

junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

3: 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.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Tree & Landscape Officer
12.07.2022

The application site is well populated with established trees and the location of the proposed dwelling is in a clearing set back into the site.

The proposed block plan shows the retention of all trees on the application site and the development proposal does not appear to threaten the removal of any other trees elsewhere on the land. In any case the trees do not feature in the public realm and consequently have little amenity value.

Therefore it is not considered necessary or otherwise expedient to make any of the trees on the land the subjects of a tree preservation order.

There is little public benefit to be gained by new soft landscaping associated with the development proposal

Environmental Protection
14.07.2022

I have reviewed the application and have no adverse comment to make.

3. Planning History

92/00200/FUL	Erect 6 Polytunnels, potting and storage shed and office in connection with development of a nursery	Refused	22.04.1992
92/01217/FUL	Erect 6 polytunnels, potting and storage shed and office in connection with development of a nursery with no retail sales	Approved	09.12.1992
93/01374/ADV	Retention of directional sign	Refused	25.01.1994
94/01166/FUL	Retention of polytunnels and other nursery related buildings (renewal of permission TEN/92/1217)	Approved	24.01.1995
96/00758/FUL	Flood drainage pond	Approved	16.07.1996

96/01633/FUL	Renewal of TEN/92/1217 (erection of 6 poly tunnels, potting and storage shed and office in connection with development of nursery with no retail sales)	Approved	24.02.1997
99/00540/FUL	Permanent renewal of potting and storage shed for garaging of tractor and implements (as part renewal of TEN/96/1633)	Approved	29.07.1999
14/01795/FUL	Removal of condition 2 of application 99/00540/FUL to allow use for other users.	Approved	03.02.2015
16/00118/COUNO T	Conversion of a horticultural building to a residential dwellinghouse.	Determination	17.03.2016
17/00286/FUL	Replacement of a former agricultural building with a dwelling (building subject of Prior Approval Notification as being able to be converted into a dwelling)	Approved	27.04.2017
20/00524/DISCON	Discharge of conditions 2 (materials) and 4 (parking) for approval 17/00286/FUL.	Approved	03.06.2020

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

The application site is located on the southern side of Colchester Road within the parish of Thorpe-le-Soken. The site is not located within any settlement development boundary and comprises of a former horticultural site. The site was known as Thorpe Nursery and developed during the early 1990's as a horticultural business comprising of various polytunnels and outbuildings which were tied to the applicant at the time. In February 2015 permission was granted to remove the condition tying the use to the original applicant.

The site itself is currently clear of any development, with the previous building now having been demolished. To the north of the site is a large area screened by trees and vegetation previously used for growing crops. To the west of the site is Holland Brook. The site falls within Flood Zone 3.

To the south of the site a temporary storage building has been erected without planning permission.

Description of Proposal

This application seeks planning permission for the replacement of the former agricultural building with a residential dwelling, however it will see a variation to the design and positioning to the permission approved under planning reference 17/00286/FUL.

Specifically, the changes will result in the dwelling being relocated approximately 2.2 metres to the west, have an amended design, an increased gross floor area of 124sqm (previously 72sqm), and an overall increase of height by 1.1 metre.

Site History

In 2016 under reference 16/00118/COUNOT, it was confirmed that prior approval was not required for the conversion of the horticultural building on site into a residential dwelling.

Then in April 2017, under planning reference 17/00286/FUL, planning permission was granted for the replacement of the former agricultural building subject of the prior approval notification within 16/00118/COUNOT, with a residential dwelling. The replacement dwelling was to be located in the same location as the existing building and would have a gross floor area of 74sqm and a maximum height of 5.7m, with the increase in height in order to provide a brick plinth.

Following this, an application for the discharge of conditions 2 and 4 of planning permission 17/00286/FUL was approved in 2020 under reference 20/00524/DISCON, with confirmation of the commencement of development provided in April 2020.

Assessment

1. Principle of Development

The application site falls outside of a recognised settlement development boundary within the Adopted Local Plan, and as such ordinarily new residential development in this location would not be considered acceptable.

However, it is acknowledged that following planning permissions 16/00118/COUNOT and 17/00286/FUL, there is an extant planning permission for a residential dwelling in this location. During the determination of this planning application evidence has been provided to clarify that the previous permission was implemented prior to the expiry of the time limit planning condition that was imposed, and therefore this permission can be implemented regardless of the determination of this current planning application. As such the principle of a residential dwelling in this location is acceptable subject to the detailed considerations below.

2. Scale and Appearance

Paragraph 130 of the NPPF (2021) 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.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 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 which create a unique sense of place.

In this instance, the proposal represents a series of alterations to the design and siting of the replacement dwelling granted planning permission under 17/00286/FUL. In terms of the siting, the dwellings is to be located approximately 2.2 metres to the west; this is not considered to result in significant harm given that the site is set back from the main highway network so will not be any more prominent than before.

With respect to the revised design, it is acknowledged that the dwelling is of a larger design, increasing from 72sqm gross floor area to 124sqm, and seeing an increase in the height by 1.1 metre. However, the design is an improvement to the rather bland appearance of the previously approved dwelling. Given this, and that there will be no views of the dwelling from the street scene due to the densely screened nature of the plot, there is not considered to be such harm as a result of the increased floorspace that it would justify recommending a reason for refusal.

3. Highway Safety

Essex County Council Highways have been consulted, and have noted that the application is similar to previous application 17/00286/FUL that the Highway Authority did not object to. As per the previous application no new or altered means of access is proposed as part of this application and the variation sees a minor change to the position and design of the dwelling as approved under planning application 17/00286/FUL, and therefore they offer no objections subject to the imposition of the previous planning conditions contained within 17/00286/FUL.

The Essex Parking Standards (2009) require that for dwellings with two or more bedrooms, a minimum of two parking spaces is required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The information submitted demonstrates that there is sufficient space to the front and side of the dwelling to comfortably accommodate the parking requirements.

4. Flood Risk

When planning permission was granted in 2017, the application site was located within Flood Zone 1, although the means of access was within Flood Zone 3. Since the determination of 17/00286/FUL the application site has been designated as within Flood Zone 3. However, as has been discussed above there is an extant planning permission for a residential dwelling in this location that can be implemented regardless of the determination of this current application. As such it would not be reasonable to request a Flood Risk Assessment or assess the application against either the Sequential Test or Exception Test on this occasion.

The above notwithstanding, the submitted plans show the introduction of a finished floor slab level at 0.6 metres above ground level, while there is provision of an escape path as per the previous planning permission. A Flood Evacuation Plan has also been provided to assist future occupants in the event of a flooding event.

Other Considerations

Thorpe-le-Soken Parish Council have not commented.

There have been no other letters of representation received.

Conclusion

While the application site falls outside of a settlement development boundary within the Adopted Local Plan, there is an extant planning permission for a residential dwelling in this location and therefore the principle of development is acceptable. No issues are raised in regards to the alterations to the design and siting, while Essex Highways Authority also do not object. As such the application is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

The untitled Site Location Plan, drawing numbers A-1002 (Proposed Block Plan), A-1101 (Ground Floor Plan), A1102 (Roof Plan), A-1201 (North Elevation), A-1202 (East Elevation), A-1203 (South Elevation), A-1204 (West Elevation), A-1301 (Section A-A), A-1302 (Section B-B), A-1303 (Section C-C), and documents titled 'Planning Statement' dated June 2022, 'Construction Method Statement', and 'Flood Evacuation Plan'.

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

- 2 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 to the dwelling, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that adequate usable private amenity space is retained on the plot and in the interests of protecting the rural character of the area.

- 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.

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

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

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected on the site except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.

Reason - In the interests of visual amenity and to preserve the character of the surrounding area.

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.