

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	14/10/2019
Planning Development Manager authorisation:	TF	14/10/2019
Admin checks / despatch completed	CC	15/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	15/10/2019

Application: 19/01259/DETAIL **Town / Parish:** Great Bromley Parish Council
Applicant: Mr Gray
Address: Land at Frating Road Great Bromley
Development: Reserved matters application for 2no. dwellings.

1. Town / Parish Council

Great Bromley Parish Council No objection to the application

2. Consultation Responses

Building Control and Access Officer No comments at this time.

Tree & Landscape Officer The main body of the application site is set to grass and does not contain any significant vegetation.

The boundary with the adjacent highway is demarcated strong hedgerow containing a single mature Oak tree.

The hedgerow forms a pleasant boundary feature although the benefit that it provides to the appearance of the public realm could be relatively easily replicated by new planting.

The Oak situated on the boundary with the highway is a mature healthy specimen that makes a significant and position contribution to the character and appearance of the area. The tree is formally protected by Tendring District Council Tree Preservation Order 17/01/TPO Land North of St Marks, Frating Road, Great Bromley.

In order to show that the development proposal could be implemented without causing harm to the tree the applicant provided a tree survey and report with the refused planning application 17/01020/OUT subsequently allowed on appeal

The report is in accordance with BS5837 2012 Trees in relation to design, demolition and construction: Recommendations. The report shows the extent of the constraint that the tree is on the development potential of the land and the way that it is going to be physically protected for the duration of the construction phase of any development that may be granted planning permission.

Drawing No. 919/02 shows new tree planting that will help to improve the appearance of the development.

The information that was submitted in association with the application has been fully considered by the Highway Authority.

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:

1. Prior to the first occupation of the development, the proposed private vehicular access with Frating Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle on the Block Plan, drawing no. 919/02 to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

2. Prior to first occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres in both directions as shown in principle on the Block Plan, drawing no. 919/02 and as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the vehicle access is first used by vehicular traffic.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development 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.

4. No unbound material shall be used in the surface treatment of the vehicular access throughout.

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

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. 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.

7. 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.

8. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.
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 and in accordance with Policy DM1

9. 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.

10. 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: 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.

Informative 2: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 3: 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

17/00058/OUT	Outline application for up to 3 No. dwellings.	Refused	10.03.2017
17/01020/OUT	Outline application for up to 2 No. dwellings.	Refused (Allowed on Appeal)	16.08.2017
19/01259/DETAIL	Reserved matters application for 2no. dwellings.	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
HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
HG14 Side Isolation
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SP1 Presumption in Favour of Sustainable Development
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

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 relates to land adjacent to St Marks along Frating Road in Great Bromley and extends approximately 0.12 hectares in size. The application site was previously used for grazing. The site is located on the eastern side of Frating Road within the Parish of Great Bromley but outside of any Settlement Development Boundary.

Description of Proposal

The application seeks approval of the reserved matters, namely access, appearance, landscaping, layout and scale following outline permission (allowed on appeal) for the erection of 2 dwellings under application reference 17/01020/OUT.

Assessment

Scale, Layout and Appearance

The reserved matters application complies with the indicative layout of the outline application. The 2 dwellings are set back from Frating Road, ensuring that the mature hedging and protected oak tree can be retained in the interests of visual amenity and landscape character. The siting of the 2 dwellings also allows for the necessary vehicular access, parking and turning facilities in front of them. Policy HG9 of the Tendring District Local Plan 2007 states that the private amenity space for a dwelling with three bedrooms or more should be a minimum of 100 square metres. The plan demonstrates that this level of private amenity space can be comfortably accommodated.

There is no particular character along Frating Road and there are a mix of building types and materials. The proposed dwellings will be finished with a brick plinth and chimney, china white render, grey UPVC fascias, windows and doors and Valdersain clay plain roof tiles. The one and half storey detached houses with a 2 storey gable are considered to be appropriate in this location and will assimilate well with the addition of the proposed soft landscaping.

Residential Amenity

Policy QL11 of the Tendring District Local Plan 2007 states that 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers or nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The separation distances between the proposed dwellings and the existing properties of St Marks and Richmaur are considered acceptable when taking into account the orientation of the proposed dwellings facing west compared to St Marks and Richmaur which face south. The orientation of the buildings as a cluster help to ensure that there is not a significant risk of overlooking or loss of privacy to St Marks or Richmaur. The impact of the proposed dwellings is mitigated by the proposed soft landscaping and fencing.

Trees and Landscaping

The site is bounded along the roadside by a mature hedgerow, which in the main and apart from the new access is being retained for its contribution it makes to the setting. One single Oak tree benefits from protection and lies within the mature hedgerow. The Oak will be protected during the course of construction. The necessary tree protection measures will form part of the permission controlled by condition. In terms of soft landscaping, the applicant has submitted sufficient information relating to species and specification of new planting which is acceptable.

Closed board fencing is proposed to the rear. Post and rail fencing is proposed in front of the house located to the south of the plot which is more appropriate in terms of visual appearance in this location.

Highway Safety

Essex County Council as the Highway Authority have been consulted on the application and has stated that they have no objections subject to a number of conditions relating to visibility splays, access width, the use of no unbound materials, no discharge of surface water and boundary planting.

A condition was also requested for cycle parking; however given the site is of a sufficient size to accommodate bicycle storage, this condition is not considered reasonable or necessary on this occasion.

In addition, Tendring District Local Plan 2007 requires that for dwellings with 2 or more bedrooms that a minimum of 2 off road car parking spaces are provided. The parking spaces should meet the Essex County Council Parking Standards where one space should measure 5.5 metres x 2.9 metres and garages, if being relied upon to provide a parking space, should measure 7 metres x 3 metres internally. The proposed garages do not meet the above requirements however there is sufficient space in front of the dwelling to accommodate the necessary parking and turning requirements.

Financial Contributions

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with 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.

Other Considerations

Great Bromley Parish Council has no objection to the planning application.

The Tendring District Council Building Control and Access Officer has no comments at this time.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to necessary conditions.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 919/02 A and 919/01.

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

- 2 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 or alterations to the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in the interests of visual and residential amenities.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved 'Site Plan and Landscape' Drawing No. 919/02 A 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 development.

- 4 Notwithstanding the fencing details shown on approved Drawing No. 919/02 A there shall be no fences erected forward of the forwardmost part of the dwellings hereby approved.

Reason - In the interests of visual amenity and the character and appearance of the area.

- 5 The protective fencing detailed on Drawing Number 0348-01, submitted as part of application 17/01020/OUT (allowed on appeal) shall be retained throughout the construction phase of the development.

Reason - In the interests of safeguarding the retained tree in the interests of the character of the area.

- 6 Prior to the first occupation of the development, the proposed private vehicular access with Frating Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle on the Block Plan, drawing no. 919/02 A to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

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

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- 10 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.

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.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.

Highways Informative

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.

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Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

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

