

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13 <sup>th</sup> Aug 2021
Planning Development Manager authorisation:	AN	16/09/2021
Admin checks / despatch completed	DB	17.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	17/09/2021

**Application:** 21/01100/DETAIL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr Frank Bennett - Family and Arden Homes LLP

**Address:** Land adjacent Saresta Bromley Road Elmstead

**Development:** Reserved matters application for the erection of 1 bungalow considering details of access, appearance, landscaping, layout and scale pursuant to outline planning consent 20/00974/OUT.

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

Elmstead Parish Council No comment

### **2. Consultation Responses**

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

Tree & Landscape Officer  
21.07.2021 The site layout plan shows two areas of new planting either side of the proposed vehicular access although no details of plant species or specification have been provided.

It appears that, in addition to shrub and hedgerow planting, there is sufficient space for a small tree to be planted in each of the areas as well as in the grass area to the front of the proposed dwelling.

At the present time the information provided is not sufficient to discharge the reserved matter relating to soft landscaping. However if the plan were to be annotated to show new trees in the grassed areas, as described, as well as details of shrub species and specification then the layout would be likely to be acceptable in landscape terms.

Acceptable tree species would be Himalayan Birch (*Betula utilis*), Flowering Crab Apple (*Malus floribunda*) or Mountain Ash (*Sorbus aucuparia*). Many other tree species would be equally acceptable. Trees should be approximately 2m tall at time of planting with a girth of 8-10cm.

Tree & Landscape Officer  
18.08.2021 The information provided is acceptable.

Building Control and  
Access Officer  
14.07.2021 No adverse comments at this time.

### 3. Planning History

14/00414/OUT	Proposed single residential dwelling, installation of temporary accommodation as a static caravan and installation of a standard kiosk to receive electrical supply.	Approved	
20/00974/OUT	Proposed erection of 1 bungalow.	Approved	28.09.2020
21/01100/DETAIL	Reserved matters application for the erection of 1 bungalow considering details of access, appearance, landscaping, layout and scale pursuant to outline planning consent 20/00974/OUT.	Current	

### 4. Relevant Policies / Government Guidance

*NPPF National Planning Policy Framework July 2021*

*National Planning Practice Guidance*

*Relevant Section 1 Policies (adopted)*

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

*Adopted Tendring District Local Plan 2007 (part superseded)*

- COM6 Provision of Recreational Open Space for New Residential Development
- HG9 Private Amenity Space
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- TR7 Vehicle Parking at New Development

*Relevant Section 2 Policies (emerging)*

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- PPL4 Biodiversity and Geodiversity

*Local Planning Guidance*

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

**Status of the Local Plan**

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16<sup>th</sup> July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31<sup>st</sup> August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'titled balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

**5. Officer Appraisal**

## Site Description

The site measures approximately 0.1 hectares (25m in width and 30m in length) and is situated on the southern side of Bromley Road, and forms one of several properties in a ribbon development. The existing use of the site is for amenity purposes and is currently occupied by a mobile home and attached lean-to. The site is flanked with hedgerow along the western side and is opposite undeveloped amenity land. The existing access will remain in use for the proposed development. Saresta, located to the west, is a residential care home. There is no built form to the east.

## Description of Proposal

The application relates to those matters which were reserved for consideration at a later time following the approval of outline application 20/00974/OUT. The matters for consideration are:- access, appearance, landscaping, layout and scale.

The dwelling would be a detached chalet bungalow; it would be set back in region of 40m of the frontage – roughly in line with the adjacent property Saresta. It would have a total length (inclusive of projecting bay windows) just under 26m and a width around 9.6m; this is of a similar-sized footprint to Saresta. The eaves would be in the region of 3.9m and the ridge of the crown roof at around 6.8m. There would a forward-facing dormer window and, to the rear, a recessed dormer.

In addition to a determination of the reserved matters/details pertaining to 20/00974/OUT, information was submitted during the consideration of the application which related to conditions attached to the outline permission. This information was:-

The submission of a layout plan indicating clear to ground visibility splays; pursuant to Condition 5  
The submission of a vehicular turning facility; pursuant to Condition 6  
The submission of a Construction Management Plan; pursuant to Condition 11

## Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Landscaping;
- Financial Contributions - RAMS;
- Financial Contributions - COM6;
- Representations; and,
- Other Considerations.

## Principle

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 129 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Although the application site is outside of the Settlement Boundary, the principle of the development was established through the granting of outline application 20/00974/OUT (granted prior to the Council being able to establish that a comfortable surplus of housing land supply over the 5 year requirement existed).

## Design & Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Existing dwellings in the locale are varied in regards to their external appearance, comprising self-coloured render, engineered brick and combinations of the two. In regards to the scale of dwellings – these are a mix of bungalow and chalet bungalows; typically the footprint of adjacent dwellings has an elongated rectangular form. Externally the dwelling would be constructed in a Hampton rural-blend brick which has a soft red appearance and a grey, slate-effect roof. For these reasons, the scale, appearance, design, height and siting of the proposed dwelling would sit comfortably within the established pattern of residential development within the vicinity.

### Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

Separation distances between the north-west flank of the proposed dwelling and the south-east flank of Saresta range between a minimum of 6.7m and 9m. The proposed dwelling is a chalet bungalow with only rooflights in the flank roof-slopes.

Private amenity space shall be provided to new dwellings in accordance with the following standards:- a three or more bedroom house - a minimum of 100 square metres. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, there is ample space within the plot for sufficient private amenity space for the dwelling.

### Highway Issues

Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

From a highway and transportation perspective the impact of the proposal is acceptable, subject to mitigation and conditions. In response to the Highway Authority requesting the provision and implementation of a Residential Travel Information Pack (secured by way of a planning condition) – the proposal is for a single dwelling only and such a condition is considered to be unreasonable.

### Trees & Landscaping

The application site has been cleared and is currently bare earth.

There are two small Hawthorns on the eastern boundary of the application site and a young Oak on adjacent land close to the western boundary of the application site.

Neither of the hawthorn makes such a contribution to the public realm that they merit protection by means of a tree preservation order although it would be desirable if they were to be retained for their own sake. The Oak is a more prominent feature in the public realm although it does not have a well formed crown and is somewhat one-sided. It is not directly threatened by the development proposal and it is consequently not considered necessary or expedient to make the tree the subject of a new tree preservation order.

The soft-landscaping details which are indicated on drawing number BR 02A, which includes the names and locations of plant, tree and shrub species are acceptable to the Landscaping Officer.

#### Financial Contribution - Open Space and Play Space

A completed unilateral undertaking has been provided as part of the outline planning permission to secure this legal obligation and to ensure the development is compliant with Saved Policy COM6 of the adopted Local Plan and Draft Policy HP5 of the emerging Local Plan.

#### Financial Contribution - Recreational Disturbance

A completed unilateral undertaking has been provided as part of the outline planning permission to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 and SP2 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Representations

No comments were received in response to the publicity of the application; Elmstead Parish Council has 'no comment' to make.

### **6. Recommendation**

Approval - Reserved Matters/Detailed

### **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: -
  - Proposed Floor Plans, Roof Plan And Elevations (BR 01A; received 18th June 2021)
  - Block Plan And Proposed Site Layout Plan (BR 02; received 18th June 2021)
  - Hampton Rural Blend Brick Datasheet (received 18th June 2021)
  - Landscape Plan (BR02A; received 2nd August 2021)
  - Soft Landscaping Method Statement (received 2nd August 2021)
  - General Layout - Visibility Splay and Swept Path (170458/GA01; received 16th August 2021)

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

- 2 Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 3 Prior to the occupation of the dwelling the internal layout shall be provided in principle with drawing numbers:
  - Drawing: 170458 / ga01 - Condition discharge 5 and 6 of 20/00974/OUT
  - Drawing: 170458 - General layout - vis splay & swept path

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

- 4 The dwelling shall not be occupied until such time as car parking has been provided in principle with drawing 170458. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and/or turning 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.

- 5 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.

- 6 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 7 Any gates retained at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

- 8 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.

## **8. Informatives**

Application Approved Without Amendment

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.

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

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO