

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	8 th Dec 2020
Planning Development Manager authorisation:	SCE	15.12.2020
Admin checks / despatch completed	CC	15.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	15.12.2020

Application: 20/01002/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr Steve Clarke - Coleman and Clarke Ltd

Address: Hillcrest Colchester Road Thorpe Le Soken

Development: Construction of a new dwelling, amendment to approved scheme 15/00976/DETAIL.

1. Town / Parish Council

No comments received

2. Consultation Responses

UU Open Spaces
16.11.2020

Response from Public Realm

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

No contribution is being requested from Open Space & Play on this occasion.

Building Control and
Access Officer

No comments at this stage.

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that this is an amendment to approved scheme 15/00976/DETAIL and these amendments do not affect any highway related matters originally approved under 15/00976/DETAIL, therefore:

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

3. Planning History

13/01190/OUT Proposed replacement dwelling. Approved 17.12.2013

14/01388/DETAIL Reserved matters application following planning approval 13/01190/OUT - Replacement dwelling. Refused 14.11.2014

15/00976/DETAIL Reserved matters application following planning approval Approved 27.08.2015

	13/01190/OUT - Replacement dwelling and detached triple garage.		
16/30210/PREAPP	Erection of 2 dwellings.	Refused	20.09.2016
17/00248/OUT	Demolition of existing building and erection of 2 new dwellings.	Refused	05.05.2017
17/00869/DETAIL	Reserved matters application following planning approval 13/01190/OUT - Replacement dwelling and detached triple garage.	Approved	
17/00929/DISCON	Discharge of Condition 7 (Construction Method Statement) of Planning Permission 15/00976/DETAIL.	Approved	29.06.2017
20/01002/FUL	Construction of a new dwelling, amendment to approved scheme 15/00976/DETAIL.	Current	

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

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

LP1 Housing Supply

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
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, 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.

5. Officer Appraisal

Site Description

The application site is located on the southern side of Colchester Road (B1033) between the two settlements of Weeley to the west and Thorpe-le-Soken to the east. The site has been cleared and

construction of the dwelling approved under application 17/00869/DETAIL has significantly progressed. An existing vehicular access is located to the north-eastern corner of the plot. The boundary to the highway is marked by a mature roadside hedge. The rear boundary is sparser in nature and contains several trees. To east of the site are several residential properties which are largely detached and set in spacious well-vegetated grounds.

Description of Proposal

The application seeks planning permission for minor alterations to the siting and design of the dwelling approved under application 17/00869/DETAIL. The siting of the dwelling has been brought forward by 3m and turned approximately 50 degrees towards the south-east.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Financial Contributions - RAMS;
- Financial Contributions - COM6;
- Representations; and,
- Other Considerations.

Principle of Development:

The principle of the development was accepted under application 13/01190/OUT.

Layout, Scale and Appearance:

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

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

The proposed footprint is identical to that approved under application 17/00869/DETAIL and windows/doors are in the same location. In regards to the external appearance; as approved the exterior of the dwelling had a mock-Tudor finish with red-stock brickwork soldier courses, white painted render panels between black-stained feather-edge weather boarding. It is proposed to change the finish to multi-red face brickwork at ground floor with cement-board at first floor. This appearance would have similarities to the closest dwelling, constructed as a result of planning approval 19/00426/FUL. In regards to the garage; there has been a minor increase to the ridge of 0.5m in addition to two forward-facing dormers and a new external staircase. Externally the finish would be black feather edge cladding. The introduction of two dormer windows does not diminish the quality of the development previously approved. Overall the amended designs would still relate well to its site and surroundings particularly in relation to its form and design.

Amenities of Existing & Future Occupiers:

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 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 dwelling is still sited a significant distance from the nearest dwelling to the east and continues to raise no concerns in regard to loss of outlook, privacy or light to the occupiers of nearby properties.

Highways:

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that this is an amendment to approved scheme 15/00976/DETAIL and these amendments do not affect any highway related matters originally approved under 15/00976/DETAIL, therefore the Highway Authority does not object to the proposals as submitted.

Recreational Disturbance Avoidance and Mitigation Strategy (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. The contribution is secured by unilateral undertaking.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 3,137m from Hamford Water SPA and Ramsar. Since the development is for 1 dwelling only, the number of additional recreational visitors would be limited and the likely effects on Hamford Water from the proposed development alone may not be significant. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to 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 unilateral undertaking has been prepared to secure this legal obligation. This will 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.

Public Open Space:

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Policy COM6 of the adopted Tendring District Local Plan 2007 states "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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that no contribution is being requested from Open Spaces on this occasion.

Representations:

No comments have been received in response to the public consultation.

Conclusion:

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the 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 accordance with the following approved plans: A3 001 GRD REV C, A3 002 FIRST REV C, A3 003 NORTH ELEVATION REV D, A3 004 STH ELE REV D, A3 005 WST ELE REV D, A3 006 EST ELE REV C and A3 009 GARAGE AND OFFICE REV C; received 28th September 2020 and A3 007 SITE LYT REV C; received 29th October 2020.

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

- 3 All hard landscaping, planting, seeding or turfing shown on drawing number Sheet 5 of 6 (received 2nd July 2015) shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 4 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 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 extension to the dwelling shall be erected except in accordance with drawings showing the design and siting of such extensions which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to retain control over the scale of the development in the interests of the character of the surrounding area as this is a large replacement dwelling for a very modest bungalow.

- 5 Prior to the first occupation of the approved development, the vehicular access shall be reconstructed at right angles to the highway boundary and shall be provided with an appropriate vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

- 6 No unbound materials shall be used in the surface treatment of the vehicular access and driveway.

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

- 7 Prior to occupation of the approved development the parking and turning areas as shown on drawing Sheet 5 of 6 (received 2nd July 2015) shall be provided within the site and shall be maintained free from obstruction in perpetuity for the sole purpose of vehicle parking and turning.

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

- 8 The contents of the Construction Method Statement, as discharged under 17/00929/DISCON on 29.06.2017, shall be adhered to throughout the construction period.

Reason - To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure working conditions are sympathetic to residential amenities.

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.

Highways 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.

Highways 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.

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

SMO1 - Development Management Team
Ardleigh Depot,

Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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.

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