

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	13/06/19
Planning Development Manager authorisation:	SCE	13.06.19
Admin checks / despatch completed	KLO	13/06/19

Application: 19/00631/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr & Mrs Russell

Address: The Willows Shair Lane Great Bentley

Development: Variation of condition 2 of approved application 18/01504/FUL to update design to allow for slates to roof, alterations to windows and new pump room.

1. Town / Parish Council

Great Bentley Parish Council At Great Bentley Planning Committee meeting held on 9th May 2019, it was agreed to offer no objection

2. Consultation Responses

ECC Highways Dept It is noted that this application only concerns condition No2, the Highway Authority does not object to the proposals as submitted and in accordance with proposed block plan, floor plan and elevations drawing no. P06b.

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

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
17/00352/OUT	Outline application with all matters reserved for one dwelling.	Refused	28.04.2017
18/00060/DISCON	Discharge of conditions 4 (hard	Approved	29.01.2018

and soft landscaping), 7 (external facing and roofing materials), and 11 (Construction Method Statement) of 15/00054/FUL.

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.	Approved	05.11.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG16 Garden Extensions into the Countryside

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

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

CP1 Sustainable Transport and Accessibility

LP3 Housing Density and Standards

PPL3 The Rural Landscape

SPL3 Sustainable Design

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

Site Description

The application site is 'The Willows', which is a modest detached bungalow set within a plot measuring around 21m wide by 47m deep. 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 open paddocks with the existing bungalow partially visible through the hedge when not in leaf. To the rear (east) boundary lies Risbys Farm which is a two storey dwelling with numerous large buildings. To the southern boundary is the driveway to Risby's Farm.

Proposal

This application seeks planning permission for the variation of Condition 2 of previously approved 18/01504/FUL. The changes proposed relate specifically to the pool house and are as follows:

- Replace Redland pantile with slate tile;
- One additional door to the side elevation;
- Removal of one side elevation door;
- Replace front elevation UPVC doors with four large sliding doors; and
- Single storey extension to serve a plant room.

Site History

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.

Under 18/01504/FUL planning permission was granted to vary the previous design to ensure the dwelling would be larger and set over 4 floors, including a basement and rooms within the loft space.

Assessment

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application involves a number of minor alterations to the previously approved pool house. The most notable change is the additional single storey extension to serve as a plant room. However given its modest size (just short of 12sqm), that it is sited to the rear of the building and that the building itself is well set back from the highway, the extension will not be visible and will result in a neutral impact to the character of the area. All other changes, including amendments to doors and windows are minor and bear no impacts to the areas character, while the proposed use of slate tile is in-keeping with the host dwelling and therefore results in a slight visual enhancement.

Given the minor nature of the proposed changes and significant distance to neighbouring properties, there is not considered to be any adverse impacts to existing amenities.

There are no other impacts in comparison to the previously approved scheme, and accordingly Essex Highways Authority have offered no objections.

Other Considerations

Great Bentley Parish Council does not object to the proposed application.

There have been no other letters of representation received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before 5 November 2021.

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:

18/01504/FUL:

Drawing numbers P07, P01, P02, P04, P03, P05 and P08.

19/00631/FUL

Drawing number P06b.

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 of 18/01504/FUL, 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 of 18/01504/FUL shall be permanently closed in a manner to have been previously approved in writing by the Local Planning Authority, incorporating the reinstatement 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 of 18/01504/FUL 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 of 18/01504/FUL, 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.