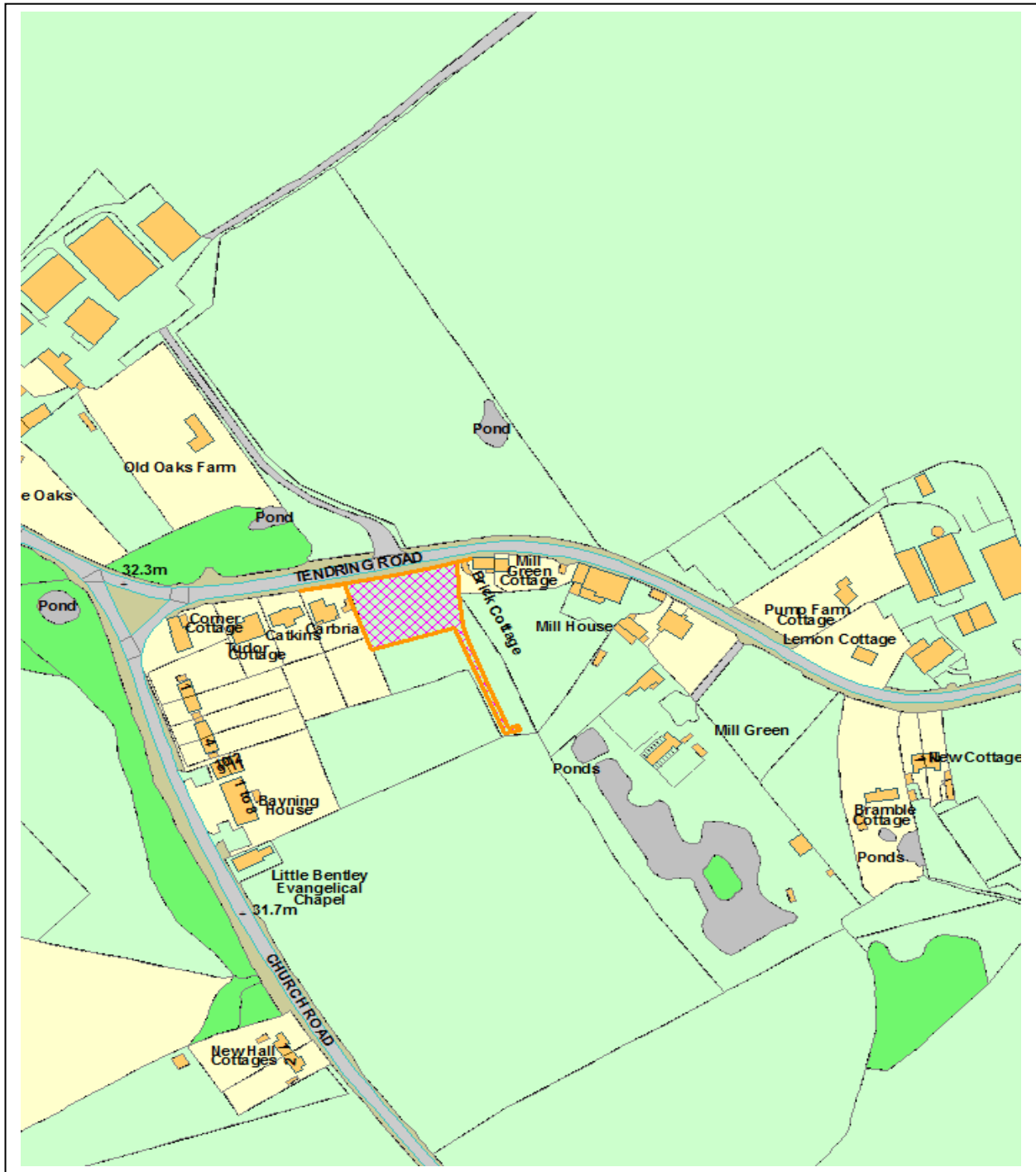


PLANNING COMMITTEE

8 AUGUST 2017

REPORT OF THE HEAD OF PLANNING

**A.11 PLANNING APPLICATION - 17/00955/FUL - LAND ADJACENT CARBRIA,  
TENDRING ROAD, LITTLE BENTLEY, CO7 8SH**



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<b>Application:</b>	17/00955/FUL	<b>Town / Parish:</b> Little Bentley Parish Council
<b>Applicant:</b>	Mr Rose	
<b>Address:</b>	Land adjacent Carbria, Tendring Road Little Bentley	
<b>Development:</b>	Two proposed dwellings and gardens	

## 1. Executive Summary

- 1.1 Outline planning permission for 3 dwellings was refused on 07 June 2016 (16/00532/OUT), and a later application for the outline erection of 2 dwellings – all matters reserved - was approved by the Planning Committee on 02 Nov 2016. (Ref 16/01373/OUT). The current application is a full application [rather than a reserved matters submission], however it was clear that the Planning Committee wanted to review the detailed application following the approval of the outline.
- 1.2 In accordance with Members' request the current application is before Members seeking approval for a detailed scheme for the erection of 2 detached houses and garages, with a single, central access point and the retention of the feature front boundary hedge.
- 1.3 Little Bentley does not have a defined settlement boundary in the Adopted Local Plan as Policy QL1 does not define Little Bentley as a settlement for development but there is a defined settlement boundary within the emerging Local Plan, although the site lies outside of that boundary. However, the principle of residential development has been accepted by the granting of outline planning permission, which expires on 4 November 2019.
- 1.4 The site is accessed from Tendring Road with a private drive serving the 2 frontage plots. The scheme retains the substantial hedge to the northern boundary as noted within the sketch scheme submitted at the outline stage.
- 1.5 The design, siting and scale of the proposed dwellings are considered acceptable with no material harm to visual or residential amenity, or highway safety. The application is therefore recommended for approval.

### **Recommendation: Approve**

#### **Conditions:**

1. 3 Year Time limit
2. Approved plans
3. Visibility splays
4. Vehicular parking and turning facility
5. No unbound materials in first 6m of access
6. Private drive constructed to a width of 5.5 metres
7. Soft landscaping scheme
8. Vegetation clearance to be undertaken outside of the bird nesting season
9. Continued grazing or regular cuts to grassland undertaken at a low sward height
10. Replacement of any lost hedgerows within the development

## 2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6a Protected Species

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document  
(July 2016)

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP3 Green Infrastructure

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

- LP4      Housing Layout
- PPL3     The Rural Landscape
- PPL4     Biodiversity and Geodiversity
- CP1      Sustainable Transport and Accessibility

**Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

**3.        Relevant Planning History**

- |              |  |          |
|--------------|--|----------|
| 16/00532/OUT | Construction of 3 detached dwellings                                       | Refused  |
| 16/01373/OUT | Outline planning application for the construction of 2 detached dwellings. | Approved |

**4.        Consultations**

Tree and Landscapes Officer    There are no trees or other significant vegetation on the, main body of the application site.

The front boundary adjacent to Tendring Road is planted with a dense established hedgerow comprising primarily of Hawthorn and Blackthorn with some Dog Rose. The hedgerow currently acts as a good screen.

If the front boundary vegetation were to be retained, except for the removal of a short section to gain access to the land, and if new soft landscaping were to be carried out broadly in accordance with that shown of the site layout plan then the development would be reasonably well assimilated into its setting.

By its very nature the development of the land would have a detrimental impact on both the character and appearance of the local landscape character. However, it is accepted that a good quality landscaping scheme that, addressed boundary treatment, would help

to soften and screen the development to mitigate the harm caused by the development.

If planning permission is likely to be granted then it will be essential to secure details of comprehensive new planting to both soften and screen the development to mitigate any potential harm to the character and appearance of the area. A soft landscaping condition should be attached to secure details of plant species and specification.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
2. Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
4. Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 5.5 metres to the satisfaction of the Local Planning Authority.
5. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
6. Any double garages should have a minimum internal measurement of 7m x 6m. All garages shall be retained for the purposes of vehicle parking in perpetuity

## 5. **Representations**

Little Bentley Parish Council: No objection to the application.

Two letters of objection have been received. The points raised have been summarised below:

- Development is spoilt with a shared access, there should be two separate access points to be in-keeping with existing development;
- Separate access would be safer;
- Garden size not large enough;
- Site is not in a sustainable location;
- Younger people will be unable to afford these properties;

- Loss of privacy;
- Houses are not in proportion with that approved at outline stage and are out of character; and
- Road safety concerns.

## 6. **Assessment**

The main planning considerations are:

- Principle of Development
- Design
- Highway Safety
- Residential Amenity
- Protected Species

### Site Context

- 6.1 The application site is located on the southern side of Tendring Road within the Parish of Little Bentley. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies outside of any defined Settlement Development Boundary.
- 6.2 The site has an area of 0.15 hectares and forms part of an arable field that fronts onto Tendring Road marked by a mature hedgerow and grass verge. Either side of the application site is existing residential development in linear form that extends around the corner into Church Road. Most of the dwellings are set back from the road, behind front gardens and vary in design and scale.

### Proposal

- 6.3 The application seeks permission for the development of 2 detached dwellings and garages.
- 6.4 The proposed dwellings share an access from Tendring Road to the north. Each dwelling would have a garage and at least 2 parking spaces. Both dwellings are two storey detached houses, with plot 1 serving 5 bedrooms and plot 2 serving 4 bedrooms.

### Local Plan Status

- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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 216 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.

### Principle of Residential Development

- 6.6 Whilst the site lies outside the defined settlement boundary of the emerging Local Plan and the existing plan does not recognise Little Bentley as a development village, the principle of residential development has been accepted by the grant of outline planning permission under planning reference 16/01373/OUT, which expires on 4 November 2019. Consideration under this application is therefore limited to only the general detail design matters and landscaping.

### Design and Layout

- 6.7 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).
- 6.8 The proposed two storey dwellings would be located to the south of the joint access, which has been designed to give maximum visibility, with the existing boundary hedge being retained and trimmed, and they are an attractive design incorporating design features including chimney stacks, front gables, bay windows and a mix of brick, wood cladding and render. Furthermore, they measure a maximum of 8.5 metres in height, which would be in-keeping with the scale of neighbouring dwellings.
- 6.9 The dwellings would have small front gardens and substantial gardens to the rear in excess of the minimum 100 square metres required by saved policy HG9, whilst the siting of the proposed dwellings are acceptable. The existing front access to the north-east corner of the plot is to be removed and replaced with matching hedging, whilst the side and rear boundaries will be strengthened with a 1.8 metre high close boarded fence and planting.
- 6.10 The height, mass and detailed design of the dwellings, including the front elevation incorporating bay windows is appropriate for this site and provides for an attractive mix of dwelling types. The dwellings would retain sufficient spacing to the side boundaries of their plots as to not appear cramped and to safeguard the semi-rural character of the locality.

### Highway safety

- 6.11 Essex County Council as the Highway Authority has been consulted on the application. They raise no objection to the principle of the development and vehicular accesses from Tendring Road in this location subject to six conditions as detailed within the report. Conditions 1-4 are included within the recommendation, however conditions 5 and 6 are not as adequate off street parking is shown on the submitted plans.
- 6.12 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.13 The proposed garages are undersized but ample off street parking is provided on the driveways to meet the needs of residents and their visitors.

### Residential Amenity

- 6.14 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition,

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).

- 6.15 Due to the siting of the proposed dwellings and the sufficient space between any surrounding dwellings there would not be any adverse impact upon future residents in respect of loss of light/outlook or the dwellings appearing imposing. Furthermore, the only first floor side elevation window that has the potential to directly overlook neighbouring properties will be served by an en-suite, a room not associated with regular habitation, whilst all first floor rear elevation windows will have views to the rear of neighbouring garden areas, which are less likely to be occupied and thereby reducing the degree of privacy lost.

#### Protected Species

- 6.16 The issue of protected species and habitat protection was considered at the outline stage, where a Phase 1 Habitat Survey, undertaken on 14 March 2016, was provided, and which concluded the following;
- 6.17 The site predominantly comprises of semi-improved grassland which is grazed to a low sward height, with an intact species-rich hedgerow along the northern boundary. No habitats which occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. There are suitable features, within the area to be affected by the proposed development, which may provide foraging and nesting habitat for breeding birds, in particular the hedgerow along the northern boundary. There are no signs of Water Voles, Otters and Dormice, and the site was not found to be suitable for these species. No signs of Badgers were noted on site at the time of the survey. The grassland is used for grazing and is maintained to a low sward height; therefore it is considered unlikely reptiles are present on site. There are no features on site considered suitable for roosting bats; however a small number of bats may use the site for limited foraging. Given the size of the site and availability for foraging bats in the wider area, it is unlikely the removal of habitat from site would result in a negative impact on the species. The desk study identified nine ponds within 500m of the site, most of which were not accessible at the time of the survey, due to their location on private property. Two were assessed as having average suitability to support Great Crested Newt. Given Tendring Road and Church Road act as a barrier between the site and most of the ponds in the wider area as well as the lack of suitable habitat for this species onsite, the proposed development will not have a negative impact on this species.
- 6.18 The survey recommended that to ensure that no offences occur under the Wildlife and Countryside Act it is recommended that any vegetation clearance work is undertaken outside of the bird nesting season. The bird nesting season is generally regarded to extend between March and August inclusive,(weather dependent). If this is not possible, an ecologist should check the vegetation prior to removal to ensure birds are not present. To keep the grassland unsuitable for reptiles, it is recommended that either continued grazing or regular cuts are undertaken to maintain the grassland to a low sward height. Should this not be the case, a reptile survey may be required. Any hedgerows to be lost within the development should ideally be replaced elsewhere within the development. Conditions are recommended to ensure these measures are undertaken.

#### Overall planning balance

- 6.19 The outline permission established the principle of development of the site for 2 dwellings, and the proposed development meets all other policy considerations.



- 6.20 The land is proposed to be developed in a manner that would add to the mix of dwelling types as advocated by the NPPF and local policy and is an attractive design which maintains ecology habitat and the roadside hedge.
- 6.21 On balance, the development would not cause any demonstrable harm, and is considered to be a sustainable one, where the benefits of the scheme are not significantly and demonstrably out-weighted by any harmful impacts.
- 6.22 The development is therefore an appropriate one and recommended for approval.

Background Papers

None