

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	29/11/2018
Planning Development Manager authorisation:	AN	4/12/18
Admin checks / despatch completed	AP	5/12/18

Application: 18/00623/DETAIL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr & Mrs Martin O'Brien

Address: Little Paddocks Frating Road Great Bromley

Development: 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.

1. Town / Parish Council

Great Bromley Parish Council Great Bromley Parish Council supported the overall application but objected to the specifics of the design of the shop.

2. Consultation Responses

ECC Highways Dept This recommendation is based on the revised proposals shown on drawing 08- 2015-10PC, 08-2015-11PC and 08-2015-12PB

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

1. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

3. 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 carriageway.
Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

ECC SuDS Consultee No comments

Waste Management No comments at this stage.

Tree & Landscape Officer The highways arrangement seems better in terms of a reduced impact on the protected trees - should be able to minimise harm to RPA's by way of condition.

3. Planning History

00/00192/FUL	Renewal of planning permissions TEN/97/0111 and 99/01047/FUL relating to use of barn and garden for display of garden ornaments etc.	Approved	23.03.2000
00/01512/FUL	Conversion of existing barn to one residence with garage	Refused	09.11.2000
01/01290/FUL	Use of barn and garden for display of garden ornaments etc. (Variation to Condition 1 imposed upon planning permission 00/00192/FUL relating to use by specific applicant only)	Approved	13.09.2001
01/01716/FUL	First floor extension and external treatment to existing	Approved	12.11.2001
02/00312/FUL	Change of use of display area to tea room	Refused	09.05.2002
02/01438/FUL	Occupation of caravan during building alterations.	Approved	26.09.2002
96/01436/FUL	Change of use only from private garden and frontage to barn for the display of garden statues, fountains and ornaments	Refused	07.01.1997
97/00111/FUL	Change of use for barn and part garden for display of garden ornaments, etc.	Approved	11.03.1997
98/00397/FUL	('The Paddocks', Harwich Road, Great Bromley) Change of use to convert an area of agricultural land to private garden	Approved	01.05.1998
99/01047/FUL	Use of part of garden as additional display area for display of garden ornaments etc.	Approved	26.08.1999
07/01478/FUL	Erection of 3 no. holiday caravans.	Refused	14.02.2008
08/00901/FUL	Erection of three holiday chalets.	Approved	13.10.2008
11/01207/FUL	Three holiday chalets. (Extension of time on previously approved 08/00901/FUL).	Approved	11.01.2012

13/00841/DISCON	Discharge of Conditions of Planning Permission 11/01207/FUL - 03 - Materials, 07 - Car Park and 08 - Horse Access Details.	Approved	25.09.2013
15/30246/PREAPP	Development of 9 no. dwellings.	Refused	22.10.2015
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.	Current	
18/01264/OUT	Variation of condition 05 (bus stop provision) and removal of condition 06 (footpath) on planning consent 16/01040/OUT.	Approved	23.10.2018

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

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 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.

A planning 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

The current application seeks approval of the reserved matters relating to outline permission 18/01264/OUT and the erection of 6 No. detached dwellings and garages, and the change of use/extension of the existing barn to facilitate a village shop with associated parking for visitors. The proposed dwellings accommodate a mix of 4 and 5 bedrooms.

The proposed layout follows closely the indicative layout provided at outline stage although the position of the vehicular access has been relocated further north to improve visibility. The development will therefore be served by a single access point from the Frating Road running along the western boundary of the site.

All 6 properties would be served by a private garden area comfortably in excess of the minimum 100 square metres required by Saved Policy HG9 of the adopted Tendring District Local Plan (2007).

The properties will be served by at least 4 no. parking spaces in the form of garaging and parking spaces in front in excess of the current Parking Standards. The proposed village shop will be served by 10 no. parking spaces.

The proposed landscaping scheme shows the provision of new planting at key points throughout the development including new trees and hedgerows to the front of properties.

Appraisal

Design/Layout

As stated above this layout closely follows the indicative layout submitted at outline stage, aside for the access point, and represents a suitable response to the character of the area. The introduction of a comprehensive soft landscaping scheme, including native species hedgerow planting and trees to the front of the properties, will help in softening views of the development from Harwich Road to the north and from the access into the site from Frating Road. The remainder of the boundary with Frating Road consists of mature trees/hedges which restrict public views into the site.

In respect of the design of the properties, the submitted plans show the properties taking on differing design types incorporating a variety of features including brick plinths, chimneys, suspended gables, timber open fronted porches and a mix of render, boarding and facing brickwork.

The traditional proportions and scale of the properties would relate appropriately to the largely rural character of the locality and the use of contrasting styles and materials assists in ensuring the development appears varied and aesthetically pleasing. The setback of the dwellings from the adjacent highways and the presence of mature planting/fencing would mean that the development would not be overly prominent in views from the highway and would reflect the pattern and siting of built form in the vicinity.

The properties would be set on large plots which would retain appropriate side isolation to ensure the development would not appear cramped or out of character in this location. Each property would be served by private amenity space well in excess of that required by saved policy HG9 of saved local plan.

The extended/converted shop would retain its rural appearance through the use of black timber boarding and pantiles. The front of the shop would face inwards into the site and consist of glazed twin gables that would promote a contemporary appearance. The extensions are of a design and proportion appropriate to the rural character of the building. The existing rear view of the barn would remain largely unchanged.

Overall the development would relate acceptably to the character of the area in terms of its layout, spacing and design and with the introduction of soft landscaping, the development would represent an appropriate response to its surroundings.

Residential Amenities

The proposed dwellings would be sufficiently separated each other and the applicant's property not to cause any harm to the existing/future resident's amenity in terms of outlook, light deprivation and privacy. The modest size of the shop and its siting away from the majority of the properties means its use by customers would not cause undue noise and disturbance. A condition restricting its use and hours of opening will further assist in reducing any perceived impact in this regard.

Highways

The arrangement of a single access point from Frating Road remains as shown on the indicative plans submitted at outline stage albeit located further north to improve visibility. Essex County Council Highways have reviewed the plans and confirm they have no objections subject to the parking/turning areas being laid out prior to occupation and no unbound materials used in the first 6m of the access.

In terms of parking provision, each property would be served by a garage with frontage parking. As a result each property would be given a minimum of 4 spaces each. There is also ample visitor's parking at the southern end of the site and sufficient parking (10 no. spaces) for the proposed retail use.

The layout also confirms the siting of the new bus shelter at the northern end of the site which was secured at outline stage. ECC-Highways have confirmed that they have no objections to the siting. The design of the shelter will have to meet ECC-Highway's specification requirements and will be agreed via discussions between the developer and ECC.

Landscaping

The application includes a comprehensive soft planting and hard landscaping scheme which shows new hedgerow planting on the site corner at the junction between Frating Road and Harwich Road and the provision of new trees/hedgerows/shrubs at key points throughout the development and to the front of the new dwellings. The landscaping scheme also shows the proposed boundary treatment which includes the provision of sympathetic post and rail timber fencing around the northern edge of the development and a mixture of close boarded fencing and red brick walls with planting in front to enclose the private amenity spaces.

The planting scheme would suitably compliment the proposed areas of hard surfaces and boundary treatments and ensures that the development would be sympathetic to its surroundings.

The proposed access is to be sited between two mature Oak Trees. The trees are to be retained as they do not fall within the required visibility splays. The Council's Tree Officer has confirmed that this relationship is acceptable and protection measures will need to be secured via condition.

Other Considerations

ECC-Suds have confirmed that they have no comments to make upon the proposals. The drainage of the site for foul and surface water is therefore a matter to be addressed at Building Regulations stage.

Great Bromley Parish Council supported the overall application but objected to the specifics of the design of the shop. (No reasons given for this).

No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 08-2015-10pc, 08-2015-11pc, 08-2015-12pb, 18.3086.01 B, 18.3086.03 B, 18.3086.02 B, 08-2015-302pa, 08-2015-301pa, 08-2015-100p, 08-2015-102p, 08-2015-103p, 08-2015-200p, 08-2015-201p, 08-2015-202p, 08-2015-203p, 08-2015-101p, 08-2015-104p and 08-2015-13p.

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

- 2 Prior to the commencement of development details of the measures for the protection of the protected trees on the plot, which comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction", shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason - To ensure the existing mature trees are safeguarded during construction and retained in the interests of visual amenity.

- 3 The approved scheme of landscaping shown on drawing nos. 18.3086.01 B, 18.3086.02 B and 18.3086.03 B, shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased

arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 4 The A1 (retail) use hereby permitted shall only be open to customers during the following times:
- Monday to Saturday 7am - 7pm
 - Sunday 8am - 4pm

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

- 5 The retail premises shall be used solely for the purpose as a village store and for no other form of use including any other use with Class A1 of the Town and Country Planning Use Classes Order 2015 as amended.

Reason - To ensure that the use is appropriate to the locality and to safeguard the character of the area. The Local Planning Authority wish to be able to review alternative uses before being imposed on the area.

- 6 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason - To ensure that appropriate access, parking and turning is provided.

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

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 8 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 carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

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.

Informative

- i. The Highway Authority would not consider the proposed development for adoption owing to the proposed geometry of the internal layout.
- ii. There shall be no discharge of surface water onto the Highway.
- iii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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, 653 The Crescent, Colchester C04 9YQ

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