

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	02/05/2019
Planning Development Manager authorisation:	AN	2/5/19
Admin checks / despatch completed	AP	7/5/19

**Application:** 18/02117/DETAIL

**Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr M Simpson - Lexden Homes

**Address:** Avonleigh Clacton Road Elmstead

**Development:** Reserved matters application following Outline application 17/00027/OUT - providing details of Access, Layout, Appearance and Landscape.

### **1. Town / Parish Council**

Elmstead Parish Council

The council is very concerned about the small trees that need to be removed. Whilst the trees may be considered to be of a low amenity value they are of a high ecological value to a local wildlife.

### **2. Consultation Responses**

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposed dwellings are situated off a private road via Clacton Road off an existing vehicle access and retains adequate room and provision for off street parking and turning, for the proposed dwellings therefore:

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

1. Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the south east and 2.4 metres by 70 metres north west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to first occupation of the development vehicular parking and turning facilities in accordance with current policy standards 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 in accordance with policy DM1.

3. Prior to first occupation of the development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres within the site, tapering one-sided over the next 6 metres to any lesser width and provided with an appropriate dropped



kerb crossing of the footway to the satisfaction of the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

5. Prior to first occupation of the development the vehicular parking facilities, as shown on the submitted plan 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 controlled manner in the interest of highway safety in accordance with policy DM1

6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

7. All single garages should have a minimum internal measurement of 7m x 3m, while any double garages should have a minimum internal measurement of 7m x 5.5m

All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

8. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

9. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

10. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials



and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

11. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

12. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

13. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Any 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

Essex County Council  
Archaeology

Thankyou for consulting Place Services on the above application. A WSI has been submitted with the above application in response to an archaeological condition on application 17/00027/OUT. The WSI was approved based on the details of the 2017 application and the evaluation has not yet been completed. The site plans submitted with this application vary slightly from those within the WSI and the trench locations may need to be altered. The evaluation will need to be completed prior to commencement of the development however no further conditions are required on this application. If you have any questions about this advice, please do not hesitate to contact me.



Tree & Landscape Officer      The main body of the application site is set to grass with a mixed age range of trees, hedges and a few shrubs on site boundaries

The most significant tree on the land is a Beech that is situated on the southern boundary of the application site adjacent to the northern boundary of 1 White Barn Farm Cottages. The tree is a mature healthy specimen with a long safe useful life expectancy. However views of the tree are restricted by existing dwellings and it can barely be seen from a public place. Consequently it has low visual amenity value and for this reason it does not merit retention or protection by means of a tree preservation order.

In order to show the impact of the development proposal on this trees and others on the land the applicant has submitted a Tree Survey and Report that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

The report shows those trees to be retained and those that will need to be removed in order to facilitate the development proposal.

In terms of soft landscaping the applicant has submitted sufficient information relating to species and specification of new planting.

Building Control and  
Access Officer

No comments at this time.

Natural England  
NOT REQUIRED

In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation (see main assessment).

### 3. Planning History

04/00447/FUL	Change of use land from agricultural to domestic	Approved	10.05.2004
04/00659/FUL	Single storey rear extension and alterations to provide lounge, breakfast room and shower room	Approved	25.06.2004
07/01399/OUT	Erection of 2 no. bungalows and 2 no. chalet bungalows. Erection of 2 no. detached garages to serve Bramfield and Avonleigh. Alteration to existing vehicular access.	Refused	31.10.2007
17/00027/OUT	Proposed 5 dwellings.	Approved	17.03.2017
17/01728/FUL	Demolition of single storey extension and double garage. Proposed single storey rear extension, alterations to front dormer window, alterations to existing porch and construction of new double garage.	Approved	04.12.2017
18/02028/DISCON	Discharge of conditions 4 (Boundary Treatments) and 10 (Archaeological Ground Works) of approved application	Approved	22.01.2019



17/00027/OUT.

19/00494/DISCON	Discharge of Condition 10) Archaeological groundworks, 11) Archaeological fieldwork & 12) Post-excavation assessment to Approved Planning Application 17/00027/OUT.	Approved	09.04.2019
-----------------	--	----------	------------

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites: European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards



- LP4 Housing Layout
- LP8 Backland Residential Development
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- PPL4 Biodiversity and Geodiversity

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.

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

### **Site Description**

The application relates to the land adjacent and to the rear of the properties known as Avonleigh, Bramfield and Cleddau and extends approximately 0.2 hectares in size currently. The application originally formed the garden areas for these associated properties. The site is located on the northern side of Clacton Road within the Parish and Settlement Development Boundary of Elmstead.

### **Description of Proposal**

The application seeks approval of the reserved matters following outline permission for the erection of 5 dwellings under application reference 17/00027/OUT.

Application 17/00027/OUT sought outline planning permission with all matters reserved. This application therefore seeks permission for scale, layout, appearance, landscaping and access.

### **Assessment**

The main considerations are;

- Principle of Development;



- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations and Parking Provision;
- Financial Contributions;
- Requirements of Outline Conditions; and,
- Representations.

#### Principle of Development

The principle of the development has been established and secured through the approval of outline application 17/00027/OUT.

The development would not appear prominent or out of character in this location having regard to the existing and recent residential developments approved in the locality. This was covered in detail within the outline approval.

#### Scale, Layout and Appearance

The application proposes the erection of 3 detached bungalows and a pair of link-detached bungalows. Bungalows are considered to be an appropriate response to the character of the area and their single storey scale sited behind existing residential development minimises the visual impact of the development and views from Clacton Road. This was a requirement of the outline consent. The reserved matters application therefore complies with condition 13 of 17/00027/OUT. The application has been amended to improve the spacing to the side boundaries of plots 1 and 2 and reduce the overall ridge height by 600mm. Whilst these amendments are only minor, the overall layout, scale and appearance of the development is improved and the impact lessened therefore being more in keeping with the requirements and aims of the outline permission. The fully hipped roof arrangements, set back garages and staggered siting of the dwellings adds interest to the street scene of the development and breaks up the bulk of the built form. The detailed design and finishes of the dwellings are varied and complementary. They comprise a mixture of materials including brick, render and weatherboarding and include design features such as protruding brick plinths, window headers and sills and decorative barge boards.

Each dwelling retains a good distance to their side boundaries, ample private amenity space, parking in accordance with the adopted parking standards plus visitor spaces and a Type 3 turning head. The donor dwellings retain ample private amenity space and parking.

Overall, the scale, layout and appearance are considered acceptable.

#### Residential Amenities

Officers consider that sufficient space is available on site to provide the proposed development without causing harm to residential amenities. The internal layout and separation distances will not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings. Furthermore, the single storey scale, reduced height and hipped roof arrangements minimises the neighbouring impact in terms of outlook. The impact is also softened by the proposed soft landscaping.

The number of dwellings proposed is not considered excessive and the proposed access is of a sufficient width to result in no material harm to neighbouring properties from noise and disturbance. It is noted that both properties directly adjacent to the access road are within the ownership of the applicant.

#### Trees and Landscaping

The site is made up of existing residential curtilage set to grass with a mixed age range of trees, hedges and a few shrubs on site boundaries but none are visible from the public domain and do not merit retention or protection by means of a tree preservation order.

In order to show the impact of the development proposal on this trees and others on the land the applicant has submitted a Tree Survey and Report that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. The report shows those trees to be retained and those that will need to be removed in order to facilitate the development proposal. The necessary Tree Protection measures will form part of the permission controlled by



condition. In terms of soft landscaping the applicant has submitted sufficient information relating to species and specification of new planting.

#### Highway Considerations and Parking Provision

The Highway Authority have suggested conditions that differ from the outline permission. However, the reserved matters application is in line with the outline permission conditions and the Highways Officer has agreed that the visibility splays are acceptable as approved and do not need to adhere to the newly suggested dimensions within the conditions on the consultation response on this application.

As a construction method statement has not yet been agreed, the appropriate condition will be added.

#### Financial Contributions

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### Requirements of Outline Conditions

The outline permission was subject to the standard reserved matters conditions 1 to 3 plus other conditions as follows;

4. Details of screen walls and fences- approved under 18/02028/DISCON.
5. Visibility splays 2.4m x 90m - this is achieved and shown on the plans.
6. No bound materials - the proposed hardsurfacing complies with this requirement.
7. Parking in accordance with standards - each dwelling is served by a garage and parking spaces of the minimum dimensions.
8. Garages sited 6 metres back - all garages are well set back within the site and within their respective plots.
9. Permeable or porous surfacing - the proposed hardsurfacing will be permeable.
10. Archaeological Trial Trenching Programme - this has been part discharged by 18/02028/DISCON. However, due to the slight variation to the layout of the development the trench locations may need to be altered. This will be added as an informative to this application.
11. Completion of archaeological programme - this will be subject of a later discharge of condition application.
12. Submission of Post-excavation assessment - this will be subject of a later discharge of condition application.
13. Single storey only - the proposed dwellings are single storey and the reserved matters complies with the outline consent.

#### Representations

Elmstead Parish Council object to the application raising strong concerns over the loss of the mature trees with ecological value and the potential harm to wildlife.

In this instance, due to the nature of the site being a residential garden and the number of trees being limited and not dense, any potential disturbance to wildlife would be to nesting birds only. Therefore, a condition will be added to ensure that any clearance is carried out outside of the bird nesting season. The landscaping scheme provides tree planting resulting in an overall enhancement to the ecological value of the site.

No other letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to necessary 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: No. 18/33/02 REV. A, No. 18/33/03 REV. A, No. 18/33/04 REV. A, No. 18/33/05 REV. A, No. 18/33/06 REV. A and 18/33/07.

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 the interests of visual and residential amenities.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping scheme No: LSDP 1249.02 Rev B 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 development.

- 4 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.

- 5 Notwithstanding the fencing details shown on approved drawing No: LSDP 1249.02 Rev B 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 area.

- 6 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.

- 7 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.

- 8 The protective fencing detailed on approved drawing No: LSDP 1249.01 shall be retained throughout the construction phase of the development.

Reason - In the interests of safeguarding the retained trees in the interests of the character of the area.

- 9 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 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.

### Condition 10 of 17/00027/OUT - Place Services Informative

The WSI under reference 18/02028/DISCON has been approved based on the details of the 2017 application and the evaluation has not yet been completed. The site plans submitted with this application vary slightly from those within the WSI and the trench locations may need to be altered and the condition re-discharged to allow for the revised WSI to be assessed and approved. The evaluation will need to be completed prior to commencement of the development.

### Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development ref 17/00027/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Highways Informative

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.