

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	05/10/18
Planning Development Manager authorisation:	SCE	05.10.18
Admin checks / despatch completed	WJL SB	05/10/18 05/10/18

Application: 18/01123/FUL **Town / Parish:** Great Bromley Parish Council
Applicant: Mr & Mrs Brazier
Address: Bush Farm Hall Road Great Bromley
Development: 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.

1. Town / Parish Council

Great Bromley Parish Council No objection to the application.

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 The proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 Prior to the proposed access being brought into use the applicant shall provide a 2.4m wide parallel band visibility splay across the entire sites frontage to Hall Road which shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February

2011.

4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

07/01206/FUL	Erection of detached dwelling. Alterations to vehicular access. Demolition of existing dwelling.	Refused	25.09.2007
08/00072/AGRIC	The erection of a machinery and general storage building.	Determinati on	13.02.2008

08/00631/FUL	Erection of detached dwelling (following demolition of existing dwelling). Alterations to existing vehicular access.	Approved	18.07.2008
09/00097/AGRIC	Erection of machinery / general storage building.	Determination	06.03.2009
09/00099/FUL	Demolition of existing agricultural/domestic building(s) and erection of a replacement building.	Approved	13.05.2009
09/00644/FUL	Erection of four bay stable block with shelter, store and tack room and change of use of agricultural land to horse paddocks.	Approved	02.09.2009
09/00645/FUL	Erection of hay store/barn (following demolition of existing building) and cattle shed with associated yard.	Approved	02.09.2009
09/00646/AGRIC	Erection of machinery / general storage building.	Determination	05.08.2009
09/00647/FUL	Erection of a general purpose agricultural building.	Approved	02.09.2009
09/01340/FUL	Erection of a general purpose agricultural building.	Approved	12.04.2010
10/00355/FUL	Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural / domestic buildings and erection of replacement agricultural / domestic buildings.	Approved	09.07.2010
11/00390/FUL	Extensions and alterations to existing barn.	Approved	28.06.2011
13/00509/FUL	Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural / domestic buildings & erection of replacement agricultural / domestic buildings. (Extension of time on previously approved 10/00355/FUL).	Approved	25.07.2013
13/00981/FUL	Erection of a general purpose	Approved	23.10.2013

	agricultural building (addition to building approved under 09/01340/FUL currently under construction).		
14/00573/DISCON	Discharge of condition 01 (materials) of planning permission 13/00981/FUL.	Approved	29.05.2014
16/01368/FUL	Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings.	Approved	16.01.2017
17/00424/FUL	Variation and amendments to approved scheme 16/01368/FUL.	Approved	26.05.2017
17/01445/FUL	Alterations and improvements to existing access point, closure of existing access to the south.	Withdrawn	17.10.2017
17/01720/FUL	Variation and amendments to approved scheme 17/00424/FUL & improvements to an existing vehicular access.	Approved	08.01.2018
18/00778/FUL	Erection of a storage building.	Refused	10.08.2018

4. Relevant Policies / Government Guidance

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

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 on the western side of Hall Road, within the Parish of Great Bromley. It is outside of any defined settlement limits and currently comprises a two-storey dwelling and a number of large agricultural buildings. The site is surrounded by agricultural land and horse paddocks.

The site has extensive planning history for redevelopment of the residential dwelling and the outbuildings on site (following their demolition) and alterations to the access arrangements (currently 2 access points). The history shows many variations and amendments to the approved schemes dating from 2008.

The most relevant application in this instance is application 17/00720/FUL which replaced and amended planning permission 17/00424/FUL. This also replaced and amended the scheme approved under planning permission 16/01368/FUL. The 2016 application was identical to that approved and then renewed under 10/00355/FUL and 13/00509/FUL which expired and were therefore replaced by the 2016 approval then more recently by the 2017 approval.

Proposal

The application seeks to vary the planning condition 3 of application 17/01720/FUL to allow for changes to the fenestration of the proposed dwelling and to erect a single storey garden room measuring 5 metres in width, 5 metres in depth with an overall height of 4.5 metres.

Assessment

The main considerations for this application are the principle of development, visual impact and impact upon neighbouring amenities.

Principle of Development

The principle of development has been established through the planning history of the site through planning application 17/01720/FUL which this application seeks to vary.

Visual Impact

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The application proposes an alternative design to application 17/01720/FUL to the approved dwelling to the front and rear elevations. The front elevation seeks to add two roof lights and alter the height of the middle window to the first floor so that it is in line with the ridge of the dwelling. It is considered that the proposed addition and changes are minor additions and therefore will not cause any significant impact upon the street scene. The rear elevation seeks to change the ground floor windows and double doors serving the family room as well as the middle set of windows serving the dining room to be replaced by bi fold doors. The windows and double doors serving the kitchen will be replaced with windows. To the first floor of the rear elevation, three Juliet balconies are proposed to replace the approved first floor windows serving two bedrooms and a study. The materials proposed as stated within the material schedule scanned 6th July 2018; Wienerberger Terca Olde Farndale multi facing bricks with white cement painted render, black painted/stained weatherboarding, SIGNature Chartham Red & Henley weathered clay plain tiles – mixed natural slate are all considered to be acceptable in terms of design and appearance. The proposed changes to the rear elevation will not be visible to the street scene and therefore will not cause any significant impact upon Hall Road.

The proposed garden room located to the north west of the dwelling will be visible to the street scene however due to the approximate distance of 32 metres to the highway as well as the single storey nature of the proposal incorporating a pitched roof to be in keeping with the host dwelling, it is considered that the proposal will not cause any significant impact upon the street scene. It is therefore acceptable in terms of design and appearance.

Impact upon neighbouring amenities

The application site is located in a rural location and as a result the proposed changes will not cause any impact upon neighbouring dwellings.

Other considerations

Great Bromley Parish council have no objection to the application

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the amended proposal, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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.

8. Informatives

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.

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