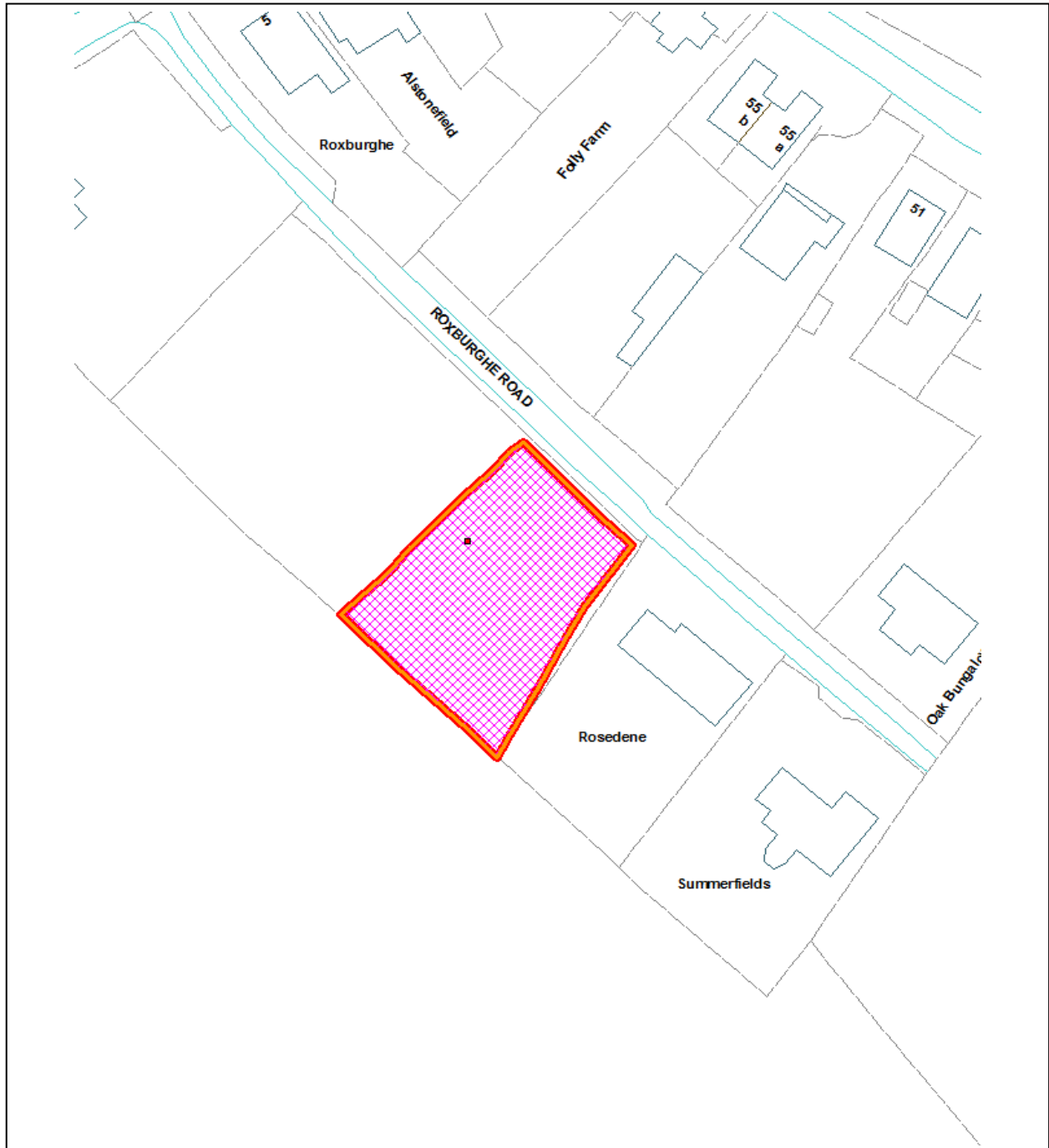


PLANNING COMMITTEE

4 OCTOBER 2016

REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 16/01176/DETAIL - LAND ADJACENT TO
ROSEDENE (PLOT 3), ROXBURGHE ROAD, WEELEY, CO16 9DU**



DO NOT SCALE

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Application:	16/01176/DETAIL	Town / Parish: Weeley Parish Council
Applicant:	Mr David Gowans	
Address:	Land Adjacent To Rosedene (Plot 3) , Roxburghe Road, Weeley, CO16 9DU	
Development:	Reserved matters application following outline planning approval 13/00897/OUT - Construction of two storey house on plot three.	

1. Executive Summary

- 1.1 Outline planning permission (all matters reserved) was granted at Planning Committee in October 2013 for three dwellings under 13/00897/OUT. The current application for reserved matters approval relates only to Plot three.
- 1.2 In accordance with Members' request the current application is before Members seeking consent with regard to the reserved matters of scale, layout, appearance, access and landscaping.
- 1.3 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the draft Local Plan. The principle of residential development has been accepted by the grant of outline planning permission.
- 1.4 The site is accessed from Roxburghe Road which is an unmade private road off Bentley Road. To the eastern boundary of the plot is a group of protected Oak trees and one protected Holly tree. The proposed position of the dwelling is such that it is within the root protection area of one of the Oaks.
- 1.5 It is considered that the position of the dwelling will be acceptable if;
 - the north eastern flank wall becomes the position of the protective fence and ground protection methods are adhered to during the construction of the flank wall and when moving materials through the RPA; and
 - the foundations of the north eastern flank wall being of pile and beam construction rather than traditional strip foundation to avoid creating a permanent barrier to root movement.
- 1.6 If the above measures were secured it is considered that the development proposal could be implemented without causing harm to the protected trees.
- 1.7 The design, siting and scale of the proposed dwelling is considered acceptable with no material harm to visual or residential amenity, or highway safety. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. Development to be carried out strictly in accordance with submitted plans
2. Details of hard and soft landscaping to include boundary treatments

- | |
|---|
| <ol style="list-style-type: none">3. Details of Tree Protection Measures (Protective Fencing and Pile and Beam Foundations)4. Parking and turning to be provided prior to occupation and retained thereafter |
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2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Local Plan Policy:

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

EN1 Landscape Character

HG9 Private Amenity Space

TR1a Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

HP4 Open Space, Sports and Recreation Facilities

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. 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 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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.

3. Relevant Planning History

01/00493/OUT	Detached four bedroom house with detached double garage and stable	Refused	03.05.2001
93/00058/OUT	(Land at Eastdene, Roxburghe Road, Weeley) Residential development for one dwelling (part renewal of outline planning permission TEN/1281/89)	Approved	09.03.1993
94/00847/FUL	(Land at Eastdene, Roxburgh Road, Weeley) One dwelling with garage	Approved	04.10.1994
96/01564/OUT	One detached dwelling	Refused	21.01.1997
03/00375/OUT	Single dwelling house and double garage	Refused	24.04.2003
91/00843/FUL	Erection of chalet bungalow.	Approved	14.08.1991
12/01349/TPO	G1 - 01-03 Oaks, 30% crown reduction and crown clean. Raise crown to 3m. H - Holly, reduce height by 25%. Remove two leaning stems by 03 to give full	Approved	04.01.2013

view of oak tree.

13/00897/OUT	Construction of 3 two storey houses.	Approved	10.10.2013
14/01810/DETAIL	Reserved matters application following outline planning approval 13/00897/OUT - Construction of two storey house on plot one.	Approved	06.02.2015
15/01001/TPO	3 No. Oaks - remove epicormic growth to 4m twice annually commencing in August 2015 and ending in August 2020. 1 No. Holly - cut back side growth by 1.5m and remove 3m from top	Approved	28.07.2015
15/01197/FUL	Variation of condition 1 of planning permission 14/01810/DETAIL to amend drawings to change approved materials and porch.	Approved	05.10.2015
16/00342/TPO	4 No. Oaks - reduce by around 30% and remove Holly as it is growing into a mature Oak. Would like to replant younger tree in a more suitable position	Refused	29.03.2016
16/01176/DETAIL	Reserved matters application following outline planning approval 13/00897/OUT - Construction of two storey house on plot three.	Current	

4. Consultations

Tree & Landscape Officer	<p>In order to establish the degree to which the trees on the boundary of the land are a constraint on the development potential of the land the applicant has provided a Tree Survey and Report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations. The trees are afforded formal legal protection by Tree Preservation Order TPO/96/02 Land Between The Shack and Rosedene, Roxburgh Road, Weeley Heath.</p> <p>The report accurately describes the general health and condition of the trees on the application site and shows the extent to which they affect the development potential of the land. In this respect, however, it is important to take into account the information provided in the tree report concerning the trenching works that have been carried out within the trees Root Protection Area (RPA) to install services and the subsequent amelioration works carried out by the public utility company.</p>
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The proposed position of the dwelling is such that it is within the (RPA) of one of the Oaks in G1 of the above TPO. In this respect the development proposal will be likely to cause harm to the protected tree.

Whilst the trenching works are likely to have severed surface roots the remediation works will have improved the soil to encourage new root growth in the area where roots would have been and will need to be for the continued viability of the tree.

From the information provided in the tree report and shown on the site layout plan it is considered that the extent of the incursion into the RPA is potentially harmful to the Oak. However taking into account the harm that is likely to have been caused by the above excavation of a trench, the remediation of the soil within the RPA and the position of the dwelling at approximately 11m from the main stem of the Oak it is considered that the position of the dwelling may be acceptable if the following measures are put in place;

- The RPA should be extended so that the north eastern flank wall becomes the position of the protective fence and ground protection methods will be required during the construction of the flank wall and when moving materials through the RPA;
- Secondly it is considered that the foundations of the north eastern flank wall should be pile and beam rather than traditional strip foundation to avoid creating a permanent barrier to root movement.

If the above measures were secured it is considered likely that the development proposal could be implemented without causing harm to the protected trees.

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:

- Submission of a Construction Method Statement

5. Representations

- 5.1 Weeley Parish Council has not commented upon the application.
- 5.2 No further letters of representation have been received.

6. Assessment

The main planning considerations are:

- Proposal
- Site Location
- Principle of Residential Development
- Design
- Highway Safety
- Trees

- Residential Amenity

Proposal

- 6.1 The application seeks reserved matters approval for development of Plot 3, granted outline planning permission under 13/00897/OUT. The reserved matters approval for plot 1 has been granted and the dwelling is under construction. There are no current proposals submitted for plot 2.
- 6.2 The proposed dwelling is set back around 8 metres from Roxburghe Road and is two storey measuring 8.7 metres to ridge height, 16.5m in width and a maximum of 17.5m in depth. It is to be constructed of a combination of blend brickwork and coloured render with concrete plain tiles to the roof.

Site Location

- 6.3 The site is accessed from Roxburghe Road which is an unmade private road off Bentley Road. The land is generally open grassland with a hedgerow along the rear boundary with open farmland beyond. On the eastern boundary of the is a group of three protected Oak trees and one protected Holly tree.
- 6.4 A detached chalet style bungalow (Rosedene) abuts the eastern boundary of the site with two other dwellings also accessed from the private track, with additional rear accesses to some dwellings fronting Mill Lane.

Principle of Residential Development

- 6.5 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the draft Local Plan. The principle of residential development has been accepted by the grant of outline planning permission. Consideration under this application is therefore limited to only the reserved matters of scale, layout, appearance, access and landscaping.

Design

- 6.6 The proposed two storey dwelling is located between the bungalow at 7 Bentley Road and the two undeveloped plots. Beyond Plot 3 lies a detached one and a half storey house (Rosedene).
- 6.7 The proposed dwelling has been set back around 8 metres from Roxburghe Road in line with the adjacent Rosedene to reflect the general building line. The frontage would provide a block paved front garden area with parking and turning in front of the dwelling. To the rear a garden of around 200 square metres is provided, significantly in excess of the minimum 100 square metres required by saved policy HG9. Subject to the recommended conditions relating to hard and soft landscaping and the detail of the front boundary treatment it is considered that the siting of the proposed dwelling is acceptable. The rear hedgerow boundary is to be strengthened with additional hawthorn planting.
- 6.8 The height, mass, materials and detailed design of the dwelling, including dormer windows and gables, reflects the style of property to the south east at Rosedene and the dwelling currently under construction. The neighbouring property is around 14 metres away and, as demonstrated by the submitted block plan drawing, the proposed dwelling would not appear cramped within its plot. The future development of Plot 2 would be considered in relation to

this proposal, if approved, and would need to ensure adequate bulk and spacing to ensure the development reflects the rural character of the area.

Highway safety

- 6.9 Roxburghe Road is an unmade private road and is subject to maintenance by the existing residents.
- 6.10 The Highway Authority has no objection to the proposal. A Construction Method Statement to provide details of parking, loading, turning, wheel and under body washing and storage of plant and materials during the construction period is required under the outline planning permission.
- 6.11 The proposal includes a large turning area within the site and off street parking for at least 6 cars. There is also an integral 'store room' with garage door to the front which, although 1.5m too shallow to be considered as a garage under the adopted parking standards, could physically accommodate one car. The proposal therefore provides sufficient off street parking to meet the needs of the dwelling. Subject to a condition securing the parking and turning areas prior to occupation of the dwelling the proposal would be acceptable in highway safety terms.

Trees

- 6.12 To the eastern boundary of the plot is a group of three protected Oak trees and one protected Holly tree. The Council's Tree Officer has provided comments which are outlined above in the consultees section of the report.
- 6.13 In the early summer 2015 a trench was excavated to a depth of approximately 1.2m by a utilities contractor across the plot, to relocate and bury an electricity cable. This was carried out through the root protection areas of three of the four trees. Since then the utilities contractor who carried out the trenching works has undertaken soil amelioration to address the damage caused and to encourage tree growth. Works included the de-compacting of the affected areas of soil and the incorporation of fertilizer.
- 6.14 Whilst the trenching works are likely to have severed surface roots the remediation works will have improved the soil to encourage new root growth in the area where roots would have been and will need to be for the continued viability of the tree. As such the Council's Tree Officer has confirmed that from the information provided in the tree report and shown on the site layout plan it is considered that the extent of the incursion into the RPA is potentially harmful to the Oak. However taking into account the harm that is likely to have been caused by the above excavation of a trench, the remediation of the soil within the RPA and the position of the dwelling at approximately 11m from the main stem of the Oak it is considered that the position of the dwelling may be acceptable if the following measures are put in place:
- the fence protection area should be extended so that the north eastern flank wall becomes the position of the protective fence and in this area ground protection methods will be required during the construction of the flank wall and when moving materials through the RPA; and
 - the foundations of the north eastern flank wall should be pile and beam rather than traditional strip foundation to avoid creating a permanent barrier to root movement.

- 6.15 These mitigation measures will be secured via condition and in the view of the Council's Tree Officer would ensure that the development proposal could be implemented without causing harm to the protected trees.

Residential Amenity

- 6.16 The neighbouring property at Rosedene is around 14 metres away with the protected trees sited in between. As such the proposal would result in no material loss of light or outlook to this property.
- 6.17 The only first floor window in the eastern facing flank of the property would serve an en-suite and therefore would consist of obscure glazing. The proposal would therefore result in no material loss of privacy.

Background Papers

None.