



Whilst it is not considered necessary for the applicant to provide a full tree survey and report it will be necessary for them to provide details of the way that the roots of retained trees will be protected for the duration of the construction phase of any planning permission that may be granted.

In terms of the impact of the development on trees on the land it is considered that the removal of the trees as identified in the documentation supporting the application will not cause significant harm to the Great Bentley Conservation Area

Should planning permission be likely to be granted then it would be desirable to secure details of soft landscaping, including tree planting, to compensate for the loss of the trees and to soften and enhance the appearance of the development

Tree & Landscape Officer  
(Dated 9 July 2018  
following the submission  
of details of how the  
retained trees will be  
protected)

Yes, I can confirm the submitted information detailing the protection of retained trees is fine.

### **3. Planning History**

TPC/98/29	Repollard 8 Limes and 1 Chestnut	Current	01.05.1998
02/01946/TCA	Remove branch of Scotch Pine tree, overhanging into garden of The Anchorage	Approved	11.11.2002
06/00346/TCA	1 Horse Chestnut - Fell. 1 Pine Tree - Fell. 7 Lime Trees - Re Pollard back to previous points. 1 Lime - Fell.	Approved	04.04.2006
18/00757/TCA	1 No. 12m Lime, 1 No. 6m Fig tree - fell	Approved	04.06.2018

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

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN17 Conservation Areas

HG3 Residential Development Within Defined Settlements

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL8 Conservation Areas

SPL3 Sustainable Design

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 216 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 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 216 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 White Lodge, which is sited to the easterly section of Weeley Road within the Parish of Great Bentley. The property is a 1.5 storey chalet bungalow of substantial size, largely due to a number of previous extensions dating around the 1940's/1950's and 1980's. The site, particularly to the side and rear boundaries, is well screened. The character of the surrounding area sees a number of residential properties, predominantly detached although adjacent are a pair of semi-detached properties. The site falls within the defined Settlement Development Boundary for Great Bentley in both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site is also located on the eastern edge of the Great Bentley Conservation Area.

### **Description of Proposal**

This application seeks planning permission for the erection of a 1.5 storey rear extension and 1.5 storey link from the proposed extension to the existing dwelling, following the demolition of two single storey rear extensions, a rear dormer and five outbuildings sited to the rear and side of the property.

The proposal also seeks permission for a detached 1.5 storey garage/cart lodge, to be located to the side of the property.

## Assessment

### 1. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the majority of the works are located to the rear of the host dwelling, which is also notably well set back from the street scene along Weeley Road, due to the bulk and size the proposal will still be partially visible from views to the east and west and therefore the visual impacts are a key consideration of this application. However, despite the proposed 1.5 storey link to and rear extension being of a large size, most sections will largely be well screened, whilst it is also considered to be of good design. Further, the site is of sufficient size to comfortably accommodate the works, and therefore on balance the proposal is considered to be acceptable.

The proposed detached garage/cart lodge will be situated to the east of the host dwelling, and whilst it will be visible from views along Weeley Road, it will be well set back, thereby reducing its prominence. Further there is good existing landscaping which will further reduce views, whilst the traditional design is in-keeping with the location.

### 2. Impact to Neighbouring Amenities

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).

It is acknowledged that there are adjacent neighbouring residential properties to both the east and west. However, given there are approximate separation distances of 10m to each property, with existing mature vegetation and 1.8m high close boarded fencing to the boundaries, there is considered to be a neutral impact in respect of loss of light or the amendments appearing imposing.

With respect to potential overlooking it is noted the proposal will result in three first floor rear elevation windows and three first floor side elevation windows, all of which will serve bedrooms bar one serving an en-suite. As these are main habitable rooms, the potential for overlooking is greater and is therefore a key consideration of this application. However, as highlighted above the significant separation distances to the neighbouring properties, and the existing boundary treatments, ensure that any overlooking will be reduced. Further, there are existing first floor windows, whilst the majority of those proposed will have views to the areas furthest rear of the neighbouring gardens, which are far less likely to be occupied. Therefore, on balance, the identified harm via potential overlooking is not significant enough to warrant a reason for refusal.

### 3. Heritage Impact

Policy EN17 of the Tendring Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area. Accordingly the applicant has submitted a detailed Heritage Statement which has sought to demonstrate that the works involved will not significantly harm the existing Great Bentley Conservation Area.

Whilst there are a number of works involved, as highlighted above the proposal is considered to be of good design. Further, the site is well set back and most works do not significantly impact the front elevation. The proposed cart lodge, which will be more highly visible, is of a traditional design in-keeping with the location.

Therefore there is not considered to be a harmful impact to the Great Bentley Conservation Area.

#### 4. Impacts to Trees

The existing dwelling is set within a well treed garden with several mature trees that make a significant positive contribution to the character and appearance of the Great Bentley Conservation Area. The proposed site layout shows an incursion of the Root Protection Area of some of the trees on the land, and the removal of four trees. The removal of the Fig tree and the two Hollies will not have a significant adverse impact on the character or appearance of the conservation area, whilst the Lime tree has previously received authorisation from the Council for its removal.

The applicant was asked to provide details of the way that the roots of the retained trees would be protected for the duration of the construction works. Accordingly these details were provided, with the Council's Principal Tree and Landscapes Officer confirming the measures are acceptable. However, a condition will be attached to this decision to request future soft landscaping details, to ensure the impact of the development works within the Great Bentley Conservation Area is reduced and to compensate for the loss of the trees.

#### Other Considerations

Great Bentley Parish Council fully support the application as it will provide a nice looking frontage, will tidy up the site and is a sympathetic addition.

There have been three letters of support received, highlighting the works will enhance the property and will improve views from 'The Green'.

#### 6. Recommendation

Approval.

#### 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 numbers 1804-02, 1804-03, 1804-19, 1804-20B, 1804-21, 1804-22B, 1804-23B, 1804-24, 1804-25B, 1804-26B, 1804-27B, 1804-28B, 1804-29B, 1804-30B, 1804-32 and the document titled 'Heritage Statement and Heritage Impact Assessment'.

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

- 3 No development 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 proposed 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 - To compensate the loss of the trees and to soften and enhance the appearance of the development within the Great Bentley Conservation 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.