

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	18/10/2018
Planning Development Manager authorisation:	AN	18/10/18
Admin checks / despatch completed	[Signature]	23/10/18

Application: 18/01264/OUT **Town / Parish:** Great Bromley Parish Council

Applicant: Mr & Mrs Martin O'Brien

Address: Little Paddocks Frating Road Great Bromley

Development: Variation of condition 05 (bus stop provision) and removal of condition 06 (footpath) on planning consent 16/01040/OUT.

1. Town / Parish Council

Great Bromley Parish Council Great Bromley Parish Council supports the application.

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted. 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.

ECC SuDS Consultee Thank you for your email. As the applicant is seeking discharge of non-drainage conditions, we have no comments to make.

Environmental Protection Pollution & Environmental Control have no comments to make in relation to this application

3. Planning History

16/01040/OUT Outline planning application for proposed 6 No. detached dwellings and garages, and the change of use of the existing barn into a village shop with associated parking for visitors. Approved 06.01.2017

18/00623/DETAIL Reserved matters planning application for proposed 6 No. detached dwellings and garages, and the change of use of the existing barn into a village shop with associated parking for visitors.

18/01264/OUT Variation of condition 05 (bus stop provision) and removal of condition 06 (footpath) on planning consent 16/01040/OUT. 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

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

ER11 Conversion and Reuse of Rural Buildings

COM1 Access for All

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

ER37 Small Convenience Stores Outside of Centres

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

HP2 Community Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PP1 New Retail Development

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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 situated in open countryside, outside of any defined settlement limits, on the east side of Frating Road (B1029), on the south side of the crossroad junction with the Harwich Road. The speed limit in this locality is 40 MPH.

The application site comprises an existing dwelling house, barn, and riding stables with a paddock and several holiday chalets. The site is relatively level. A car park is situated to the north of the application site, south of the Harwich Road.

There are various planning permissions on this site, one being for the conversion of a barn to a tea room, allowed on appeal on 16 Oct 2002. This has been implemented but since closed. The site also had planning permission also for the use of a livery and for the sale of garden ornaments.

The most recent application from 2011 approved the erection of three holiday units on site, this permission has been implemented.

The nearest residential properties are to the north of the application site within the Old Courthouse PH. To the north-west is a car sales site. Permission was granted in 2002 for the erection of 5 chalets at the Old Courthouse PH for bed and breakfast use.

Proposal

This application proposes the variation of condition 5 and the removal of condition 6 of outline planning permission 16/01040/OUT, which granted planning permission for 6 no. detached dwellings and garages, and the change of use of the existing barn into a village shop with associated parking for visitors. This application has been submitted following discussions with ECC-Highways and proposes the following changes;

Condition 5 - Bus Stops

Condition 5 of planning permission 16/01040/OUT states the following;

Prior to the occupation of any of the proposed dwellings the two nearest bus stops on Harwich Road shall be improved and served by new bus shelters in accordance with details that shall be submitted concurrently with the Reserved Matters application. The bus stop improvement works shall be provided entirely at the applicant/Developer's expense.

Following discussions with ECC-Highways and Great Bromley Parish Council it has been agreed that the application will secure improvements/a bus shelter to only the bus stop located on the southern side of Harwich Road to the immediate north of the application site. The other bus stop is to be funded via other means.

Condition 6 - Footpaths

Condition 6 of planning permission 16/01040/OUT states the following;

Prior to the occupation of any of the proposed dwellings 2m wide pedestrian footpaths along the Harwich Road and Frating Road frontages of the application site shall be provided entirely at the applicant/Developer's expense.

It has been agreed with officers and ECC-Highways that the need to provide footpaths around the outside of the site is not viable or acceptable from a visual amenity viewpoint. Consequently, it has been agreed that footpaths running through the site would be sufficient to provide suitable pedestrian infrastructure without harming the rural character of the locality.

Appraisal

Principle

The principle of the residential development on this site was established through the granting of planning permission 16/01040/OUT.

Impact of the changes

As stated above the changes to the conditions have been proposed following discussions with ECC-Highways. As a result ECC-Highways have confirmed that they do not object to the proposals.

Furthermore, it is acknowledged that the provision of a footpath around the outside of the site would have an adverse impact upon the rural character of the area.

As a result the proposal to vary condition 5 to cover one bus stop rather than two and to remove the requirement to provide a footpath around the outside of the site is acceptable. Full details of the bus stop improvements and shelter and the footpaths proposed through the site will be secured at detail application stage.

Other Considerations

Gt Bromley Parish Council fully supports the application. One letter of objection has been received from a local resident concerning the removal of the footpath and lack of pedestrian infrastructure in the locality. In response to this it is evident that the development will secure footpaths through the new development along with improved bus stop provision to serve the public house and the new shop facility.

6. Recommendation

Approval

7. Conditions

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved, in writing, by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the 6th January 2020.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 No more than 2 no. dwellings of the development hereby permitted shall be occupied prior to the proposed new village store being converted and open to the general public.

Reason - To secure the provision of the proposed village store in the interests of sustainability.

- 5 Prior to the occupation of any of the proposed dwellings the bus stop situated on the southern side of Harwich Road directly adjacent to the northern boundary of the application site shall be improved and served by a new bus shelter in accordance with details that shall be submitted concurrently with the Reserved Matters application. The bus stop improvement works shall be provided entirely at the applicant/Developer's expense.

Reason - To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

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.

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