

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	27/07/2018
Planning Development Manager authorisation:	AN	30/7/18
Admin checks / despatch completed	SB	02/08/18

**Application:** 18/00694/DETAIL **Town / Parish:** Great Oakley Parish Council

**Applicant:** Mr Watson and Dr Coggan

**Address:** Land (Part Gardens) to Harewood House and Boomerang Harwich Road Great Oakley

**Development:** Reserved matters application for proposed erection of 2no dwellings.

### 1. Town / Parish Council

Great Oakley Parish Council      Concur with the comments in Essex County Council's letter dated 14<sup>th</sup> June 2018, specifically Point 6 regard method statements.

### 2. Consultation Responses

Tree & Landscape Officer  
**ORIGINAL COMMENTS**

The information provided relating to the physical protection of existing trees during the construction period and new tree planting is adequate and acceptable however the applicant has not supplied details of the species and specification of plants to be incorporated in the new 'native hedge' planting. This information should be provided prior to the determination of the application.

Hedgerow species should be supplied as bare root trees at 60-90cm in height, at time of planting, or in 2litre containers. Species should include but not be restricted to: Hawthorn, Blackthorn, Field Maple, Myrobalan Plum, Holly, Hazel, Guelder Rose or

Tree & Landscape Officer  
**AMENDED COMMENTS**

The information relating to tree protection and soft landscaping is now acceptable.

ECC Highways Dept

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

1      Prior to first occupation of the proposed development, each of the proposed vehicular accesses shall be constructed at right angles to the highway boundary and to a width of 3.6 metres and shall be provided with an appropriate dropped kerb 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 and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2      Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary. Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with Policy DM 1 of the

Highway Authority's Development Management Policies February 2011.

3 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Continued

4 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 1790C-02 Rev A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

6 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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 under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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

### **3. Planning History**

00/00826/FUL	Extensions and detached garage	Approved	28.06.2000
10/00473/FUL	Erection of single- storey side extension.	Approved	09.07.2010
17/01262/OUT	Proposed erection of 2 no. dwellings.	Approved	22.09.2017

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

NPPF National Planning Policy Framework July 2018

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

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN17 Conservation Areas

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

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

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape
- PPL8 Conservation Areas
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 and the Inspector's initial findings were published in June 2018. They raise 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 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 Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application relates to land comprising part of the combined curtilages of Boomerang and Harewood House on the northern side of Harwich Road within the Parish of Great Oakley. The curtilage of Boomerang forms an 'L' shape extending westwards to the rear of Harewood House and behind the curtilage of Harewood House which fronts Harwich Road. The front portion of the site associated with Harewood House lies within the Great Oakley Conservation Area, with the rear portion associated with Boomerang being sited outside with open fields beyond. Currently, the application site lies outside of the defined Settlement Development Boundary (SDB) within the adopted Local Plan but the front portion (rear boundary following the boundary with the Conservation Area) is included as part of the extended SDB within the emerging Local Plan Publication Draft. Overall, this northern side of Harwich Road is characterised by detached dwelling with the opposite side of the road being characterised by terraced or semi-detached dwellings. There is a Grade II listed dwelling to the south of the site on the opposite side of the road known as Mill House but due to the distance from the application site its setting will not be affected by the development.

### Description of Proposal

The application seeks the approval of the reserved matters in relation to the approved outline application reference 17/01262/OUT for the erection of 2 no. dwellings.

### Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Landscaping and Tree Protection Measures;
- Residential Amenities;
- Highway Considerations and Parking Provision; and,
- Representations.

### Principle of Development

Outline consent was approved under reference 17/01262/OUT subject to the following conditions;

- 1 - 3. Standard Time Limit Conditions
4. Parking in accordance with standards.
5. Submission of Tree Protection Details.

Outline consent was given with all matters reserved for subsequent approval. The principle of residential development on this site has therefore been established through the granting of 17/01262/OUT. The reserved matters application must therefore consider scale, layout, appearance, landscaping and access together with the tree protection details required by condition 5.

### Scale, Layout and Appearance

The application site currently forms part of the residential curtilage of two properties either side with open fields beyond. The rear part of the site falls outside the settlement development boundary (SDB) as defined within the emerging local plan. The indicative layout provided at the outline stages showed the new dwellings sited within this SDB but this was indicative only. The proposed layout plan now shows the dwellings sited slightly further back and extending beyond the defined SDB with a setback detached garage serving plot 1 sited wholly outside the SDB. The majority of the area falling outside of the SDB will be garden serving the new dwellings. The existing

neighbouring dwelling to the north east (Boomerang) is sited well back within its plot, further rearward than the proposed dwellings. To the west is the extended curtilage serving Harewood. The site is therefore bounded on 3 sides by existing residential development or their gardens. Having regard to this context, the siting of the dwellings and the garage are considered acceptable and will not result in any wider landscape impact. Permitted development rights can be removed by way of condition to further control any outbuildings within the gardens of the dwellings.

In terms of settlement shape and the linear pattern of development in the locality, development in this location in the arrangement proposed will not have a detrimental impact on the character of the area and will appear as infill development.

The scale and layout of the development allows for ample spacing around the dwellings, ample private amenity space for the new and donor properties and a good set back from the highway in line with neighbouring properties. The height and design of the dwellings has been amended. The development of 2 chalet style dwellings will create a staggered street scene appearance with the two-storey Harewood to the west and the single storey Boomerang to the east. The dwellings are not excessive in height or scale and are of a traditional design and finish considered appropriate within the conservation area setting. The dormer windows are not excessive in size and sit comfortably within the roof. The change in levels results in a 2 storey appearance from the rear with some glazing to Juliette balconies and raised decking areas. These complement the traditional design and finish of the dwellings and will have no street scene impact.

The 2 new accesses will result in some loss of existing front boundary hedging but the majority is to be retained and permitted development rights for fencing will be removed by way of condition. Therefore, the development will sit comfortably in its surroundings and will appear in keeping with the scale and pattern of development in the locality.

Overall, the amended scheme is considered acceptable in design terms and will preserve the character and appearance of the conservation area.

#### Landscaping and Tree Protection Measures

The application includes tree protection measures and landscaping details all of which have been assessed and approved by the Council's Tree and Landscaping Officer. The rear boundary treatment has been designed to be sympathetic to the edge of settlement locality and the development includes appropriate retention and additional soft landscaping to soften and enhance the development.

The tree protection measures will be controlled by the necessary conditions.

#### Residential Amenities

The proposed dwellings are sited over 35 metres from the side elevation of Harewood to the west and 10 metres from the side elevation of Boomerang to the east with a separation distance between the new dwellings of 5 metres (allowing access to the setback garage). The boundaries will be enclosed by 1.8 metre close boarded fencing with some established planting and trees along the boundary with Harewood also providing screening and privacy. Due to the change in levels the raised decking areas to the rear have the potential to result in overlooking to neighbouring gardens. Obscure glazed privacy screens have been added to the sides of the raised platform areas to minimise the impact and the relevant condition will be imposed to secure their provision and retention.

The first floor rear facing windows will include Juliette balconies but as these do not allow any outside seating space and serve bedrooms only (not main living areas) any overlooking will not be considered materially harmful. The side facing dormer window within plot 1 serves an ensuite and will be obscure glazed. Any views will be toward to the roof of plot 2. The distance between properties, the boundary planting, position of the detached garage serving plot 1 and obscure glazed screens all ensure that the residential amenities for existing and future occupants are acceptable.

The new and donor dwellings will be served by ample private amenity space.

### Highway Considerations and Parking Provision

The development proposes a new access for each dwelling with ample off street parking and turning to the site frontage as well as a detached garage serving plot 1 and an integral garage for plot 2. The integral garage falls short of the minimum dimensions required by the current adopted parking standards but parking for 2 vehicles can be accommodated to the front and side of the dwelling.

Essex County Council Highway Authority raise no objections subject to conditions that will be imposed where necessary.

### Representations

Great Oakley Parish Council has submitted comments on the application concurring with the requirement of a Construction Method Statement requested by The Highway Authority. The necessary condition will be imposed accordingly.

1 letter of representation has been received raising concerns with the height of the dwellings and the resultant loss of views. The acceptability of the chalet style is considered above. The dwellings have been reduced in height in the interests of visual amenity and the character of the area. Loss of view is not a material planning consideration.

### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions.

## **6. Recommendation**

Approval - Reserved Matters/Detailed

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and materials schedules: drawing no: 1790C-02 revision: D (including tree protection details), drawing no: 1821-01 revision: D, drawing no: 1790C-01 revision: C, drawing no: 1790C-04 revision: A and drwg no: 1790C-03.

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 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 - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location; to ensure that the design and appearance of the dwellings are retained in this conservation area setting and to ensure that no harm to neighbouring amenities will occur due to the change in site levels.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on drawing number: 1790C-02 revision: D 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 Prior to the occupation of the dwellings hereby approved, the 1.8m high obscure glazed screens/balustrades to the raised platform areas as shown on the approved plans shall be provided and retained in this approved form in perpetuity.

Reason - In the interests of neighbouring amenities.

- 5 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance as the site is within close proximity to existing dwellings.

- 6 Notwithstanding the fencing details shown on approved drawing no: 1790C-02 revision: D there shall be no fences erected forward of the forwardmost part of the dwellings hereby approved.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

- 7 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 or other enclosures, shall be erected forward of the front elevation of the dwellings hereby approved or along the northern rear boundary.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

- 8 The protective fencing shown on the approved drawings shall be retained throughout the construction phase of the development.

Reason - In the interests of safeguarding the protected tree and hedgrows/vegetation to be retained in the interests of the conservation area.

- 9 Prior to first occupation of the proposed development, each of the proposed vehicular accesses shall be constructed at right angles to the highway boundary and to a width of 3.6 metres and shall be provided with an appropriate dropped kerb 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.

- 10 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 11 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

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



- 12 The development shall not be occupied until such time as the car parking and turning areas have been provided in accordance with the approved plans. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

- 13 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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 under body washing facilities

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

- 14 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development ref 17/01262/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

### Highways Informatives

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:

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Colchester Highways Depot,  
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