

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	20/12/2018
Planning Development Manager authorisation:	AN	20/12/18
Admin checks / despatch completed	EN SB	21/12/18

**Application:** 18/01828/DETAIL                      **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Barton

**Address:** Land East of Folkards Barn Brightlingsea Colchester

**Development:** Reserved matters application following outline permission (allowed at appeal)  
17/01086/OUT - Erection of two detached bungalows with associated garaging and parking.

### 1. Town / Parish Council

Brightlingsea Town Council

Brightlingsea Town Council would like to know what are the reserved matters?

### 2. Consultation Responses

ECC Highways Dept    The information that was submitted in association with the application has been fully considered by the Highway Authority.  
The proposal is located part way along a private road and retains adequate room and provision for off street parking and turning, for the proposed dwellings therefore:

From a highway and transportation perspective the impact of the proposal has been assessed and this Authority does not wish to raise an objection to the above application subject to the following conditions:

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1. All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the adjacent carriageway.

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

3.. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1

4... The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.  
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

5. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

6. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

Any 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](mailto:development.management@essexhighways.org) or by post to:

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

Building Control and  
Access Officer

No comments at this time.

### 3. Planning History

17/00232/FUL

Erection of an conservatory.

Approved

27.04.2017

17/01086/OUT	Erection of two detached bungalows with associated garaging and parking.	Refused <b>ALLOWED ON APPEAL</b>	21.08.2017
17/01809/OUT	Erection of two detached bungalows with associated garaging and parking.	Refused	06.12.2017
18/01828/DETAIL	Reserved matters application following outline permission (allowed at appeal) 17/01086/OUT - Erection of two detached bungalows with associated garaging and parking.	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

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN3 Coastal Protection Belt

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

### **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 located on the eastern side of Folkards Lane to the north of the settlement of Brightlingsea. The site is located outside of any defined development boundary as contained in the saved and emerging local plans. The site also forms part of a Coastal Protection Belt in the saved plan. This designation has however not been carried through into the emerging plan.

The site measures approximately 0.15 hectares in size and is roughly square shaped with a frontage of 31m onto Folkards Lane. It is located immediately to the rear of 62 and 64 Red Barn Road and currently used as a paddock. The site lies directly opposite a pair of cottages, namely 4 & 5 Folkards Lane. Immediately to the north of the site is the access into Folkards Barn, a

residential barn conversion, together with entrance to a certificated caravan site and to a storage area for caravans and trailers. To the south-west of the site is a plot of land which has been granted planning permission for a single detached dwelling. The site frontage to the lane is marked by a 2m high mature hedgerow. The southern boundary is marked by 1.8m close boarded fencing and the rear boundary is open. There are two existing accesses onto the site, one to the northern boundary from the access to Folkards Barn and one at the site's southern end onto Folkards Lane.

### Proposal

This application seeks permission of the reserved matters of outline planning permission APP/P1560/W/17/3187416 these being; landscaping, appearance, access, scale and layout.

The development proposes 2x 4 bedroom bungalows of similar design both served by detached garages and block paved driveways. The application proposes to remove the small front hedge but to retain the existing mature trees.

### Appraisal

The principle of siting 2 detached properties on the site was previously agreed at outline stage. Therefore the main considerations are;

- Design/Scale
- Landscaping
- Residential Amenity
- Access
- Private Amenity Space

### Design/Scale

The proposed properties, as established at outline stage, would be detached bungalows. Both properties take access via existing gated entrances onto the site and would be located in a setback position from the lane. As a result the layout would retain the openness of the lane whilst ensuring each property retains in excess of 100sqm private amenity space. The properties also retain a good degree of side isolation to perimeters of the site and a gap of 2.8m between them. As a consequence the development would appear spacious and not overly cramped. The traditional hipped roof form of the properties is acceptable in this location and whilst the units are of a deep plan form the depth of the plots and the presence of surrounding vegetation and buildings means this would not be harmful. The use of plain tiles to the roof and an orange multi-brick to the exterior walls is in the local vernacular. To the rear the properties would appear more contemporary in nature incorporating flat roof additions with cedar cladding.

Overall the properties are of scale, mass and size that accords with the character of the area.

### Landscaping

The plans show that the low hedge to the site frontage is to be removed but the two trees are to remain to assist in softening views of the development from the lane. The inclusion of a new native species hedgerow to divide the front gardens of the two bungalows will also help in this respect. A condition will be applied to ensure this is installed during the first planting season following commencement along with precise details of tree protection measures.

To the rear of the site a low post and rail fence is proposed to avoid a harsh boundary being presented to the open countryside to the rear.

### Residential Amenity

The nearest residential properties are located to the south on Red Barn Road and opposite on Folkards Lane. The bungalows would be sited a sufficient distance away from these properties not to cause any adverse impact upon the existing resident's amenity. The detached garage serving plot A would be located adjacent to the rear boundaries of these properties, however the single

storey hipped nature of the garage and its distance from the existing dwellings means it would not appear oppressive.

### Access

Essex County Council Highways confirm that they have no objections to the development subject to the following;

- All single garages should have a minimum internal measurement of 7m x 3m
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the adjacent carriageway.
- The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
- Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

The garages are of sufficient size to meet ECC-Highways' requirements. A condition will be attached ensuring no unbound materials are used in the first 6m of the access. Conditions requiring cycle storage and the provision of travel information packs are not considered necessary in this instance as cycle storage can be provided within the garages and the development is classed as minor and within a sustainable location thereby not meeting the need for such packs to be provided. A condition securing a construction method statement will be attached given the relative narrow nature of the lane and the proximity to nearby residents.

The plans show garaging and parking bays for each property of a size commensurate with the current parking standards. Each property would be served by a minimum of 3/4 spaces which allows room for visitor parking too.

### Private Amenity Space

Each property would be served by a private amenity space in excess of the 100sqm required by saved policy HG9. The garden areas would be of a useable shape and enclosed to ensure privacy by 1.8m close boarded fencing and hedging.

### Other Considerations

Building Control has no comments to make.

Brightlingsea Town Council has queried what the reserved matters are. 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: FLB/3, FLB/1, FLB/2 and FLB/4.

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 trees on the frontage of 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 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the adjacent carriageway.

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

- 4 No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 5 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 and made available for use. 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.

- 6 The proposed native species hedge, as shown on drawing no. FLB/3, shall be planted 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 hedge, in the interests of visual amenity.

## **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.

Any 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](mailto:development.management@essexhighways.org) or by post to:

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

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