

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | ML       | 13/08/2020 |
| Planning Development Manager authorisation:                 | TF       | 13/08/2020 |
| Admin checks / despatch completed                           | DB       | 17.08.2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CD       | 17.08.2020 |

**Application:** 20/00043/DETAIL                      **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr and Mrs P Harrison

**Address:** Springfield Golden Lane Thorpe Le Soken

**Development:** Approval of reserved matters for outline application 17/00933/OUT approved at appeal APP/P1560/W/18/3194253.

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

Thorpe PC                      No comments received

### **2. Consultation Responses**

ECC Highways Dept                      From a highway and transportation perspective the impact of the  
26.03.2020                      proposal is acceptable to Highway Authority subject to the following  
mitigation and conditions:

1.        Prior to the occupation of the proposed dwelling the internal layout shall be provided in principal and accord with drawing number:  
-        0576\_A\_DD\_04 Rev. A        Proposed Site Plan.  
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.
  
2.        Prior to occupation of the dwelling 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 (equivalent to 5 low kerbs) and shall be retained at that width for 6 metres within the site.  
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.        There shall be no discharge of surface water onto the Highway.  
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

6. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

7. As indicated on drawing no. 0576\_A\_DD\_04 Rev. A, the proposed gates shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

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 in accordance with policy DM1.

8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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 DM 1

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.

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.

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

Tree & Landscape Officer  
19.03.2020

The application site is well screened by existing vegetation on the boundary with the highway and currently forms part of the residential curtilage of the host property.

The garden is well populated with trees and contains a wide range of ornamental shrubs.

It is clear that the implementation of the development proposal will necessitate the removal of several trees and shrubs however their size and positions are such that they are not prominent features in the public realm and consequently do not merit protection by means of a tree preservation order.

Taking into account the retention of most of the trees and shrubs on the land especially the existing screening on the highway boundary the development of the site is not likely to cause significant harm to the character of the area.

The only additional landscaping that may be required would be to replace any trees or shrubs on the boundary with the highway were they to be removed or damaged during the implementation of the construction phase of the development process.

### **3. Planning History**

|                 |   |                             |            |
|-----------------|---|-----------------------------|------------|
| 17/00933/OUT    | Outline planning application with all matters reserved for the development of one dwelling with associated parking and landscaping. | Refused (allowed on appeal) | 24.07.2017 |
| 20/00043/DETAIL | Approval of reserved matters for outline application 17/00933/OUT approved at appeal APP/P1560/W/18/3194253.                        | Current                     |            |

### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

|       |   |
|-------|---|
| QL11  | Environmental Impacts and Compatibility of Uses                   |
| HG9   | Private Amenity Space   |
| HG14  | Side Isolation  |
| EN1   | Landscape Character   |
| EN11A | Protection of International Sites European Sites and RAMSAR Sites |
| TR1A  | Development Affecting Highways                                    |
| TR7   | Vehicle Parking at New Development                                |

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

|      |   |
|------|---|
| SPL1 | Managing Growth                         |
| SPL2 | Settlement Development Boundaries       |
| SPL3 | Sustainable Design                      |
| LP1  | Housing Supply                          |
| LP4  | Housing Layout                          |
| PPL3 | The Rural Landscape                     |
| PPL4 | Biodiversity and Geodiversity           |
| CP1  | Sustainable Transport and Accessibility |

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, 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 site is located on the north-western side of Golden Lane within the parish of Thorpe-le-Soken. The site comprises of land currently used as side garden associated with Springfield, which is a residential dwelling neighbouring the site to the north east. The site currently contains areas of grass and vegetation including several trees. The site sits approximately 1.3km North West of the centre of Thorpe-le-Soken. To the North West the site opens out onto countryside and looks out over open fields to the south east, on the opposite side of Golden Lane. The site occupies an infill site between Springfield to the north and an existing office building to the south.

The site benefits from an existing access onto Golden Lane which serves the current office/outbuilding.

### Proposal

This application seeks permission of the reserved matters of outline planning permission 17/00933/OUT approved at appeal APP/P1560/W/18/3194253 these being; landscaping, appearance, access, scale and layout.

The development proposes the construction of a detached 4 bedroom on the plot. The property would measure 14.4m in depth and 16.5m in width and 9.1m to ridge height. A basement is also provided with a swimming pool and gym area.

The property would be timber framed with a light render and red brick finish and red plain tiles to the roof.

### Appraisal

The principle of siting a detached two storey property on the site was previously agreed at outline stage. Therefore the main considerations are;

- Design/Layout
- Residential Amenity
- Highways
- Landscaping
- Legal Obligations

### Design/Layout

The site is in a section of the lane that is characterised by detached and terraced two-storey properties interspersed amongst mature vegetation. In this context, and as accepted at outline stage, the construction of a dwelling on the site in question is acceptable. The submitted plans show that the dwelling would back within the plot behind 'Springfield' to the east. Consequently, due to this arrangement and the mature vegetation present on the site frontage the property would not be easily viewed from the highway.

Plot width is roughly the same as that enjoyed by other comparable properties in the immediate area and well in excess of 1m side isolation is retained to the side boundaries of the plot to ensure that the dwelling would sit comfortably in its surroundings, without appearing cramped.

Although the property is set back significantly within the approved red line site the rear garden/decking area will still measure in excess of the required 100sqm. This area will be enclosed by 1.8m high woven fencing along the eastern boundary and existing vegetation along the rear and western boundary.

With regard to parking provision three off-street spaces are proposed to ensure the development would be compliant with the Council's standards. The host dwelling would also retain its forecourt for parking purposes.

Based on the above it is considered that the development proposed is considered to be an acceptable form of development for the site, having regard to the character of this section of the lane and the standards and guidance applied by the Local Planning Authority in relation to amenity-space and parking.

The form of the house, with its steeply pitched roof, is a version of the local vernacular. The elevations use a solid oak casement and white render over a red brick plinth. The form, massing, detailing and materials of the property are considered to represent an appropriate response to the mixed character and age of dwellings in the vicinity.

## Residential Amenities

It is considered that sufficient spacing between the proposed property and the applicant's existing dwelling to the east is retained resulting in limited impacts upon the amenities of neighbours. The new property would be set back further into the plot than the applicant's dwelling but due to the existing screening vegetation being retained any loss of privacy arising from the facing first floor windows in the new property would be minimal.

## Highways

ECC-Highways have no objections to the access/parking arrangements subject to conditions securing the following;

- The internal parking layout being in accordance with the submitted plans
- Vehicular access being no more than 4.5m in width and retained as such 6m into the plot
- No unbound materials within 6m of highway
- No discharge of water onto the highway
- No occupation until parking/turning areas provided
- Any gates being set back 6m from highway
- Submission of a CMS

Where not indicated on the submitted plans these requirements will be secured via condition.

## Landscaping

The application site is well screened by existing vegetation on the boundary with the highway and currently forms part of the residential curtilage of the host property.

The garden is well populated with trees and contains a wide range of ornamental shrubs.

It is clear that the implementation of the development proposal will necessitate the removal of several trees and shrubs however their size and positions are such that they are not prominent features in the public realm and consequently do not merit protection by means of a tree preservation order.

Taking into account the retention of most of the trees and shrubs on the land especially the existing screening on the highway boundary the proposed development is not likely to cause significant harm to the character of the area.

The only additional landscaping that may be required would be to replace any trees or shrubs on the boundary with the highway were they to be removed or damaged during the implementation of the construction phase of the development process. The submitted landscaping scheme secures this requirement.

## RAMS

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.

A completed unilateral undertaking has been provided as part of the outline planning permission to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance 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.

## Other Considerations

Thorpe-le-Soken Parish Council has not commented.

No further 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;
  - 0576\_A\_DD\_04\_C
  - 0576\_A\_DD\_05\_C
  - 0576\_A\_DD\_06\_A
  - 0576\_A\_DD\_07\_C
  - 0576\_A\_DD\_08\_A
  - 0576\_A\_DD\_09\_A

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. - 0576\_A\_DD\_05\_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 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 implementation of the approved scheme of the landscaping for a period of five years in the interests of visual amenity.

- 3 The proposed development shall not be occupied until such time as the vehicle parking and turning areas indicated on the approved plans have been hard surfaced and marked out in parking bays. The vehicle parking areas and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 4 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.

- 5 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway.



- 6 As indicated on drawing no. 0576\_A\_DD\_04 Rev. C, the proposed gates shall be set back a minimum of 6 metres from the back edge of the carriageway.

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.

- 7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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.

## **8. Informatives**

### Positive and Proactive Statement

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.

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.

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

### 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.

|   |     |    |
|---|-----|----|
| <b>Are there any letters to be sent to applicant / agent with the decision?<br/>If so please specify:</b> | YES | NO |
| <b>Are there any third parties to be informed of the decision?<br/>If so, please specify:</b>             | YES | NO |