


DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	10/07/2019
Planning Development Manager authorisation:	AN	11/7/19
Admin checks / despatch completed	SB	12/07/19

Application: 19/00674/OUT

Town / Parish: Great Bromley Parish Council 

Applicant: Mr and Mrs Owens

Address: Wisteria House Back Lane East Great Bromley

Development: Proposed erection of a bungalow with associated double garage, driveway and garden area.

1. Town / Parish Council

Great Bromley Parish
Council

Great Bromley Parish Council had no objection.

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 off a quiet rural lane and will be located opposite a number of existing bungalows. The proposal provides adequate parking and turning therefore:

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

1. Prior to the first occupation of the dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.

2. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. 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 to ensure accordance with policy DM1.

4. 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 in accordance with policy DM1.

5. All double garages should have a minimum internal measurement of 7m x 5.5m.

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.

6. Prior to the first occupation of the dwelling the provision of the following:

A 1.5 metre wide footway on the west side of the existing vehicle access to Wisteria House westwards for approximately 34 metres or to the first access to the new dwelling; including the relocation/ replacement electricity poles/ lighting, removal of redundant kerbing and replacement with upstand kerb and footway, relocation/ replacement of any associated drainage works.

Reason: to facilitate access to the local footway network, and public rights of way network in the interests of accessibility and highway safety.

7. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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.

Informative 1:

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 or by post to:

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

3. Planning History

02/00409/FUL	Change of use from agricultural use to garden curtilage	Approved	15.05.2002
04/00084/FUL	New dwelling and garage.	Approved	10.03.2004

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

HG16 Garden Extensions into the Countryside

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

EN6 Biodiversity

EN1 Landscape Character

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

HP5 Open Space, Sports & Recreation Facilities

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 (2019) 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 area of land subject to this planning application relates to land adjacent to Wisteria House, Back Lane East, Great Bromley and currently comprises part of its extensive garden. The application site measures 960sqm in size. Wisteria House is a modern two storey house with a double garage attached to the main building. It is currently set within a large, roughly triangular plot of 0.2ha. The road forms the southern boundary of the site, with the former Police House dwelling located adjacent to the donor dwelling to the north-east. There is open countryside to the north-west of the site.

Description of Proposal

The application seeks outline planning permission with all matters reserved for the erection of a bungalow with associated double garage, driveway and garden area.

Scale, appearance, landscaping, access and layout are all reserved for subsequent consideration.

Although this is an outline application with all matters reserved the application includes indicative plans to illustrate how the development proposal will be accommodated within the site;

- Proposed Block Plan (ref: 265-02A);
- Proposed Floor Plan (ref: 265-03A);
- Proximity Diagram; and
- 3D visuals.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Layout, Scale and Impact;
- Trees and Landscaping;
- Highway Safety and Parking;
- Residential Amenities;
- Ecology;
- Financial Contribution - Open Space/Play Space;
- Financial Contribution - RAMS; and,
- Representations.

Principle of Development

The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (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 report, 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.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated

above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

- Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

- economic;
- social, and;
- environmental roles.

The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

- Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the property and from future occupants utilising local services, and so meets the economic arm of sustainable development.

- Social

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 17 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Great Bromley is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. Within the emerging Local Plan, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments.

In this instance, the application site is located approximately 2km from the edge of the Great Bromley Settlement Boundary to the north-west with its already limited range of services and amenities. In this regard, there is no access to day to day needs within a practical walking distance. It is highly likely that the occupants of the proposed dwelling would be car dependant failing to promote sustainable modes of transport therefore failing to meet the social strand of sustainable development.

It is noted that there is a bus service to Colchester a short walk from the application site but this in isolation is not considered sufficient to support new dwellings in this locality.

Regardless of the Council's housing land supply position, the application fails to meet the social strand of sustainable development as set out within Paragraph 8 of the NPPF and is contrary to the afore-mentioned local plan policies and the aims of the NPPF as a whole. The development is

unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale and Impact.

Layout, Scale and Impact

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

Although the site could not be described as isolated, due to the presence of dwellings to the east and south, the site itself is bound by open fields to its north and north-west. Although the vehicular access is via Back Lane East, Wisteria House is positioned within its plot with a south-easterly orientation appearing to address Chase Road West. With no other dwellings on this side of Back Lane East, it takes on a very different character. The application site currently comprises the side garden area serving Wisteria House and contains a number of small, domestic outbuildings and greenhouse structures only. The semi-rural character is not compromised by these structures.

The southern side of Back Lane East is characterised by detached bungalows. Therefore, the erection of a bungalow would not be considered wholly out of character. However, although only indicative, the scale and proportions of the proposed bungalow and forward siting of the large double garage would be considered unacceptable given the spacious frontages along Back Lane East and more modest scale bungalows opposite.

Nonetheless, the development itself represents an unplanned advance of urbanisation into the countryside resulting in a detrimental impact upon the landscape and character of the area with the introduction of a dwelling fronting this part of the lane. Furthermore, if approved, this development would set a harmful precedent for the continuation of ribbon development along this side of Back Lane East further eroding the semi-rural character of the area to the severe detriment of the landscape and character of the area.

The provision of a single dwelling would make an immaterial contribution to the delivery of housing in the district. The adverse visual impact would significantly and demonstrably harm the character of the area therefore failing the environmental strand of sustainability outweighing any economic and social benefits of the scheme.

Trees and Landscaping

The main body of the application site forms part of the residential curtilage of the host property and is well stocked with trees and two hedges. In order to show the extent of the constraint that the existing vegetation is on the development potential of the land, to identify the most important and visually prominent trees the applicant has provided an Arboricultural Impact Assessment (AIA) - a tree survey and report.

The information contained in the report provides an accurate description of the health, condition and amenity value of the trees on the land. It has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction 'Recommendations.

The report identifies the trees that will need to be removed in order to facilitate the development and shows how retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted.

The AIA makes provision for the retention and protection of two Oaks T19 and T20 which are the trees with the greatest amenity value. It is not considered expedient to make a new TPO on any of the trees on the site at the present time.

Highway Safety and Parking

Saved Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

Access for the proposed development will be via a new private drive parallel with Heath Road with an entrance slightly to the south east of the existing access to achieve better visibility splays. The indicative site layout plan shows each dwelling with its own parking and garage with adequate turning areas.

Officers consider that sufficient space is available on site to provide a development that could achieve access, turning and parking in line with the requirements the Council's current adopted Parking Standards.

Essex County Council Highway Authority raise no objection subject to conditions.

Residential Amenities

The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

Officers consider that sufficient space is available on site to provide a development that could achieve an internal layout and separation distances that would not detract from the amenities of any nearby dwellings or the future occupiers of the proposed dwellings and would provide private amenity areas in excess of the standards set out within Saved Policy HG9 of the adopted Local Plan.

Financial Contribution - Open Space/Play Space

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 0.2 miles from the application site. Due to the close proximity to the play area at Hare Green, a contribution towards the improvement of this play area is both relevant and justified to this application.

This application is accompanied by a unilateral undertaking securing a financial contribution.

Financial Contribution - RAMS

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.

Representations

Great Bromley Parish Council raise no objection to the application.

No individual letters of representation have been received.

Conclusion

For the reasons set out above, the development is considered to represent an unsustainable form of development due to the social and environmental harm identified. The application is therefore contrary to the aims of national and local plan policies for the delivery of new housing and recommended for refusal.

6. Recommendation

Refusal - Outline

7. Reasons for Refusal

- 1 The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

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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.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to

as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict. While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

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In this instance, the application site is located approximately 2km from the edge of the Great Bromley Settlement Boundary to the north-west with its already limited range of services and amenities. In this regard, there is no access to day to day needs within a practical walking distance. It is noted that there is a bus service to Colchester a short walk from the application site but this in isolation is not considered sufficient to support new dwellings in this locality. Therefore, it is highly likely that the occupants of the proposed dwelling would be car dependant failing to promote sustainable modes of transport and failing to meet the social strand of sustainable development.

Regardless of the Council's housing land supply position, the application fails to meet the social strand of sustainable development as set out within Paragraph 8 of the NPPF and is contrary to the afore-mentioned local plan policies and the aims of the NPPF as a whole. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light.

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Nonetheless, the development itself represents an unplanned advance of urbanisation into the countryside resulting in a detrimental impact upon the landscape character of the area with the introduction of a dwelling fronting this part of the lane. Furthermore, if approved, this development would set a harmful precedent for the continuation of ribbon development along this side of Back Lane East further eroding the semi-rural character of the area to the severe detriment of the landscape and character of the area.

The provision of a single dwelling would make an immaterial contribution to the delivery of housing in the district. The adverse visual impact would significantly and demonstrably harm the character of the area therefore failing the environmental strand of sustainability outweighing any minor economic benefits of the scheme.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.