

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	30/10/2018
Planning Development Manager authorisation:	AN	1/11/18
Admin checks / despatch completed	SB	05/11/18

Application: 18/01504/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr & Mrs Russell

Address: The Willows Shair Lane Great Bentley

Development: Re-submission following planning approval 18/00222/FUL to allow for alterations for new clients.

1. Town / Parish Council

Gt Bentley Parish Council The application was discussed at Great Bentley Parish Council Planning Committee meeting on 4th October 2018. It was resolved to state that the comments made by the Parish Council on the previous application 18/00222/FUL still stand:

The design of the property is not in keeping with the local vernacular. The house should have a much more rural design and rural feel to look more like a farmhouse than a townhouse.

2. Consultation Responses

ECC Highways Dept No comments received

Tree & Landscape Officer The main body of the application site is set to grass. There is a small Hawthorn to the front of the existing dwelling and a young Oak to the rear, neither tree makes such a significant contribution to the character and appearance of the area that they merit protection by means of a Tree Preservation Order.

The site boundaries are marked by established hedgerows that contain several significant trees. None of the trees are likely to be affected by the development proposal.

The hedgerows on the perimeter of the part of the application forming the boundary to the residential curtilage of the dwelling on the land do not fall within the scope of the Hedgerow Regulations 1997.

All other hedgerows fall within the scope of The Hedgerow Regulations 1997 however, apart from a new access from the highway, the hedgerows are not threatened by the development proposal.

If opening of the proposed new access point, through the hedgerow, is followed within 8 months, by the closing of the existing access in the south western corner of the application site then the works fall under and exemption in the regulations from the normal requirement to obtain the local planning authority's consent for the works. The gapping up of this hedgerow is shown on the site layout plan.

The amendments to the earlier approved planning application 18/00222/FUL do not alter the impact on the trees, hedgerows or landscape of the application site or surrounding area.

The site layout plan also shows details of soft landscaping which is acceptable.

3. Planning History

15/00054/FUL	Construction of replacement dwelling, detached triple garage and detached workshop building (following demolition of existing dwelling and outbuildings); and change of use of agricultural land to garden.	Approved	11.03.2015
16/30328/PREAPP	Demolish the existing dwelling and erect 2 - 4 No. detached dwellings with associated garages.	Refused	05.01.2017
17/00352/OUT	Outline application with all matters reserved for one dwelling.	Refused	28.04.2017
18/00060/DISCON	Discharge of conditions 4 (hard and soft landscaping), 7 (external facing and roofing materials), and 11 (Construction Method Statement) of 15/00054/FUL.	Approved	29.01.2018
18/00222/FUL	Construction of replacement dwelling, detached triple garage and detached workshop building. Retention of land to the rear in association with new dwelling approved under 15/00054/FUL.	Approved	18.05.2018
18/01504/FUL	Re-submission following planning approval 18/00222/FUL to allow for alterations for new clients.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG16 Garden Extensions into the Countryside

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

LP3 Housing Density and Standards

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 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 existing property is a modest bungalow set within a plot measuring around 21m wide by 47m deep. It has an outbuilding to the south east corner of the plot. There is dense hedgerow to a height of around 2m to the front (west) boundary with the highway, and the northern boundary; the rear (east) boundary and southern boundary are generally open to the surrounding grassland. The site is isolated from any settlement development boundary in both the saved and draft local plans.

Shair Lane is characterised by sporadic dwellings set within large landscaped plots comprising both bungalows and two storey dwellings, many of which have adjoining horse paddocks and stables. The highway is generally narrow with dense high level hedgerows. Between the dwellings lies open grassland, arable land and small areas of woodland.

Beyond the northern boundary of the site lies an open paddock with the existing bungalow partially visible through the hedge when not in leaf. To the rear (east) boundary is Risby's Farm which is a two storey dwelling with numerous large buildings. To the southern boundary is the driveway to Risby's Farm with Weeley Concrete beyond.

Proposal

The proposal is for the demolition of the existing 1900's bungalow with surrounding garage and outhouses and the construction of a new dwelling, new garage and summer/pool house, swimming pool & tennis court, associated parking and landscaping.

Planning permission has previously been granted for a replacement dwelling on this plot in 2015 (15/0054/FUL) and 2018 (18/00222/FUL). Both these applications were identical and proposed the re-siting of a larger two-storey property centrally within the plot. These applications also proposed the construction of various outbuildings including a triple garage and pool house.

The dwelling now proposed would be larger and set over 4 floors, including a basement and rooms within the loft space.

Appraisal

Principle of Development

- The proposal involves the one for one replacement of a dwelling outside of any defined settlement boundary and is therefore acceptable in principle subject to detailed consideration against saved policy HG12. Saved policy HG12 states replacement dwellings will be permitted provided it:

(i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;

- The proposed two storey dwelling and outbuildings are considered to be comparable in size, scale and height to other dwellings and ancillary outbuildings along Shair Lane. The proposed materials are light render with a red brick plinth under a slate roof. The outbuildings would comprise of red brick with pantiles to the roof. The inclusion of sliding sash windows, a stone portico to the front entrance, stone detailing around the windows and the under the eaves along with the symmetrical nature of the development ensures the dwelling would take on a grand

Georgian style marking an improvement over the current permissions pertaining to the site. The proposed materials are considered to relate appropriately to the design of the property.

- The development is located within a large, hedgerow screened site and it is not considered that the proposed development would be materially harmful to visual amenity or the rural character of the surrounding area.

(ii) is well related and in proportion to the original dwelling;

- Both the siting and scale of the replacement dwelling are not well related to the existing bungalow. However they are in keeping with other development along Shair Lane. It is considered that this point of the saved policy is less reflective of the more flexible and proactive approach taken in the NPPF to development, particularly as in this case where the resultant harm would not be so significant as to justify refusing planning permission.

(iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

- The site is relatively flat with a gentle north south slope and benefits from good screening from existing vegetation and would not therefore be visually intrusive on a skyline. The proposal would not be harmful to the open character of the surrounding countryside by virtue of the existing and proposed landscaping.

- There are no significant trees on site that merit protection by TPO and the boundary hedgerows and trees are shown to be retained with seven new trees to be planted within the front garden area. The submitted landscaping scheme shows that the new trees are to be Oaks/Silver Birches and the driveway is to be shingle.

(iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

- The proposed change of use of land to garden represents a large area measuring around 100m wide by 140 metres deep. The land is currently mown grassland with established hedgerow to all external boundaries. The proposed plot area is comparable to a number of other plots along Shair Lane, being slightly narrower but deeper. The rear boundary abuts an existing residential/agricultural use for almost its entire width and the southern boundary abuts the access drive to that use at Risby's Farm. The overall development would therefore not appear out of character in this location subject to conditions removing permitted development rights for outbuildings, pools and boundary treatments to maintain control over the rural character of the area.

(v) would not represent over-development of the site;

- The site provides parking and amenity space significantly in excess of the local plan requirements and would not represent over-development of the site.

(vi) would not be detrimental to highway safety;

- The proposal utilises the existing vehicular access which has recently been improved with frontage wall and gates. The second access is to be removed. There is also an existing field access in the south west corner of the site which is proposed to be removed and replaced with hedgerow to fill the gap.

- The proposal includes a triple garage capable of accommodating three cars plus ample off street parking and turning on the driveway. There is also a detached pool housebuilding which is ancillary to the use of the dwelling.

- The Highway Authority are yet to comment upon the application. However, the access layout is unchanged from previous permissions. As such the conditions requested previously will be re-applied to this permission. A construction method statement has been submitted which will be secured via condition.

(vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

- The proposal utilises the existing vehicular access and is sufficiently isolated from any neighbouring properties to prevent any material loss of amenity.

(viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

- The existing dwelling is considered capable of reasonable improvement, however it makes only a neutral contribution to local character and there is therefore no objection to its replacement.

(ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

- This criteria is met.

(x) would not exacerbate any existing access, drainage or other problems associated with the site.

- Not believed to be the case.

Other Considerations

Gt Bentley Parish Council has stated that the proposal is not in keeping with the local vernacular. The house should have a much more rural design and rural feel to look more like a farmhouse than a townhouse.

The comments of the parish council are noted however planning permission was granted recently in 2015 and 2018 for a similar proposal where it was considered that the property would not be excessively out of character with the design, size and style of other properties in the vicinity.

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 P07, P01, P02, P04, P03, P05, P06 and P08.

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

3 Within 3 months of the new dwelling being first occupied the existing bungalow and outbuildings as shown to be removed on drawing number P07 shall be demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The site lies outside any defined settlement limits where strict policies of constraint apply to new dwellings.

4 The approved scheme of landscaping shown on drawing no. P07, shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 5 All new driveways 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 curtilage of the dwelling.

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

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and 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 buildings, fences walls or other enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such buildings/structures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - The proposal involves a huge expansion to the residential curtilage and the provision of buildings, pools and enclosures will need to be carefully controlled to preserve the rural character of the surrounding area.

- 7 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width within the site and shall be provided with an appropriate vehicular crossing of the highway verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 8 Prior to occupation of the hereby approved development the existing access shown on Drawing Number P07 shall be permanently closed in a manner to have been previously approved in writing by the Local Planning Authority, incorporating the re-instatement to full height of the highway verge.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 9 No unbound materials shall be used in the surface treatment of the vehicular access 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.

- 10 The construction method details/layout as shown on the approved plan no. P08 shall be adhered to at all times during the construction phase.

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

- 11 Prior to occupation of the development the vehicular turning facilities, as shown on drawing no. P07, 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.

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.

Highway Informative

All 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:

Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

Cost of Works - 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.

Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<input checked="" type="radio"/> NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	<input checked="" type="radio"/> NO