

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	18/10/18
Planning Development Manager authorisation:	AN	18/10/18
Admin checks / despatch completed	SB	22/10/18

Application: 18/01296/FUL **Town / Parish:** Bradfield Parish Council

Applicant: Mr & Mrs Terry & Anne Norman

Address: Land Adj Stour Lodge Cottage Station Road Bradfield

Development: Proposed detached dwelling and detached single garage.

1. Town / Parish Council

Bradfield Parish Council Recommend refusal due to concerns about Highways access/egress and obstructed views onto an already busy road and that this constitutes a further erosion of green rural space close to a designated Area of Outstanding Natural Beauty and a SSSI.

2. Consultation Responses

Tree & Landscape Officer (Dated 29 August 2018) The application site is affected by Tendring District Council Tree Preservation Order 89/09/TPO that affords formal legal protection to a single Sycamore situated within the curtilage of Stour Lodge Cottage

In order to show the extent of the constraint of the trees on the development potential of the land the applicant has provided a detailed Tree Survey and Report and Tree Constraints Plan (TCP). The report is in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

The information provided shows that the construction of the proposed dwelling will be outside the Root Protection Area (RPA) of the protected tree and also outside the RPA's of the most important trees situated on land adjacent to the application site. This adequately demonstrates that the construction of the proposed dwelling could take place without causing harm to the protected tree.

In terms of the impact of the tree on the use and enjoyment of the garden and potential issues relating to shading, leaf litter and debris the tree report does not demonstrate that a satisfactory juxtaposition between the tree and the proposed dwelling can be achieved. Nevertheless, although the tree is tall its form is such that it does not appear to have a significant detrimental impact on the existing garden, especially taking into account the impact of the trees on land adjacent to the application site.

In this respect it does not appear that the tree will unduly affect the functionality on the private amenity space of the proposed dwelling.

It should be noted that there are 2 drawings contained in the tree report showing different site layouts for the proposed development.

Drawing No TPSarb8060118 TSCP ' Tree Survey and Constraints Plan shows the new build within the RPA of the protected tree and this layout is unacceptable. Drawing No TPSarb8060118TPP ' Tree Protection Plan shows a different layout which is the same as the Site Plan and the above comments have been based on this drawing.

ECC Highways Dept
(Dated 17 September
2018)

The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposed vehicular access is excessively wide and is likely to lead to obliquely angled access manoeuvres into and out of the highway contrary to highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

The proposal would lead to intensification of use of the site without adequate turning facilities. The proposal would therefore give rise to vehicles reversing into the highway to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative: The footway fronting the proposed development site is in fact measured at 1.7m not the claimed 2.4m which would indicate the proposed vehicular visibility splays would require the removal of significant lengths of brick wall and the relocation of the proposed garage. In any case, the proposed vehicular visibility splays should be shown in full to demonstrate they can be provided. Furthermore, the proposed 1.5m x 1.5m pedestrian visibility splays are drawn incorrectly and are superfluous to the design of the access. The access should be shown at 3.7m wide to serve a single dwelling.

ECC Highways Dept
(Dated 17 October 2018
following submission of
amended plans)

AMENDED DRAWINGS NUMBERED 106-2017-02 DATED 12 OCTOBER 2018

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 the proposed access being brought into use, vehicular visibility splays of 129m westerly by 2.4m by 90m easterly (as shown in the amended drawing) as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and 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.

2. Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. No unbound materials shall be used in the surface treatment of the

proposed vehicular access within 6m of the highway boundary / throughout.

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.

4. 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 106-2017-02. 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.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5. 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.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

6. 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. 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.

Tree & Landscape Officer
(Dated 15 October 2018
following submission of
amended plans)

With regard to planning application 18/01296/FUL I can confirm that as long as a 'no dig' specification is adhered to when the construction of the proposed block paving within the Root Protection Area of the protected tree takes place, then it is unlikely that harm would be caused to the tree.

This should be controlled by condition.

3. Planning History

00/00885/FUL	Erection of 2 metre wall or fence to give privacy	Refused	13.09.2000
00/01705/FUL	Erection of boundary wall	Approved	28.11.2000
TRE/97/55	T.1 - Sycamore - removal of limb extended towards cottage back to a suitable collar to bring limb in line with remainder of canopy	Current	29.10.1997
01/01037/FUL	Porch/utility extension (to rear of property)	Approved	13.08.2001
01/01756/FUL	Elevational changes to house design approved under 97/01282/FUL and 01/01037/FUL	Approved	05.12.2001
91/01121/FUL	Part demolition and re-building of rear extension to domestic dwelling.	Refused	28.01.1992
93/00908/FUL	(Stour Cottage, Station Road, Bradfield) Two storey extension to form additional bedroom, kitchen and bathroom	Approved	05.10.1993
97/00054/FUL	(Stour Cottage, Station Road, Bradfield) Detached single garage	Approved	24.02.1997
97/01282/FUL	Demolition of existing dwelling and erection of replacement house and detached garage	Approved	27.01.1998
98/00922/FUL	Variation to design of house approved under TEN/97/1282 and temporary siting of metal storage container, mobile home and caravan	Approved	28.09.1998

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

- EN1 Landscape Character
- EN3 Coastal Protection Belt
- HG1 Housing Provision
- HG9 Private Amenity Space
- HG14 Side Isolation
- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- LP1 Housing Supply
- LP4 Housing Layout
- PPL2 Coastal Protection Belt
- PPL3 The Rural Landscape
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

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

Site Description

The application site is land to the north-west of Stour Lodge Cottage, Station Road which falls within the parish of Bradfield. The site forms part of the curtilage of Stour Lodge Cottage and is currently used as garden land. The southern boundary is marked by a 1.8m high red brick wall. The overall character of the surrounding area is largely rural; however there are some scatterings of residential development, notably a number of detached properties located to the east. The site falls outside of a recognised Settlement Development Boundary within the Tendring District Local Plan 2007 but falls within the Settlement Development Boundary for Bradfield within the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks planning permission for the erection of a single detached dwelling serving three bedrooms.

The initial plans included a detached garage sited to the southern corner of the site, however following concerns raised with its prominence within the street scene it has since been removed within amended plans.

Assessment

1. Principle of development

Whilst the site falls outside of a recognised Settlement Development Boundary in the Adopted Tendring Local Plan 2007, it is located within the Settlement Development Boundary (SDB) for Bradfield within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Policy SPL2 of the Beyond Publication Draft (June 2017) states that within defined development boundaries of towns and villages, residential development will be permitted provided

it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

2. Layout, Design and Appearance

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).

The proposed dwelling is to be detached, two storeys and will be sited to the north-west of Stour Cottage, accessed via a newly formed access to the south-west off Station Road. In this instance the proposed dwelling is considered to satisfactorily relate to its surroundings, with it being sited in line with the existing pattern of development along this northern side of Station Road, running from the south-east to the north-west.

In terms of the design, it incorporates key design features including a chimney, front and side dormers and a canopy area. Furthermore, a single storey rear extension will help to break up the bulk of the proposal, and whilst the cream render and terracotta pan tile materials are not necessarily in-keeping with the adjacent property, there is a mixture of material use to this section of Station Road and therefore no set character that must be adhered to.

Further, following initial concerns with regards to the prominence of a detached garage to the southern section of the application site, amended plans have removed this, incorporated permeable block paving and replaced the existing 1.8m high front boundary wall with 1m high picket fencing. The accumulation of these changes will result in a softening to the appearance of the proposed works which is of benefit to the wider scheme.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space dwelling of three bedrooms or more should be a minimum of 100 square metres. The plans demonstrate that this level of private amenity space is comfortably achieved for both the proposed dwelling and also the existing property, 'Stour Lodge Cottage'.

3. Impact to Neighbouring Amenities

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).

The submitted plans show that the proposed dwelling will be located in close proximity to the existing property known as 'Stour Lodge Cottage'. However as there is an approximate separation distance of 14 metres, the dwelling will not appear imposing, whilst there will be no significant loss of light. In terms of overlooking, the dwelling includes a rear Juliet Balcony; however views from this will not be to the neighbouring garden area. There are slight concerns of overlooking via the three first floor side elevation windows serving bedrooms. However, given that there is significant separation distance of 20 metres and that a 2m high close boarded fence is to be erected to the eastern boundary, views will be limited and there will not be a significant degree of overlooking as a result.

The only other neighbouring property that may have the potential to be impacted upon is 'Stour Lodge', to the north-west of the site. However, given a significant separation distance of approximately 75 square metres and that the boundary separating the two properties is heavily vegetated, there is not considered to be any harm to existing amenities as a result of the proposed development.

4. Tree Impacts

The application site is affected by Tendring District Council Tree Preservation Order 89/09/TPO that affords formal legal protection to a single Sycamore situated within the curtilage of Stour Lodge Cottage. A detailed Tree Survey and Report and Tree Constraints Plan have been submitted, and they show the construction of the proposed dwelling will be outside of the Root Protection Area (RPA) of the protected tree and also outside of the RPA's of other important trees situated on land adjacent. This adequately demonstrates the dwelling can be constructed without causing harm to the protected tree.

In terms of the impact of the tree on the use and enjoyment of the garden and potential issues relating to shading, leaf litter and debris, the tree report does not demonstrate that a satisfactory juxtaposition between the tree and the proposed dwelling can be achieved. However, although the tree is tall its form is such that it does not appear to have a significant detrimental impact on the existing garden, especially when accounting upon the impact of the trees on land adjacent to the application site. In this respect the tree will not unduly affect the functionality on the private amenity space of the proposed dwelling.

Following the submission of amended plans to incorporate block paving that falls within the Root Protection Area of the protected Sycamore, the Council's Tree and Landscape Officer has confirmed that harm is unlikely to be caused to the tree so long as the 'no dig' specification as referred to by the Arboricultural Impact Assessment is adhered to.

5. Coastal Protection Belt

Policy EN3 of the Tendring Local Plan 2007 and Policy PPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft state that new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted, and even when a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline.

It is considered that due to the location adjacent to existing residential dwellings and within an existing garden area, particularly to the south-east but also to the north-west, and that the site falls within a recognised Settlement Development Boundary, on balance this potential development is unlikely to significantly impact upon the existing character of the area and as such would not be a reason to warrant a refusal.

6. Highway Safety

Initially, Essex Highways Authority raised objections to the proposed development on the grounds that the vehicular access was excessively wide, leading to obliquely angled access manoeuvres, and inadequate turning facilities.

However, following the submission of amended plans to remove the front boundary wall and replace with a 1m high picket fence, Essex Highways Authority have confirmed they have removed their previous objections subject to a number of conditions relating to visibility splays, vehicular access width, the use of no unbound materials, the car parking and turning area, the submission of a Construction Method Statement and that any new boundary hedging shall be planted a minimum of 1m back from the highway.

A further condition relating to details of bicycles was requested; however given the site is of a size to accommodate this already this condition is not considered necessary on this occasion.

Essex County 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. The submitted plans demonstrate sufficient space to the front section of the site to accommodate the necessary parking.

Other Considerations

Bradfield Parish Council object to the application due to highways access/egress concerns and the further erosion of green rural space.

In answer to this, highways issues have been addressed within the main body of the report. With regards to the loss of green rural space, the application site forms part of the curtilage of an existing residential dwelling, whilst there is development to the surrounding area. Therefore the harm to the character of the area is not considered excessive.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 106-2017-01P, 106-2017-02PA, 106-2017-03P, 106-2017-04P, 106-2017-05P and the document titled 'Arboricultural Impact Assessment'.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the proposed access being brought into use, vehicular visibility splays of 129m westerly by 2.4m by 90m easterly as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and 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.

- 4 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety.

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

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

- 6 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 Number 106-2017-02PA. 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.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 7 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 8 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.

- 9 The construction of the proposed block paving shall be in accordance with the 'no dig' specification throughout the construction of the development.

Reason: In order to ensure no harm is carried out within the Root Protection Area of the protected tree.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.