



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Steve Norman
37 Gilderdale Close
Colchester
Essex
CO4 0NL

APPLICANT: Mr & Mrs Brazier
Bush Farm
Hall Road
Great Bromley
Colchester
Essex
CO7 7TR

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01123/FUL

DATE REGISTERED: 6th July 2018

Proposed Development and Location of the Land:

**Variation of Condition 3 of 17/01720/FUL to allow changes to the fenestration of the proposed dwelling, and to erect a single storey garden room.
Bush Farm Hall Road Great Bromley Colchester**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be begun before 8th January 2021.
Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Within 1 month of the new dwelling being first occupied the existing dwelling shall be demolished and all materials resulting therefrom shall be cleared from the site in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason - The site lies outside any defined settlement limits where strict policies of constraint apply to new dwellings.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing no. 1709/1 B, Drawing No. BF/3 Revision B, Drawing No. BF/2 Revision B, Drawing No. BF/4 Revision A, Drawing No. 1709/2, Drawing No. 1709/3 Revision A and Drawing No. 1709/4, material schedule scanned 6th July 2018, Planning Statement scanned 6th July 2018 and Planning/Design and Access Statement scanned 6th July 2018.
Reason - For the avoidance of doubt and in the interests of proper planning.
- 4 Proposed buildings 3 & 4, shown on the 'Site Layout' drawing (drawing no. 1709/1 B) shall only be used for agricultural purposes unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure the level of domestic accommodation remains ancillary to the main

dwelling as the site lies outside any defined settlement limits where strict policies of constraint apply to new dwellings.

- 5 Prior to commencement, the above ground work details of the provision, siting, design and materials of screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwelling being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual amenity and to preserve the landscape quality of the surrounding countryside.

- 6 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason - To allow proper investigation and recording of the site as an extensive cropmark complex extends over the field where the development is proposed and the evidence indicates probable prehistoric settlement enclosures, with large round houses or burial mounds also in the area. Recent archaeological monitoring in the field on the other side of Hall Road has revealed features of probable Iron Age origin.

- 7 Prior to commencement of any above ground works, details of the hard and soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - There are insufficient details within the submitted plans and this is a publicly visible area in a rural location where such development must be suitably integrated into the landscape.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class A, B, C and D of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations or additions to the dwelling or its roof shall be erected except in accordance with drawings showing the design and siting of such building(s) or enclosure(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the character of the development and landscape quality of the surrounding countryside.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) or enclosure(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the landscape quality of the surrounding countryside.

- 11 Prior to occupation of the development, the remaining access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by the site maximum 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.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 12 Any gates provided 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 highway.

Reason - To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and not causing an obstruction or hindrance to use in the interest of highway safety.

- 13 The existing southern access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement of the highway verge to the satisfaction the Highway Authority immediately the proposed new access is brought into use.

Reason - To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 14 No unbound materials shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

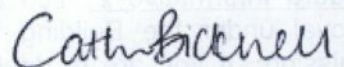
Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 15 All new driveways, parking areas and areas of hardstanding 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 within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

DATED: 5th October 2018

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2018

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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN1 Landscape Character

EN16 Agricultural and Related Development

Tendring District Local Plan 2007

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP4 Housing Layout

PPL3 The Rural Landscape

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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
 - If you want to appeal, then you must do so within the set time limit as outlined below.
 - If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision, then you must do so within 12 weeks of the date of the notice. A Householder Appeal Form is available online at <https://www.gov.uk/guidance/householder-appeals>.
 - If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision, then you must do so within 12 weeks of the date of the notice. A Planning Appeal Form is available online at <https://www.gov.uk/guidance/planning-appeals>.
 - If you want to appeal against your local planning authority's decision on a development which is not caught by a and b above, then you must do so within 6 months of the date of the notice. A Planning Appeal Form is available online at <https://www.gov.uk/guidance/planning-appeals>.
 - Appeals must be made using the relevant form as detailed above, which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay Bristol, BS1 6PN (Tel: 0303 444 8000) or online at <https://www.gov.uk/guidance/planning-appeals>. Please note, only the applicant possesses the right of appeal.
 - The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be obliged to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements to the provisions of any development order that are in force given under a development order.
 - In practice, the Secretary of State does not intend to consider appeals which would be local planning authority passed its decision on a development given by the Secretary of State.
- ENFORCEMENT**
- If this is a decision on a planning application relating to the site of a building, then you must land and a development as is already the case for an enforcement notice. You must appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
 - If an enforcement notice is served relating to the site of a building, the Council will serve a notice on you to appeal against it. You must do so within 28 days of the date of service of the enforcement notice or within 6 months of the date of the notice, whichever is the earlier.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.