

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	29/09/22
Planning Development Manager authorisation:	JJ	29/09/2022
Admin checks / despatch completed	ER	30/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.09.2022

Application: 21/00609/VOC **Town / Parish:** Alresford Parish Council

Applicant: Mr Warren Sparkes - Taylor Wimpey London

Address: Land South of Cockaynes Lane Alresford

Development: Variation of condition 1 of reserved matters application 17/00565/DETAIL to amend tree planting in line with highways comments relating to visibility splays and distances from the highway.

1. Town / Parish Council

None received

2. Consultation Responses

Tree & Landscape Officer
02.12.2021

The information submitted by the applicant to address highway safety issues relating to visibility splays retains an adequate level of planting to soften, screen and enhance the appearance of the development.

ECC Highways Dept
21.01.2022

It is noted that this application concerns variation of condition 1 of reserved matters application 17/00565/DETAIL, to amend the tree planting so they will be sited 3 metres further back from the highway, as such the Highway Authority does not object to the proposal as submitted.

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

3. Planning History

14/01823/OUT	Outline application for up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road.	Refused	14.04.2015
17/00561/DISCON	Discharge of conditions 5 (Appearance, Landscaping and Layout details), 6 (Phasing Plan	Approved	11.01.2019

and Programme), 7 (Drainage scheme and Hydrological and Hydro-geological assessment), 9 (Construction Method statement), 10 (Programme of Archaeological works), 11 (Ecological Method statement), 12 (Contamination Risk Assessment) and 13 (Scheme of suitable interpretation materials) of approved planning appeal application 14/01823/OUT.

17/00565/DETAIL	Reserved matters application for up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road.	Approved	13.07.2017
17/01817/FUL	Junction improvements at Cockaynes Lane and repositioning of 2no. residential dwellings.	Approved	15.12.2017
18/00181/NMA	Non material amendment to planning permission 17/00565/DETAIL - to amend the approved Atherstone Red plots to be Parham Red - which is almost identical in colour & texture.	Approved	14.03.2018
19/00149/DISCON	Discharge of Condition 8 (Travel Information) of application 14/01823/OUT (Allowed at appeal APP/P1560/W/15/3124775).	Approved	14.03.2019
20/01300/DISCON	Discharge of Condition 7 (external lighting strategy) of application 17/00565/DETAIL.	Approved	05.11.2020
21/01869/DISCON	Discharge of conditions 13, (Scheme to minimise the risk of offsite flooding) 14, (Detailed surface water drainage scheme) and 15 (Final maintenance plan) of application 18/00367/FUL.	Approved	08.07.2022

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practise Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

Variation of condition 1 (list of approved plans) of reserved matters application 17/00565/DETAIL to amend tree planting relating to visibility splays and distances from the highway.

Timeline

This application was originally submitted to the Council on 29th March 2021 but was invalid, it was made valid on 25th November 2021. The case officer emailed the agent on 7/12/21 confirming the concerns with the reductions of planting in numerous locations around the site. A covering letter was also requested to confirm the location of the affected trees to make this easier to understand for the affected neighbours, and an amended landscape masterplan.

This was chased on 17/1/22, 21/2/22, 22/3/22, 12/5/22, 16/6/22, 26/7/22, 31/7/22 and 16/8/22. An extension of time was agreed until 30/09/22 to enable the applicant to submit amended plans but it was made clear that this was likely to be the last extension of time agreed on this application as it had been stagnant for eight months. Still no additional information has been submitted.

Representations

One letter of objection has been received and is summarised below:

- The removal of four trees opposite plots 35-38 seems to be due to a highways concern but suggest these trees are planted in the orchard area, or deeper within the verge.
- The approved trees would have had a positive impact on the vista from our property.
- The orchard area needs replanting as many of the trees are dead.

Assessment

The application seeks to amend the approved plans condition on 17/00565/DETAIL in respect of the approved tree planting.

Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs, and enhance the public realm through additional landscaping that helps to create a sense of place.

Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character, soft landscaping should be designed as an integral part of the development.

The submitted plans show reductions of planting in numerous locations around the site. A particular issue is opposite plots 35-38 where 4 large trees have been removed. Around 12 trees have been removed from the southern boundary and three in the footpath area in front of plots 59-61. Opposite plot 48 two trees are removed and other set back from the highway. Another tree is

removed to the side of plot 125. On the left side south boundary 5 trees are removed, and trees are relocated by plots 122-135.

The lack of clear information has made the application difficult to assess against the approved plans. The applicant has ignored repeated requests for additional information, and to increase the soft landscaping proposed to compensate for trees removed from the approved plans.

Highway safety

The Highway Authority has confirmed no objection to the proposal.

The Council therefore has moved to refuse this application as it provides an unsatisfactory level of soft landscaping provision to the detriment of visual amenity and the character of the development.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs, and enhance the public realm through additional landscaping that helps to create a sense of place. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character, soft landscaping should be designed as an integral part of the development.

The proposal seeks to vary the approved landscaping plans to alter and reduce the amount of approved tree planting within the development.

Despite sustained requests for amended plans these have not been received. The submitted plans show an unacceptable reduction in tree planting to the detriment of visual amenity and the character of the approved development, contrary to the above national and local planning policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
---	--	----

**Are there any third parties to be informed of the decision?
If so, please specify:**

NO