

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | AP | 22/07/2020 |
| Planning Development Manager authorisation: | TF | 23/07/2020 |
| Admin checks / despatch completed | CC | 24.07.2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CD | 24.07.2020 |

Application: 20/00673/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr & Mrs Russell

Address: The Willows Shair Lane Great Bentley

Development: Variation of conditions 2, 4, 8, 10 and 11 of approved application 19/00631/FUL to allow for new drawings to reflect changes to the position of the dwelling, pump room, tennis court and new storage area for tennis court.

1. Town / Parish Council

None received

2. Consultation Responses

Tree & Landscape Officer
18.06.2020

The proposed variation of the conditions of planning permission 19/00631/FUL will not adversely affect any trees or other vegetation on the application site.

The block plan shows new tree planting that will assist with the enhancement and screening of the proposed development.

ECC Highways Dept
25.06.2020

It is noted that this application concerns variation of condition No. 2, 4, 8, 10 and 11 the Highway Authority does not object to the proposals as submitted and in accordance with the revised block plans, construction phase plan, floor plans, elevations drawings and landscaping detail.

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 |
| 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. | Approved | 05.11.2018 |
| 19/00631/FUL | 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. | Approved | 13.06.2019 |
| 20/00673/FUL | Variation of conditions 2, 4, 8, 10 and 11 of approved application 19/00631/FUL to allow for new drawings to reflect changes to the position of the dwelling, pump room, tennis court and new storage area for tennis court. | Current | |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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 (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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal

Site Description

The application site is 'The Willows', which is a modest detached bungalow with ancillary outbuildings. 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. Development has begun on the site following previous grants of planning permission for a replacement dwelling.

Shair Lane is characterised by sporadic dwellings set within large landscaped plots comprising both bungalows and two storey dwellings, many of which have adjoining paddocks. 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, 4, 8, 10 and 11 of previously approved 19/00631/FUL. The changes proposed are detailed as follows:

- Positioning of the proposed dwelling – the proposed dwelling is to be sited a further 8 metres to the south of the proposed garage
- Removal of the basement from the proposed dwelling negating the need for the sunken courtyard
- Increase in area for use as the first floor balcony
- Additional ground floor window serving the kitchen
- The pump room is now detached from the pool house
- The proposed tennis court has been repositioned eastwards and no longer sits immediately beside the pool
- A new tennis auxiliary building alongside the tennis court
- The proposed landscaping takes into account the changes above and also creates a formal garden south of the proposed dwelling

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 workshop.

Planning permission was then granted following a resubmission under reference 18/01504/FUL for a replacement dwelling with garage, pool and pool house and tennis court. The dwellinghouse was larger and set over 4 floors, including a basement and rooms within the loft space. Further to this a variation of condition application granted permission under reference 19/00631/FUL made minor changes to the fenestration of the proposed house, extended the pool house and changed the pantiles to slate.

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 repositioning of the proposed dwelling, detachment of the pump room from the pool house and repositioning of the tennis court will not have a significant impact on the character of the area. The footprint, scale and overall design of the proposed dwelling will remain the same. The pump room remains a similar size to the extension granted permission under 19/00631/FUL albeit a distance of 1.3 metres east of the pool house. Moving the tennis court in an easterly direction with the addition of a building alongside will mean that it more distant from the proposed dwelling however the proposed landscaping will help to assimilate it in its surroundings. The tennis building is single storey with a hipped roof, and veranda facing west. The pavilion type building will be finished with a brick plinth, dark weatherboarding and a slate roof. A condition has been added to the permission to prevent floodlights or other external lighting from being used in conjunction with the tennis court; a further planning application would be required in this regard.

Changes to the main house include increasing the size of the first floor balcony which is considered acceptable given the considerable distance from the neighbouring property of Risby's Farm and the proposed landscaping which will offer a degree of screening. The addition of a ground floor window is minor and bears no significant impact to the character of the proposed dwelling or the area. A larger change which will reduce the engineering operations on site is the removal of the basement from the proposed dwelling which in turn will remove the need for a sunken courtyard to the rear. A conventional two storey house with rooms in the roof is now

proposed which will result in a neutral impact to the character of the area which is acceptable as the basement and sunken courtyard would not have been visible from Shair Lane and would have been mainly hidden from view.

The Tree and Landscape Officer has reviewed the landscaping proposals which take into account the changes above and confirms that the planting will assist with the enhancement and screening of the proposed development.

Given the 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

No letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

18/01504/FUL:

Drawing number: P07 Site Plan & Landscaping Details (for the purposes of showing the existing bungalow and outbuildings to be demolished only)

20/00673/FUL:

Drawing numbers: P01c Ground Floor Layout, P02b First Floor & Loft Layout, P03b Proposed Front & Rear Elevations, P04c Proposed Side Elevations, P05b Proposed Garage Elevation & Layout, P06b Tennis Court & Auxiliary Building, P07b Site Plan & Landscaping Details, P08b Construction Phase Plan and P09b Pool House & Pool.

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

- 2 Within 3 months of the new dwelling being first occupied the existing bungalow and outbuildings as shown to be removed on drawing number P07 of 18/01504/FUL 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.

- 3 The approved scheme of landscaping shown on drawing no. P07b, 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.

- 4 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.

- 5 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.

- 6 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.

- 7 Prior to occupation of the hereby approved development the existing access shown on Drawing Number P07b 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.

- 8 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.

- 9 The construction method details/layout as shown on the approved plan no. P08b 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.

- 10 Prior to occupation of the development the vehicular turning facilities, as shown on drawing no. P07b, 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.

- 11 No floodlighting or other means of external lighting shall be installed to the tennis court except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and impact on the character and appearance of the sites countryside setting.

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.

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|--|------------|-----------|
| <p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p> | <p>YES</p> | <p>NO</p> |
| <p>Are there any third parties to be informed of the decision? If so, please specify:</p> | <p>YES</p> | <p>NO</p> |