

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	09/10/19
Planning Development Manager authorisation:	TF	16/10/19
Admin checks / despatch completed	CC	15/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	15/10/2019

Application: 19/01272/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Wilby

Address: Land adjacent Shirley Dene Aingers Green Road Great Bentley

Development: Variation of condition 2 of 18/01338/FUL to amend design for one detached bungalow.

1. Town / Parish Council

Great Bentley Parish Council

At the meeting of Great Bentley Parish Council Planning Committee held on 3rd October 2019 it was resolved to make no comment regarding this application.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the application is to vary the design of the one detached bungalow therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the original mitigation and conditions being retained:

1 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

3 Prior to the proposed access being brought into use, vehicular visibility splays as shown detailed (Amended Drawings (visibility splays) and details dated: 31 October 2018) and in accord with the amended plans shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter in perpetuity.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM1.

4 The parking spaces / vehicular hard-standings shall each be constructed to minimum dimensions of 5.5m x 3.4m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety and in accordance with Policy DM1 and 8.

5 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM1 and 9.

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: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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.

3. Planning History

95/00746/FUL	(Adjacent Shirleydene, Aingers Green Road, Great Bentley) Change of use from agricultural land to form part of residential curtilage	Approved	15.08.1995
95/00891/FUL	(Shirley Dean, Aingers Green Road, Great Bentley) Bedroom Extension and en-suite	Approved	26.09.1995
16/30135/PREAPP	2 storey 5 bedroom dwelling.		30.06.2016
16/01402/OUT	Outline planning application for two new dwellings with all matters reserved.	Refused	25.10.2016

17/00309/OUT	Outline application for two new dwellings with all matters reserved.	Refused	26.04.2017
18/01338/FUL	Proposed new dwelling.	Approved	06.11.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

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)

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

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 (2019) 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal

Site Description

The application site is located on the northern side of Aingers Green Road on the eastern edge of the settlement of Aingers Green. The site is currently laid to grass and is utilised as amenity land by the residents of Shirley Dene, with large areas of agricultural land to the north and east. To the west are residential properties leading into the Aingers Green settlement. The site falls outside of a recognised Settlement Development Boundary within both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks planning permission for the variation of condition 2 of previous planning permission 18/01338/FUL. The proposal seeks an amended design of the dwelling previously approved.

History

Under planning reference 16/01402/OUT a proposal for two dwellings adjacent to the east of the site was refused outline planning permission. The reason for refusal related to the adverse impact upon the rural setting. An identical proposal to 16/01402/OUT (reference 17/00309/OUT) was refused on the grounds it fell outside of a recognised Settlement Development Boundary and the adverse impact upon the areas rural setting.

Under planning permission 18/00102/FUL, full details were approved following earlier outline permissions 16/00120/OUT and 16/01618/OUT for three and four dwellings respectively located to the north of Shirley Dene. These dwellings were approved when the Council was unable to demonstrate a five year supply of housing land.

Under planning reference 18/01338/FUL, planning permission was granted on this site for the erection of one detached 1.5 storey dwelling, again at a time when the Council was unable to demonstrate a five year supply of housing land.

Assessment

1. Design, Appearance and Layout

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 proposed dwelling is of a different design to that previously approved under planning permission 18/01338/FUL. Previously it was a 1.5 storey chalet bungalow style dwelling, with front and rear dormers. The proposal seeks to amend this to a single storey bungalow, which given the type of development to the immediate surrounding area will be more in-keeping than that previously. Given this, and that the dwellings siting is broadly in-line with 'Shirley Dene' to the west, there are no principle concerns with that being proposed.

In terms of the design of the dwelling, while it is considered to be a relatively bland scheme, as stated previously a bungalow is in-keeping. Further, the front gable is considered to help soften the dwellings appearance, while the use of red brick and red roof tile will assimilate well within the area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75 square metres, and private amenity space for a dwelling with three bedrooms or more there should be minimum provision for 100 square metres. The information that has been supplied shows that this is comfortably achievable for both the new dwelling and for the existing dwelling 'Shirley Dene'.

2. Impact to Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the dwelling will be visible to the existing residential properties to the west, there is an approximate separation distance of 8m. This separation distance will ensure no loss of light or that the dwelling will appear imposing, while the single storey nature of the dwelling ensures no

overlooking concerns. There is therefore a slight improvement to amenities in comparison to the previously approved scheme for a 1.5 storey dwelling.

While there are dwellings approved to the north of the site currently under construction, there is sufficient separation distances. Given this and the single storey nature of the proposed dwelling, it is considered this proposal will be an improvement to the scheme with an extant permission.

3. Highway Safety

Essex Highways Authority have no objections subject to conditions that were previously imposed on extant permission 18/01338/FUL. One additional condition relating to cycle parking provision was requested, however given the site is of sufficient size to accommodate this it would not be reasonable to attach this as a condition.

Adopted Car Parking Standards state that for a dwelling with two bedrooms there should be minimum provision of two parking spaces measuring 5.5m x 2.9m or, if being relied upon as a parking space, a garage with internal measurements of 7m x 3m. The plans show this is achieved to the side of the dwelling.

4. Financial Contributions

Given that the application is a variation of a previously approved (and extant) planning permission, no financial contribution towards RAMS or Open Space is being requested on this occasion.

Other Considerations

Great Bentley Parish Council has stated it has no comments to make.

There have been no other letters of representation received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of 6 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, drawing number SD-P-01 Rev C and the document titled 'Planning Statement'.

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

- 3 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 Prior to the proposed access being brought into use, vehicular visibility splays as shown detailed in drawing number SD-P-01 Rev C shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter in perpetuity.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests 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.

Highways Informatives:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

