COMMENTS

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The Highway Authority observes that the road is classified as a Private Road and therefore does not object to the proposals as submitted, subject to the following conditions:

1. 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.

2. All double garages should have a minimum internal measurement of 7m x 5.5m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

3. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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3. Planning History

08/00081/FUL	Change of use from land ancillary to the village hall to operational railway land, in association with improvement to the existing level crossing plus associated highway works.	Approved	12.03.2008
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14/30039/PREAPP	Installation of two raised platform ramps and car stop signs.		03.03.2014
17/01521/DEMCO N	Demolition of the existing brick waiting room and canopy on platform 1.		23.10.2017
04/01491/FUL	Conversion of former station masters house and ticket office to two flats and extension to former station toilets to provide garages	Approved	15.09.2004
18/01130/OUT	Proposed 2 no. new apartments.	Approved	10.09.2018

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
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN17	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
LP2	Housing Choice
LP3	Housing Density and Standards
LP5	Affordable and Council Housing
HP5	Open Space, Sports & Recreation Facilities
PPL4	Biodiversity and Geodiversity
PPL8	Conservation Areas
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Conservation Area Character Appraisals

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a parcel of land to the east of the former Station Masters House at Thorpe-le-Soken train station. The site extends approximately 0.4 hectares comprising grass with tree planting along its northern, southern and eastern boundaries.

Station House, immediately to the west of the application site, is a pretty Victorian red brick two-storey building with white sash windows and white timber doors, buff brick decorative quoining, coursing and sill detailing, and a cropped gable slate roof. Station House is in the ownership of the applicant, and is let as two apartments. A run of single-storey timber and brick garaging lies between Station House and the application site.

The site is located within the Thorpe-le-Soken Station and Maltings Conservation Area. The site lies outside the settlement development boundary (SDB) for the area as defined within the adopted Tendring District Local Plan 2007 but within the new Thorpe Station and Thorpe Maltings SDB as defined within the emerging Local Plan 2017.

Description of Proposal

The application follows a previously approved outline application with all matters reserved under application reference number 18/01130/OUT for the development of the site for 2 no. new apartments.

This current application now seeks full planning permission for the erection of a detached 1.5 storey 3 bedroom dwelling with associated parking, garden, landscaping and boundary treatments.

Assessment

The main considerations are;

- Principle of Development;
- Layout, Scale, Character and Appearance (including impact on Heritage Assets);
- Residential Amenities;
- Highway Considerations and Parking;
- Trees and Landscaping;
- Financial Contribution – Open Space and Play Space;
- Financial Contribution – Recreational Disturbance; and,
- Representations.

Principle of Development

The site lies outside of the defined Settlement Development Boundary of Thorpe as set out in the Tendring District Local Plan (2007) but within the new Thorpe Station and Maltings boundary as defined within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The proposed dwelling is therefore acceptable in principle subject to further details considerations set out below.

Layout, Scale, Character and Appearance (including impact on Heritage Assets)

The site is located in the Thorpe-le-Soken Station and Maltings Conservation Area and within the historic property of the Station House which is a non-designated heritage asset. The site is also in close proximity to the substantial former King Edward VII public house, previously the hotel serving the station. The former public house is dated by a date stones as built 1901 and is a non-designated heritage asset.

The nearest listed building, Thorpe Maltings, is some 60m to the north west of the proposed building. Overall the setting of the Maltings is rather dominated by access roads and car parking, together with a selection of rather overgrown and/or unkempt boundaries. The building itself is in a severely derelict state. The proposal is located a sufficient distance from the Maltings and separated by the Station House and the open area of the station car park as therefore will not result in any impact upon its setting.

The Thorpe-le-Soken Station and Maltings Conservation Area appraisal mentions the site as ' a garden immediately east of the original station building, with a strong screen of conifers on its north side towards the concourse' but does not highlight the site as a positive or negative feature.

Following extensive consultation with Place Services Historic Environment Team, numerous amendments have been secured in order to deliver an acceptable scheme. The scale, layout, detailed design and finishes are all considered acceptable and Places Services raise no objection to the development.

Residential Amenities

Planning history records show that the upper floors of the adjacent station building have been converted into apartments. There are no other nearby residential dwellings that would be effected by the development. The application site is not used as amenity area for the existing apartments and its loss to development would not be detrimental to the occupiers of these flats.

The proposed dwelling will be served by approximately 160 square metres of private amenity space wrapping around both sides and the rear of the property with additional space to the landscaped fronted garden.

Although the site is close proximity to the station and track, the majority of trains are arriving and leaving at a very slow pace minimising any noise disturbance to future occupants.

The proposal is considered to provide an acceptable standard of amenity.

Highway Considerations and Parking

Essex County Council as the Highway Authority has been consulted on the application. As this section of Station Road is classed as a Private Road the Highway Authority does not wish to object.

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. The amended layout removes the garage but provide parking for 2 vehicles in accordance with the parking standards. Furthermore, the site is located within a highly sustainable location with regular transport links and Thorpe-le-Soken centre also being within walking distance of the site.

Trees and Landscaping

The only significant vegetation on the application site is a row of hedging conifers comprising Cupressocyparis Leylandii. These trees do not merit retention or protection by means of a tree preservation order.

The amended block plan shows new soft landscaping and adequate details of the species and specification. The plan shows the retention of some of the existing planting situated on the boundary of the proposed garden. Replacement planting with a more aesthetically pleasing hedging species would be ideal but not essential. The retention of the existing vegetation will help screen the new boundary fencing and soften the appearance of the development. However, should these be removed or die, it is considered necessary to secure replacement planting in the interest of the character and appearance of the conservation area. This will secured by condition.

Financial Contribution – Open Space and Play Space

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

There is currently a deficit of -2.43 hectares of play and formal open space in Thorpe-le-Soken.

The Parish have recently developed another area of open space known as Lockyer Wood. They have included some play provision but this is an ongoing project to provide reduce the deficit of play facilities in Thorpe.

Due to the significant lack of provision in the area if it felt that a contribution, is justified and relevant to the planning application and that this money would be used towards providing additional facilities at Lockyers Wood.

A completed unilateral undertaking has been received securing this financial obligation in accordance with the above-mentioned policies.

Financial Contribution – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 3300 metres from Hamford Water SAC, SPA and Ramsar. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has been secured through a completed unilateral undertaking in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements and the application therefore complies with Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

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

No individual letters of representation have been received.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development that will preserve the character and appearance of the Thorpe Station Conservation Area in line with the aims of national and local plan policy and is therefore 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 strict accordance with approved Drawing Number ASB-01 Revision C including all boundary treatment details, planting specifications, hard surfacing, window details, materials and finishes.

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details on Drawing Number ASB-01 Revision C 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 (including the front boundary trees annotated to be retained) 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 and appearance of the conservation area.

- 4 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D 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 - To ensure that sufficient private amenity space is retained for the dwelling in the interests of residential amenities and in the interests of visual amenities and the impact on the character and appearance of the conservation area.

- 5 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), other than the boundary treatments shown on approved Drawing Number ASB-01 Revision C no provision of fences, walls, gates or other means of enclosures, shall be erected 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 character and appearance of the conservation area.

- 6 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.

- 7 No unbound material shall be used in the surface treatment of the vehicular access or driveway throughout.

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

- 8 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 more than 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb 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.

- 9 Any new boundary planting shall be planted a minimum of 1 metre back from the highway verge 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.

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, 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 - 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.

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.

Highways Informatives

1: As the road is classified as a Private Road, the applicant should therefore be requested to demonstrate the rights of pass and repass to the proposed development site exist in perpetuity and that the applicant also has the necessary permissions to make a vehicular connection to the road.

2: 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.

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