

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	21/06/2019
Planning Development Manager authorisation:	AN	24/06/2019
Admin checks / despatch completed	SB	25/06/19.

*SR*

**Application:** 19/00321/FUL                                  **Town / Parish:** Great Bromley Parish Council

**Applicant:** Mr Andy Hunt - Wentworth Developments Ltd

**Address:** Land Between Fieldside and Eltone Frating Road Great Bromley

**Development:** Proposed 4/5 bedroom chalet style dwelling with detached garage and new vehicular access.

### 1. Town / Parish Council

Great Bromley Parish  
Council

Great Bromley Parish Council has no objection to this application.

### 2. Consultation Responses

ECC Highways Dept

The proposed dwelling includes adequate space for off street parking and turning within the curtilage of the site. The impact of the proposal is acceptable to the Highway Authority subject to certain conditions.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake

a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed. Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Natural England offers the following additional advice:

#### Landscape:-

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### Protected Species:-

Natural England has produced standing advice<sup>3</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

#### Environmental enhancement:-

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

#### Access and Recreation:-

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### Biodiversity duty:-

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

### 3. Planning History

04/00040/OUT	Proposed residential development comprising of 3 units	Withdrawn	11.10.2004
06/00975/FUL	Erection of 2 no 3 bedroom bungalows.	Refused	01.08.2006
06/01007/FUL	Retention of temporary front fencing to secure vacant site whilst Town Planning consent is being sought for development.	Refused	04.08.2006
07/00712/FUL	Erection of 4 No. 3-bedroom chalet bungalows served by new shared private drive off Frating Road.	Approved	27.11.2007
10/01042/FUL	Erection of 4 No. 3-bedroom chalet bungalows served by new shared private drive off Frating Road.	Approved	04.11.2010

	(Extension of time of previously approved 07/00712/FUL).		
12/00614/OUT	Outline planning permission for 5 no. 3 bedroom chalets with detached double garages, with vehicular and pedestrian access. (extending existing planning approval 10/01042/FUL).	Refused	03.08.2012
14/00050/FUL	Erection of 4 no. new 3 bedroom detached chalet style dwellings with detached garages/carports served by new shared private drive off of Frating Road.	Approved	14.03.2014
16/01447/FUL	Erection of 4 no. new 3 bedroom detached chalet style dwellings with detached garages/carports served by new shared private drive off of Frating Road.	Approved	16.12.2016
17/01782/OUT	Erection of 5 No. three bedroom detached chalets with detached double garages.	Refused	20.07.2018
19/00321/FUL	Proposed 4/5 bedroom chalet style dwelling with detached garage and new vehicular access.	Current	

#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application relates to a modest triangular parcel of land around 20m wide at the entrance, a little over 60m deep and almost 52m wide along its east boundary. It has a site area just over 2100m<sup>2</sup> and is on the east side of Frating Road within the Development Boundary of Frating Green. Within the immediate locale there is a small pocket of residential properties, travelling south from the application site development becomes sparser before then reaching a higher density of housing. Although the wider area is typically residential, a Public House exists to the north of the site and a commercial site approximately 150m south of the site.

### Proposal

The application seeks planning permission for a detached chalet bungalow with separate double garage. The dwelling would be sited marginally forward and just off-centre from the middle of the plot with the garage located to its right hand side; the closest relationship with the left hand boundary would be 2.5m and 2.0m to the right; neither of these elements exceeds 4.8m in height. The main ridge height would be 7.2m and, in regards to the distance to the adjacent boundaries separation distances (at the narrowest) would be in the region of 2.1m to the left and 5m to the right. At its deepest the dwelling would be around 15.5m deep.

### Planning History

The site has four planning applications approved for 4 x 3-bedroom chalet bungalows; although three of these permissions have expired without being implemented, application 16/01447/FUL is extant until December 2019. This approval holds significant weight as a material consideration.

### Principle of Development

The extent of the site is wholly contained within the settlement boundary of Frating, as defined within the Adopted Tendring District Council Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Policy HG3 (Residential Development within Defined Settlements) states that, within the 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. Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development. These sentiments are carried forward through to Emerging Policy SPL2.

### Impact upon Character/Design

The siting of a dwelling in this location would have a minimal impact upon the semi-rural nature of Frating Road. The development of the plot represents a natural infill between the residential properties located on either side of the site. Presently the site is overgrown with flora and fauna, all of the species are commonplace and offer no ecological value. Scattered trees are found mainly to the eastern boundary with a small amount of Birches to the north boundary. Hedgerow is found to the southern boundary of the site and predominantly consists of leyland cypress. A suitably-worded condition will be attached to any permission requiring further details to be submitted in regards to indicative soft landscaping of the site frontage and retention of trees within the site as insufficient information accompanies the application in this regard.

The application proposes new planting at the front of the site and, in conjunction with the proposed set back of the dwelling and the presence of existing properties on either side means that the proposed dwelling would not appear prominent in views from the north or south along Frating Road and would not lead to the detrimental erosion of the rural character of the lane. In terms of a perception of a building-line the dwelling would be 'behind' both Elton and Fieldside.

The scheme was revised from first submission when concern was raised in regards to the prominence and bulk of the front projection.

The dwelling presents itself with eaves in the region of 2.5m and, to balance the built relationship between roofscape and wall, the front elevation has a covered porch with a pitched roof and two front dormers (serving two forward-facing bedrooms) which are sited centrally between the ridge and the eaves. The risk of repetition in regards to features is broken nicely with the single-storey element to the left hand side which off-sets the detached garage to the right.

The rear of the dwelling has two feature gables which contains large feature windows in the roofspace which would serve the two rear-facing bedrooms, a modest single-storey Georgian-type extension is incorporated at ground floor.

Residential development in the area is extremely varied in terms of scale, appearance, design and age. Fieldside to the north of the application site is a modest single storey bungalow finished externally in buff brickwork with an interlocking cement-tiled roof, Elton to the south is of a similar era and scale. To the west of the site are two bungalows which are marginally more modern and of a larger scale. To the east of the site is open farmland which is in the same ownership of the applicant but does not form part of the current application. Externally the dwelling would be constructed in facing brickwork with weatherboarding and finished with a slate roof.

#### Residential Amenities

The proposed dwelling would be located a sufficient distance from the properties either side not to cause any loss of outlook/light concerns to arise. No first floor side facing windows are proposed and permitted development rights would prevent any clear glazed side windows being inserted above ground floor level. It is acknowledged that the front elevation is behind the rear elevations of both Eltone and Fieldside; Fieldside has an oblique relationship and any views out of the forward-facing left hand dormer would be of the front, right hand side of the their roof. Likely views out of the right hand dormer towards the rear of Eltone would be obscured by the roof of the double garage. There is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

#### Highway safety

The Highway Authority has no objection subject to conditions. As this is for a single dwelling residential travel packs would be unreasonable, and cycle parking can be provided within the approved garage.

#### Legal Obligation

There is currently a deficit of -1.15 hectares of equipped play and formal open space in Great Bromley. The nearest play space in Great Bromley is located along Harwich Road, approximately 2 miles from the application site.

Due to the distance from the development site to the nearest play area. It is unlikely that there will be any significant impact on this play area. Therefore no contribution is requested on this occasion.

#### Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### **6. Recommendation**

Approval - Full

#### **7. Conditions / Reasons for Refusal**

- 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 plan: 2869/03 revision A and 2869/04 revision A received 17<sup>th</sup> April 2019.

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

- 3 Prior to occupation of the new dwelling the new vehicular access shall be constructed at right angles to the highway boundary. The width of the drop kerb access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 low kerbs), and shall be retained at that width for 6 metres within the site.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 4 There shall be no discharge of surface water onto the Highway.



Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 5 The proposed boundary planting/ feature shall be set back a minimum of 1 metre back from the highway boundary and any visibility splay and shall be permanently maintained as such.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 6 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, 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 - In the interest of visual amenity and the character of the area.

- 7 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 the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

## 8. Informatives

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.

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

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](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>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO