

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	19/09/2018
Planning Development Manager authorisation:	AN	20/9/18
Admin checks / despatch completed	AN	21/9/18

ML

Application: 18/00799/OUT

Town / Parish: Great Bromley Parish Council

Applicant: Mr Norman Shimwell

Address: Land rear of Essex House Harwich Road Great Bromley

Development: Proposed erection of 2 no. four bedroom dwellings and a detached double cart lodge .

1. Town / Parish Council

Great Bromley Parish Council

Great Bromley Parish Council had no objection to the application but has concerns over the condition and ownership of the access road and how it is maintained in the future. It is also development outside of the village envelope and not on mains sewerage.

2. Consultation Responses

ECC Highways Dept

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

1 Prior to first occupation of the proposed development, the proposed vehicular access shall be provided in accord with Drawing Numbered 257-02 Rev A including the vehicular visibility splays, constructed at right angles to the highway boundary and provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

3 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 257-02 Rev A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

4 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.

5 No development shall take place, including any ground works or

works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

6 There shall no vehicular access onto Byway 10 (Great Bromley) from the proposed development site whatsoever.

Tree & Landscape Officer

The application site currently forms part of the residential curtilage of Essex House and benefits from good screening by way of established boundary hedges. The main body of the garden is set to grass and contained several trees some of which are well established.

The largest trees on the land are a multi-stemmed Eucalyptus and an old Willow. The Eucalyptus is growing close to a boundary hedge and has over-extended branches that compromise the structural integrity of the tree; The Willow is a large and impressive specimen although close inspection reveals that it partially collapsed some time ago and part of the tree has re-grown from a point where a main branch was in contact with the ground. The original part of the tree has extensive decay in the main bole which adversely affects its Safe Useful Life Expectancy (SULE). Neither tree merits protection by means of a tree preservation order.

It appears that the development of the land is possible without the need to remove boundary hedges or other small trees on the land - with the exception of a short section to facilitate access to the land..

If planning permission is likely to be granted then details of retained trees and new soft landscaping plan should be secured as a reserved matter.

Notwithstanding and in addition to previous comments the amended layout would necessitate the removal of a small, but well-formed oak tree close to the western flank wall of Essex House. The tree is a healthy specimen; however the contribution that it makes to the appearance of the area is not so great that it merits protection by means of a tree preservation order.

3. Planning History

00/00769/OUT	New residential development on existing land used as garden	Refused	15.06.2000
18/00799/OUT	Proposed erection of 2 no. four bedroom dwellings and a detached double cart lodge .	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

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)

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

LP8 Backland Residential Development

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 (2018) 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 Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the southern side of Harwich Road within the settlement of Hare Green. The site forms part of the rear garden of an existing house known as Essex House. The main development site measures 35m in depth by 30m wide with an access strip proposed to the east of the existing dwelling onto Harwich Road.

To the west of the site is Chapel Lane which is also a public right of way. To the west are garages and outbuildings utilised for commercial uses. To the south and west are more outbuildings in agricultural use. The application site is screened by large hedges and trees to the southern and western boundaries.

Proposal

This application proposes the erection of 2 x 4 bed dwellings and a detached double cart lodge. The application is in outline form with all matters reserved.

An Indicative layout plan has been provided which shows the dwellings being served via a new access to the east of Essex House leading from Harwich Road. The existing access from Chapel Lane will be closed up via planting and fencing. The dwellings are shown to face onto each other with an internal parking/turning courtyard. The double cart lodge is shown to be located adjacent to the eastern boundary.

Appraisal

Principle of Development

The site lies outside of the Settlement Development Boundary as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond

Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the National Planning Policy Framework (NPPF). Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan as referred to above.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Frating and Great Bromley are both categorised as Smaller Rural Settlements in recognition of the limited job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant upon neighbouring towns and villages for work, shopping and other services and frequently need to travel distance by private care. Because of this, these smaller villages are considered to be the least sustainable locations for growth.

The application site is approximately 1.5km from the edge of the Settlement Development boundary of Frating to the south and 2.1km from the edge of the Settlement Boundary with Great Bromley to the north as defined in both the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is a considerable distance from these villages which already have very limited services, severely diminishing any socially sustainable merits of the application site. Those areas with much fewer services are excluded from any settlement boundary as is the case with Hare Green and the application site. Consequently, it is concluded that the majority of trips including those for day-to-day needs, would need to be made by car to access essential services and facilities. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its siting outside of any defined development boundary, is not considered sustainable.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of the NPPF and contrary to the development plan.

- Assessment of Sustainable Development

Officers consider that Saved Policy QL1 and emerging Policy SPL1 are in line with the aforementioned aims of the NPPF. However, until such time as the emerging local plan has been adopted, and for the purposes of completeness in assessing sustainable development, the 3 dimensions as set out within the NPPF can be addressed as follows;

- Economic

Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

- Social

As stated above the application site is located a considerable distance nearby villages which already have very limited services, severely diminishing any socially sustainable merits of the application site.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale, Character and Appearance.

Scale, Layout and Appearance

Paragraph 127 of the National Planning Policy Framework 2018 (NPPF) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

Furthermore, saved Policy HG13 of the adopted 2007 Local Plan and emerging Policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 are of particular relevance in this instance due to the nature of the development constituting backland development. Saved Policy HG13 states that proposals for the residential development of backland sites will only be approved where it meets specific criteria.

In this case the development would be well contained within a cluster of existing commercial and domestic buildings. The presence of these buildings along with mature vegetation on and around the application site means that the development would not appear prominent or create a hard urban edge to the settlement. Furthermore, the siting of a long narrow driveway would not be at odds with the character or appearance of the locality which contains several other examples of driveways serving backland residential or commercial development.

Overall it is concluded that there would be minimal harm upon the character and appearance of the area.

Residential Amenities

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'.

Having regard to the size of the plots, and the spacing between the dwellings and relationship to the existing neighbouring properties the development of the proposed dwelling will result in an acceptable level of amenity for all existing and future occupants.

Trees and Landscaping

The Council's Tree Officer provides the following comments;

The application site currently forms part of the residential curtilage of Essex House and benefits from good screening by way of established boundary hedges. The main body of the garden is set to grass and contained several trees some of which are well established.

The largest trees on the land are a multi-stemmed Eucalyptus and an old Willow. The Eucalyptus is growing close to a boundary hedge and has over-extended branches that compromise the structural integrity of the tree; The Willow is a large and impressive specimen although close inspection reveals that it partially collapsed some time ago and part of the tree has re-grown from a point where a main branch was in contact with the ground. The original part of the tree has extensive decay in the main bole which adversely affects its Safe Useful Life Expectancy (SULE). Neither tree merits protection by means of a tree preservation order.

The amended access layout would necessitate the removal of a small, but well-formed oak tree close to the western flank wall of Essex House. The tree is a healthy specimen; however the contribution that it makes to the appearance of the area is not so great that it merits protection by means of a tree preservation order.

Highway Safety and Parking

Essex County Council Highways originally objected to the proposed site access from Chapel Lane given that it is a public right of way. Consequently, the access point was relocated to the Harwich Road frontage. ECC-Highways latest comments state no objections subject to the following requirements;

- Prior to first occupation of the proposed development, the proposed vehicular access shall be provided in accord with Drawing Numbered 257-02 Rev A;
- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary;
- The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 257-02 Rev A;
- Submission of a construction method statement; and
- No vehicular access onto Chapel Lane to the west.

Parking provision is shown as 2 no. spaces per property which accords with the requirements of the current parking standards.

Other Considerations

Great Bromley Parish Council notes the improvement made in access but previous concerns remain.

GBPC comment previously submitted:

GBPC had no objection to the application but had concerns over the condition and ownership of the access road and how it would be maintained in the future. It was also development outside of the village envelope and not on mains sewerage.

1 letter of support has been received stating that the development would have a minimal impact upon the rural setting and would be compatible with the adjacent Talisman Coaches use.

A letter of objection was received concerning the unsuitable nature of the access off Chapel Lane. However, the access point has since changed to Harwich Road due to highway safety concerns.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 The site lies outside of the Settlement Development Boundary as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the National Planning Policy Framework (NPPF). Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan as referred to above.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Frating and Great Bromley are both categorised as Smaller Rural Settlements in recognition of the limited job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant upon neighbouring towns and villages for work, shopping and other services and frequently need to travel distance by private care. Because of this, these smaller villages are considered to be the least sustainable locations for growth.

The application site is approximately 1.5km from the edge of the Settlement Development boundary of Frating to the south and 2.1km from the edge of the Settlement Boundary with Great Bromley to the north as defined in both the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is a considerable distance from these villages which already have very limited services, severely diminishing any socially sustainable merits of the application site. Those areas with much fewer services are excluded from any settlement boundary as is the case with Hare Green and the application site. Consequently, it is concluded that the majority of trips including those for day-to-day needs, would need to be made by car to access essential services and facilities. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its siting outside of any defined development boundary, is not considered sustainable.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of the NPPF and contrary to the development plan.

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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<input checked="" type="radio"/> NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	<input checked="" type="radio"/> NO