

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	04/10/2018
Planning Development Manager authorisation:	AN	4/10/18
Admin checks / despatch completed	KLE SB	05/10/18 05/10/18

Application: 18/00872/DETAIL

Town / Parish: Little Clacton Parish Council

Applicant: Mr & Mrs M W Garlick

Address: Land to The rear of Holly Lodge Betts Green Road Little Clacton

Development: Development of eight bungalows - reserved matters pursuant to 16/02108/OUT.

1. Town / Parish Council

Little Clacton Parish Council

ORIGINAL COMMENTS

Little Clacton Parish Council did not support this development but are consoled that it is limited to 8 bungalows only on a very limited plot with a loss of view and privacy to 13 properties whose gardens abut the site.

Little Clacton Parish Council

AMENDED COMMENTS

Conditions are put in for a reason. Little Clacton Parish Council recommend refusal of this application as it is not in-keeping with the area.

2. Consultation Responses

ECC Highways Dept

ORIGINAL COMMENTS

The Highway Authority observes that Betts Green Road is classified as a Private Road and would not normally comment but as the application site is close to the junction with Harwich Road, the Highway Authority recommends as follows. The proposal is acceptable to Highway Authority subject to the following mitigation and conditions:
(see online for full comments).

ECC Highways Dept

AMENDED COMMENTS

No further comments received.

Tree & Landscape Officer

ORIGINAL COMMENTS

At the outline stage of the application process the developer provided a full Tree Survey and Report in order to show the extent of the constraint that the trees are on the development potential of the land. This information was in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations.

The information provided shows how retained trees will be protected for the duration of the construction phase of any planning permission that may be granted. This information is also in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations and includes a Tree Protection Plan.

The site layout makes provision for the retention and physical protection of trees afforded formal legal protection by Tree Preservation Order 84/13 and also shows the retention of the other large trees on the land. Most notably T1 Oak, T10 Lime and T16 Pine.-using the numbering system of the tree report:

In terms of the development of the main body of the application site to the rear of Holly Lodge there are no implications for trees on the land other than the construction of the access road within the Root Protection Area of T1 Oak that will be constructed using 'No Dig' specification to avoid causing harm to tree roots.

With regard to the plot immediately adjacent to the eastern elevation of Holly Lodge (plot 8) the information provided shows that the physical construction of the dwelling is possible without causing harm to the protected or otherwise retained trees and that the new access from the highway will also use 'No Dig' specification within the RPA of protected and other retained trees.

In terms of the future relationship between this dwelling and retained trees attention should be given to the juxtaposition of the trees and the proposed dwelling as this may give rise to future requests to trim the branches of trees that overhang the drive and the rear garden to address shading and falling debris issues. However the proposed arrangement will not be very different to that which exists between Holly Lodge and the existing trees and this does not appear to have given rise to any significant problems.

The site layout plan shows some information relating to soft landscaping however a detailed soft landscaping plan showing all tree, shrub and hedging species along with their size at time of planting should be provided. In essence the proposals are acceptable but it appears that additional trees could be incorporated into the planting plan where they will be visible from the public realm ' in particular the open areas close to plots 1 and 7.

Tree & Landscape Officer
AMENDED COMMENTS

In addition to previous comments:

With regard to soft landscaping the proposals are acceptable. It should however be noted that the key relating to soft landscaping describes Holly as *Acer campestre*. This is incorrect as *Acer campestre* is Field Maple and Holly is *Ilex aquifolium*. As both species would be acceptable this is not a major issue ' Field Maple would be preferable.

3. Planning History

16/02108/OUT	Outline planning application with all matters reserved for the development of eight bungalows.	Approved	20.09.2017
--------------	--	----------	------------

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

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

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 (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 delivery 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 site is located on the northern side of Harwich Road to the south-west of Betts Green Road within the settlement of Little Clacton. The site has a frontage to Betts Green Road of approximately 54m including the applicant's dwelling known as 'Holly Lodge'. The site forms part of the residential curtilage of 'Holly Lodge' including the existing in/out driveway arrangement, and part ex-paddock land to the rear. To the north-west of the site along Betts Green Road is a large detached bungalow known as 'Hawthorns'. To the south-east is a detached chalet bungalow 'Lavender Cottage'. To the south is linear residential development along Harwich Road. Across the frontage of the site, which incorporates the residential curtilage of 'Holly Lodge', are several mature trees. Opposite the site within Betts Green Road are several bungalows and a site with permission for 7 dwellings that are currently under construction or nearing completion. The southern boundary of the ex-paddock land is marked by a mixture of close boarded fencing and hedgerow.

Description of Proposal

The application seeks permission for the reserved matters pursuant to outline approval 16/02108/OUT for the development of the site for 8 bungalows.

Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;

- Highway Considerations and Parking Provision;
- Requirements of Outline Conditions; and,
- Representations.

Principle of Development

Outline consent was approved under reference 16/02108/OUT subject to the following conditions;

- 1 - 3. Standard Time Limit Conditions
4. Ecological Management Scheme
5. Parking to Standards
6. Construction Method Statement
7. Surface Water Drainage
8. Single storey only

9. Removal of PD Classes A, B, C and E
10. In accordance with Tree Survey and Constraints Plan
11. Timing of vegetation clearance

The application as originally submitted failed to meet the requirements of the outline consent and amended plans and additional information has been submitted accordingly.

The Agent has advised that the surface water drainage condition and construction method statement condition will be discharged at a later stage. Therefore these are not being considered as part of this reserved matters application. An email was sent to the Agent on 23rd August advising them of the severe delays with the approval of details required through Local Lead Flood Authority for surface water drainage strategies due to their staff shortages and suggesting that these details be submitted as soon as possible. This condition remains outstanding and an informative will be added to this decision notice accordingly. The submission of a construction method statement will also be dealt with by way of a discharge of condition application (confirmed by agent within email received on 23rd August 2018).

The principle of development is therefore secured through the approval of 16/02108/OUT.

Scale, Layout and Appearance

The layout of the development has been amended to be more in line with the indicative layout plan submitted within the outline application. The dwellings have all been reduced to single storey to comply with condition 8 of the outline permission.

The development comprises a single bungalow directly adjacent to Holly Lodge served by an unused existing access off Betts Green Road (plot 8). A further 7 bungalows are sited to the rear of Holly Lodge (plots 1 to 7) with the site extending to the rear of around 11 existing properties fronting Harwich Road. These 7 properties will be accessed via a new 6 metre wide access between Holly Lodge and Hawthorns to the north of the site with a shared internal 6 metre wide road with a Type 3 turning head. Each new bungalow front the new access road.

The layout of the development allows for well spaces properties with sufficient rear gardens and space to the frontages for soft landscaping to enhance the overall appearance of the development. The siting of the dwellings follow the curve in the road adding interest. The properties are mostly served by setback garages and parking spaces helping to break up the street scene and allow for a more spacious feel. The development consists of 4 different house types. The finishes incorporate a mixture of materials including buff and red facing brickwork, slate and red roof tiles. A materials schedule has been provided to read in conjunction with the plans for each house type and garage.

The site is well enclosed and well screened in all sides. The single storey nature of the development ensures that there would be no longer distance views of the development and therefore no adverse impact upon the wider setting of the village. The single bungalow to the south-east of 'Holly Lodge' would extend along the existing linear form of development onto Betts Green Road and therefore would not appear out of keeping with the pattern of built form in the locality.

Overall the development is considered to represent an acceptable scale, layout and appearance.

Residential Amenities

The site shares a boundary with numbers 85 to 105 Harwich Road plus Lavender Cottage and Hawthorns off Betts Green Road. Although the development is closely related to a number of dwellings, the separation distances of approximately 25 to 30 metres and general juxtaposition ensure that no material harm to neighbouring amenities will result. The single storey nature of the properties and level of existing and proposed vegetation further mitigate any impact.

The bungalow proposed to the south-east of 'Holly Lodge' would retain sufficient spacing as to not impact upon the residents at Lavender Cottage. It must also be noted that dense hedgerow is present on the shared boundary in this location and the neighbour's garage is located closest to the application site thereby reducing any perceived impact.

The widened access to the north-west of the site would be located in close proximity to the applicant's facing flank elevation and the side elevation of 'Hawthorns' to the north. However, both properties have garages located closest to the proposed access meaning that any noise impact associated with traffic movements would be lessened. The existing and proposed vegetation, including a mature tree and hedgerow along the shared boundary, would act as a buffer further reducing any disturbance.

Permitted development rights relating to roof additions/openings were removed under the outline permission allowing the local planning authority to have further consideration of residential amenities from the impact of any alterations to the dwellings.

Trees and Landscaping

Due to the presence of several mature trees along the site's frontage to Betts Green Road a tree report/survey was submitted and assessed under the outline permission controlled by Condition 10.

The Council's Principle Tree and Landscaping Officer has been consulted on the application. Following the submission of a full landscaping plan, the relationship of the proposed dwellings with existing trees and the new proposed planting is now considered acceptable.

Highway Considerations and Parking Provision

The access shall be provided with vehicle visibility splays measuring 2.4m x 90m in both directions. All parking and turning facilities are in accordance with current policy standards. The proposal provides a 6 metre wide access and road in accordance with standards for developments over 5 units.

Requirements of Outline Conditions – Condition 4

An Ecology Appraisal has been provided together with a Great Crested Newt Survey for the pond. The findings of these are satisfactory and the development will not result in any harm to protected species or biodiversity. An acceptable mitigation and enhancement scheme has been provided in plan form with an accompanying scheme of implementation.

The details provided there satisfy the requirements of Condition 4 of the outline consent.

Other Considerations

Little Clacton Parish Council object to the development for the following reasons;

- Loss of views and privacy to plots adjoining site.
- Application not in keeping with the area.

The principle of development has been established through the granting of the outline consent. The impact on neighbouring properties is addressed in the main report above.

3 individual letters of objection have been received. The concerns raised can be summarised as follows;

- Obstructs views of land and fields.
Loss of view is not a material planning consideration.
- Southern boundary hedgerow should remain.
- Oak trees should remain.
The application makes provision for the retention and protection of the mature trees and the retention and enhance of existing landscaping.
- Increase traffic on an unmade road.
- Lack of infrastructure and suitable road/access.
This is a private road and there are no objections from the Highway Authority.
- Enough houses in the area.
- Harmful impact on the countryside.
- Pressure on local services.

The principle of development has been established through the granting of the outline consent.

- Loss of privacy.

The impact on neighbouring properties is addressed in the main report above.

- Risk of flooding.

The site is not within a designated flood zone. A surface water drainage scheme is to be submitted and approved. Building regulations would deal with the construction phases and impact on underground constraints.

- Noise.
- Dust pollution.

This is an inevitable part of the building and development process, is for a temporary period only and cannot form a justifiable reason for refusal. A construction method statement is to be submitted and approved mitigating these.

Conclusion

In the absence of any material harm resulting from the amended 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 schedule: Drawing Ref. PA-10 C, Drawing Ref. PA-24 B, Drawing Ref. PA-23 B, Drawing Ref. PA-22 A, Drawing Ref. PA-21 A, Drawing Ref. PA-20 A, Drawing Ref. PA-30 and Drawing Ref. PA-11 A.

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 dwellings or their roofs, 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 and to ensure that no harm to neighbouring amenities will occur.

- 3 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 north western boundary of the site.

Reason - In the interests of visual amenity to retain a spacious appearance and in the interests of the character and appearance of the edge of settlement location.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown 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 - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the surrounding area.

- 5 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.

- 6 The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

- 7 The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Mitigation and Enhancement details - Timetable for Implementation and Proposed Ecological Enhancement Plan drawing ref. PA-40 received 3rd October 2018.

Reason - In the interests of biodiversity.

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 16/02108/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

Pre-commencement conditions remain outstanding. Condition 6 of 16/02108/OUT requires the submission and approval of a Construction Method Statement prior to the commencement of the development. Condition 7 of 16/02108/OUT requires a surface water drainage strategy to be submitted and approved prior to the commencement of the development. A discharge of condition application is therefore required before any works can start.