

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	22/10/2021
Planning Development Manager authorisation:	SCE	22.10.2021
Admin checks / despatch completed	CC	22/10/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	22/10/2021

Application: 21/01284/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr and Mrs Jones

Address: Adjacent to Thorpe Green Farm Colchester Road Thorpe Le Soken

Development: Proposed dwelling - amended design to approved application 19/00426/FUL.

1. Town / Parish Council

Thorpe Le Soken Parish Council No commented on this application

2. Consultation Responses

ECC Highways Dept
10.09.2021

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is to utilise one of the two existing vehicle accesses for Thorpe Green Farm which is located within the 40-mph speed limit on Colchester Road. Outline planning application was granted (18/01305/OUT) back in August 2018 and a later full application was approved in June 2019 (19/00426/FUL). The amended application doesn't alter the previous vehicular access proposal and still provides adequate room and provision for off street parking and turning, for the proposed dwelling, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.
2. 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

3. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first 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.

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

5. 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.

Reason: 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 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: 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.

2: 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.

3: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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
19/01351/FUL	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.	Approved	06.12.2019
21/00972/FUL	The retention of only the existing of vehicles, vehicle parts, containers and related equipment (as approved via permission 17/01011/FUL) on the site for a temporary period of 12 months, no additional storage items of any nature are to be added to the site	Approved	26.07.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

COM6 Provision of Recreational Open Space for New Residential Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Adopted Policies

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP7 Place Shaping Principles

Relevant Emerging Policies

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents

which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'titled balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

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 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 full planning permission for the erection of a dwelling - amended design to approved application 19/00426/FUL.

Site History

Under planning reference 19/00426/FUL, planning permission was granted for a 1no. 4-bedroom detached dwelling with associated parking and turning.

Assessment

The main considerations are;

- Principle of Development;
- Layout, Scale and Impact
- Residential Amenities;
- Highway Safety and Parking;

- Trees and Landscaping;
- Financial Contribution - Open Space;
- Habitat Regulations Assessment; and,
- Representations.

Principle of development

The principle of development has been established through the granting of planning application 19/00426/FUL in this location and the proposal is subject to the detailed considerations set out below.

Layout, Scale and Impact

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place - avoiding the use of ubiquitous standard house types. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The submitted plans demonstrate the layout of the proposed dwelling as a two storey large dwelling with a hipped roof. The proposal includes features such as a porch and a rear gable projection. The dwelling retains at least 1 metre to all boundaries which exceeds the standards set out within saved Policy HG14 of the Tendring District Local Plan. The proposed dwelling is set back from the highway and has sufficient parking to the front of the dwelling. The proposed dwelling is a continuation of the linear development on this side of the road and is viewed against a backdrop of the existing dwellings and built form.

The overall scale and footprint of the dwelling is considered to be proportionate to the plot and the surrounding area.

The materials proposed; Eternit Blue/Black fibre cement slate tiles, smooth finish render, UPVC windows and Cromwell Buff by Traditional Brick and Stone Company Brickwork are all materials which are keeping with the surrounding area.

Policy HG9 of the Saved Tendring District Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should accommodate a minimum of 100 square metres. The plans provided demonstrate that the dwelling can accommodate sufficient private amenity space in line with Policy HG9.

Overall the proposed dwellings are considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

Residential Amenities

The NPPF, at paragraph 130 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The development provides ample spacing around the dwelling and to the neighbouring property. The side facing and rear facing first floor windows serve a bathroom and bedroom. Any overlooking will therefore be minimal.. It is therefore considered that sufficient spacing can be achieved to all neighbouring boundaries to not cause any harm to the neighbouring amenities. The proposal is considered acceptable in terms of neighbouring impact and residential amenities.

Access and Highway Safety

Essex Highway Authority have been consulted on this application and have stated that the proposal is to utilise one of the two existing vehicle accesses for Thorpe Green Farm which is located within the 40-mph speed limit on Colchester Road. Outline planning application was granted (18/01305/OUT) back in August 2018 and a later full application was approved in June 2019 (19/00426/FUL). The amended application doesn't alter the previous vehicular access proposal and still provides adequate room and provision for off street parking and turning, for the proposed dwelling. The highway officer therefore has no objection subject to conditions relating to vehicular turning facility, parking space measurements, cycle parking, residential travel pack and storage of building materials. The parking space measurement will not be imposed as the plans demonstrate the spaces are in line with Essex Parking Standards. As this application is for a minor development the residential travel pack is not required and the storage of building materials will be imposed as an informative only.

The Council's Adopted Parking Standards require that for a dwelling with two or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9 metres and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans indicate that sufficient space is provided to accommodate parking in line with Essex Parking Standards.

Trees and Landscaping

The main body of the application site is set to rough grass and does not contain any trees or other significant vegetation.

The site layout plan shows the planting of a new hedge and four specimen trees that will help to soften the appearance on the development.

In terms of the south eastern boundary adjacent to the open countryside where the proposal is to demarcate the boundary with a low post and rail fence it would be desirable to secure the planting of a new hedgerow comprising indigenous species. This would further assist with the screening and enhancement of the development.

Financial Contribution - Open Space

Paragraph 34 of the NPPF states that development plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure such as that needed for education, health, transport, flood and water management, green and digital infrastructure.

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

Due to the size and type of dwelling and distance from the nearest open space/play facilities it is unlikely that there will be any impact on the current facilities. Therefore no contribution is requested on this occasion.

Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

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 application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 2400 metres from Hamford Water SAC.

New housing development within the Zol 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 proportionate financial contribution has been secured (by way of a Unilateral Undertaking) in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.

Representations

Thorpe-le-Soken Parish Council have not commented on this application.

One letter of support has been received stating the following:

"I think these properties will be very considerate and attractive. This builder produces properties that are of good design and quality. I believe they will enhance the road front on the approach to Thorpe-le-Soken"

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 accordance with the following approved plans:

Drawing No. JTGF-01

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

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

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety

- 4 The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity

- 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), 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.

- 6 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.

- 7 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.

- 8 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 and residential amenities.

- 9 Prior to first occupation of the dwelling hereby approved, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities as may be approved shall be installed in a working order, prior to first occupation.

Reason: In order to promote sustainable transport.

- 10 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 11 The development hereby approved shall be carried out in accordance with the Construction Method Statement Scanned 19 July 2021

Reason - To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, 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.

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.

Highways

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.

2: 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.

3: 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:

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Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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