

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | ML | 11/09/2019 |
| Planning Development Manager authorisation: | TF | 25/09/2019 |
| Admin checks / despatch completed | SB | 27/09/2019 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | GAL | 27/09/19 |

Application: 19/00999/FUL **Town / Parish:** Bradfield Parish Council

Applicant: Mr and Mrs Coppock

Address: Pinocchios Mill Lane Bradfield

Development: Proposed change of use of barn building to residential dwelling, and extensions.

1. Town / Parish Council

Bradfield Parish Council Bradfield Parish Council have made the decision to object to this planning application on the following grounds;

- 1) It is outside the settlement development area
- 2) Over development of a small barn
- 3) There are safety issues with the narrow lane
- 4) The barn is very close to the host dwelling

2. Consultation Responses

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

UU Open Spaces No contribution is being requested from Public Realm

ECC SuDS Consultee Lead Local Flood Authority position

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this application has less than 1000 square metres of hardstanding and therefore we shall have no further comments accordingly in relation to this application.

3. Planning History

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|--------------|--|----------|------------|
| 99/01518/FUL | Change of use of barn to residential accommodation in connection with main dwelling | Approved | 24.11.1999 |
| 04/01111/FUL | Two storey extension to existing habitable barn and detached garage | Refused | 27.07.2004 |
| 08/00455/FUL | Change of use of existing barn from residential accommodation in connection with main dwelling to holiday let accommodation. | Approved | 16.06.2008 |

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|--------------|--|----------|------------|
| 16/02023/FUL | Change of use of barn building to residential dwelling and extensions. | Refused | 30.06.2017 |
| 19/00999/FUL | Proposed change of use of barn building to residential dwelling, and extensions. | Approved | 27.09.2019 |

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

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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 application site is located to the north of Mill Lane within the settlement of Bradfield. The application site forms part of the current residential area associated with Pinnochios, which is a large white rendered property fronting Mill Lane in a setback location. The application site accommodates a traditional black clad barn with plain tiles to the roof. The barn has been used in an ancillary manner to Pinnochios as overspill accommodation and storage purposes. To the north of the barn is a large shed and beyond is paddock land which is also in the applicant's ownership. To the west of the site lies an area of woodland which is protected by a group TPO. The eastern boundary is marked by mature trees.

Proposal/Planning History

This application proposes the change of use of the barn to an independent dwelling and the construction of single storey additions. The new additions take the form of lean to style additions and are to be located to the rear and north facing side elevation of the building.

Planning permission was refused under planning reference 16/02023/FUL to convert and significantly extend the barn. The subsequent appeal was dismissed by the planning inspectorate. The appeal decision states that the principle of converting the barn to an independent dwelling is acceptable but the resulting enlargement of the barn would mean that it would no longer read as being subservient to Pinocchios and the simplicity of its character would be lost.

This scheme now seeks to overcome these concerns by reducing the bulk of the extensions to modest single storey additions and by keeping the original roof height of the existing barn element.

Principle of Development

The application site is located outside of the defined Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). 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. 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.

The application submitted previously (Ref - 16/02023/FUL) and subsequently dismissed on appeal was refused due to detailed design considerations and due to the location of the site outside of any defined settlement boundary and the limited accessibility to everyday local facilities without heavy reliance on private car. In this respect the inspector concluded that when the scheme is compared with those other recent housing developments nearby then all the occupiers of these developments would have a very similar level of accessibility to everyday local facilities and services. The inspector concludes that while the development may be contrary to Policy QL1 of the Local Plan, the conflict would not be of such significance as to warrant the withholding of permission because the development would be of a modest scale and it would share the accessibility characteristics of the nearby recently constructed dwellings. It must also be noted that the barn is situated in relatively close proximity to the facilities and public transport links present within Bradfield located approximately 680m to the south.

In view of the inspector's recent findings it is considered that the conversion of the barn to a permanent residential use would be acceptable subject to the acceptability of the detailed design.

Design/Impact

Within the appeal decision the inspector did raise concerns in respect of the disproportionate nature of the extensions in relation to the scale of the original building. He concluded that the resulting enlargement of the barn would mean that it would no longer read as being subservient to Pinocchios and the simplicity of its character would be lost. The excessive number of new openings was also considered to be out of keeping with the barn's simple original form.

This scheme now seeks to overcome these concerns by reducing the bulk of the extensions to single storey only and by keeping the original roof height of the existing barn element. The number of openings and the size of the proposed rooflights have also been reduced.

The modest lean-to nature of the additions is now considered to be acceptable. The extensions retain the proportions of the existing barn and are sympathetic to the simplistic form of the structure. At a depth of 2.75m and with the use of natural slate and dark cladding the additions are in keeping with the appearance of the existing barn which ensures that the barn remains subservient in relation to the existing host property.

Consequently, the significant reduction in the size and scale of the extensions is considered to adequately overcome the concerns previously raised by the planning inspector.

In terms of layout, the submitted plans show that each property would retain large private amenity areas compliant the requirements set out in saved policy HG9 of the saved local plan. This policy

states that dwellings over 3 bedrooms shall be provided with a minimum of 100sqm of useable private garden.

Impact upon Neighbours

The nearest neighbouring property is the applicant's dwelling sited to the south of the site. The change of use to a residential property would not represent a significant intensification over the existing use of the barn and would not therefore adversely impact upon the resident's amenity. The roof light to the south elevation would serve a bathroom and due to its position within the roof would not cause any adverse overlooking to the applicant's garden area.

No other residential properties fall to be affected by the proposals.

Highway Safety

Essex County Council Highways do not object to the proposals. Furthermore, no changes are proposed to the existing access and it is not considered that the change of use to a single dwelling would significantly intensify the use of the existing access.

The plans show sufficient parking and turning spaces will be provided for both properties.

Trees/Landscaping

There are no significant trees or other vegetation on the application site however the land adjacent to the applicant site is affected by Tendring District Council Tree Preservation Order 06/09/TPO Land North of Fearn's Croft.

The position of the existing barn and the proposed extension are such that there will be good separation between the building and the protected trees.

Whilst it will not be necessary for the applicant to submit a full tree survey and report to show the likely impact of the development proposal on the trees it will be necessary to provide details of the measures that will be put in place to physically protect the Root Protection Areas (RPA's) of the trees on the adjacent land for the duration of the construction phase of any development of the land that may be granted planning permission. This information will be secured via planning condition.

The site is not visible from the public realm and it is not considered necessary to secure new soft landscaping.

RAMS

In respect of RAMS, 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.

Other Considerations

No letters of representation have been received.

Bradfield Parish Council objects to this planning application on the following grounds;

- 1) It is outside the settlement development area
- 2) Over development of a small barn
- 3) There are safety issues with the narrow lane
- 4) The barn is very close to the host dwelling

6. Recommendation

Approval

7. Conditions

- 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 No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - In the interests of visual amenity and to protect existing and future resident's amenity.

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwelling, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - Planning permission is granted for a dwelling and it is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the character of the building is maintained and in the interests of neighbouring resident's amenity.

- 4 Prior to the commencement of development details of the measures for the protection of the trees on the adjacent site to the west, 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 protected trees are safeguarded during construction and retained in the interests of visual amenity.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans: 83-2016-05 PD, 83-2016-03 PF and 83-2016-04 PF.

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

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

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| 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 |