

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	06/12/19
Planning Development Manager authorisation:	TF	06/12/2019
Admin checks / despatch completed	SB	06/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PW	6/12/19

**Application:** 19/01333/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** Mr and Mrs Cullen

**Address:** Barn South of Foulton Hall Harwich Road Little Oakley

**Development:** Replacement of an agricultural storage building with a 3no bed dwelling (in lieu of prior approval for a dwelling subject of application 19/00010/COUNOT).

### **1. Town / Parish Council**

Ramsey and Parkeston Parish Council      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 existing access comes out onto Harwich Road and is subject to a 30-mph speed limit the proposal is at the end of a private road and retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

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. 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.

4. The dwelling shall not be occupied until such time as the car parking area, indicated on the plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the dwelling thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM1.

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. 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.

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: Steps should be taken to ensure that the Developer provides sufficient 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 2: Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at:  
[development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

### 3. Planning History

96/01611/FUL	Extension to form farm office. Replacement windows	Approved	30.01.1997
96/01612/LBC	Extension to form farm office. Replacement windows	Approved	30.01.1997
08/01254/LBC	Erection of sunroom and external alterations.	Approved	23.10.2008
08/01255/FUL	Erection of sunroom.	Approved	23.10.2008
19/00010/COUNO T	Conversion of agricultural storage building into a residential dwelling.	Prior approval not required	20.02.2019

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN23 Development Within the Proximity of a Listed Building

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

LP1 Housing Supply  
LP2 Housing Choice  
LP4 Housing Layout  
SPL3 Sustainable Design  
HP5 Open Space, Sports & Recreation Facilities  
PPL3 The Rural Landscape  
PPL9 Listed Buildings  
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)**

### **Description of Proposal**

The application site relates to a barn south of Foulton Hall, Harwich Road, Little Oakley. The building is one of many situated on this farm holding, including a traditional Essex barn adjacent to the Hall and a series of large grain barns to the south of the farm yard and west of the application site.

This application building is approximately 130.56 square metres internally in size (in line with 19/00010/COUNOT) with the private amenity space measuring approximately 98 square metres. Accordingly, the overall site area equates to 228.56 square metres.

The site lies outside of the settlement development boundary for the area 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.

### **Planning history**

In January 2019, a formal notification was submitted pursuant to Part Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the conversion of the agricultural building on the site into a dwelling. Following consideration of the issues involved, the Council accepted by letter dated 20th February 2019 that Prior Approval was not required (reference 19/00010/COUNOT).

### **Description of Proposal**

The application seeks full planning permission for the replacement of an agricultural storage building with a 3-bed dwelling (in lieu of prior approval for a dwelling subject of application 19/00010/COUNOT).

In this instance, the proposed replacement measures 245.50m<sup>2</sup> and 5.7 metres in height being an increase to the footprint of the building with the benefit of a prior approval for the change of use to a dwelling.

### **Assessment**

The main considerations in this instance are;

- Planning and Appeal History;
- Principle of Development;
- Residential Amenities;
- Access and Parking;
- Heritage Impact
- Trees and Landscaping;
- Financial Contributions - RAMS;
- Financial Contributions - Open /Play Space; and,
- Representations.

## Planning and Appeal History

### - Site Specific History

This application relates the building approximately 245.50 m<sup>2</sup> in footprint and 5.7 metres in height. The building is subject of a prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion into a residential dwelling approved under planning reference number 19/00010/COUNOT determined on 20th February 2019.

### - Appeal History

A copy of the appeal decision in relation to appeal references APP/A1530/W/16/3144635 and APP/A1530/W/16/3144643 for Chesnut Farm, Abberton Road, Layer De La Haye has been submitted with the application in support of the proposal.

These appeals deal with the replacement of buildings where the fall-back position relates to a Prior Notification Application under Part Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (formerly Class MB).

The Inspector accepted that the fall-back position is a material planning consideration and concluded that the proposal would have a very similar effect to the prior approval scheme in relation to its sustainability of location and access to local services and facilities (the occupants would be reliant on private car); would not increase the number of dwellings over the prior approval scheme and would not result in an increase in new isolated homes in the countryside. The Inspector supported the replacement of three poultry sheds with three dwellings with the same floor area subject to conditions (in order to protect the character and appearance of the rural character of the area).

A number of further appeal decisions dealing with the same matter have been referred to under which the main issue has consistently been 'the effect of the proposal on the character and appearance of the area.'

As stated above, the proposal seeks to not only re-site the replacement building but also increase its size and height. Therefore, also of particular relevance is Appeal Reference APP/F2415/W/18/3194060 for 'demolition of residential dwelling (existing barn with Class Q Permitted Development Rights) and the erection of a new two storey residential dwelling in its place, including double garage.'

Under this appeal the Inspector states that, 'though similar in footprint, the proposed house would be significantly larger in scale than the existing and therefore also larger than the dwelling which could result from its conversion which already has consent'. The Inspector goes on to conclude that '...in terms of its size, it would not appear incongruous in its context...', '...some vegetative screening on the front boundary would assist in reducing the prominence of the development when seen from the road', and 'Overall, it would not appear urbanising in its context and would correspond well to the character of the area'.

### Principle of Development

Having regard to the above, the application can be assessed as follows.

As stated above, the site lies outside of the Little Oakley 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. In this instance, the fall-back position and the afore-mentioned appeal decisions constitute material considerations holding significant weight in the assessment of the application.

Paragraph 8 of the National Planning Policy Framework (2019) sets out the criteria of achieving sustainable development as meeting an economic objective, a social objective and an environmental objective. These are assessed below and also take into account the fall-back position.

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

#### - 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.

Although located outside of the development boundary, the proposal will generate the same number of private car journeys in comparison with the fall-back position of the prior approval. The development would be no less sustainable than the permitted scheme.

#### - Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment.

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.

The proximity of the site to open fields and agricultural land and the distance to the other residential properties in the locality, gives it a strongly rural character.

The Council accepted that the conversion of the barn into a dwelling can be undertaken without further prior approval. The Council did not raise any concern on the three grounds for consideration of the notification application, namely access, flooding or contamination.

The application proposes the erection of a single storey dwelling with a hipped roof. The proposed dwelling is located to the south east of the application site. The application proposes the conversion of the existing building which measures approximately 245.50 square metres and has an overall height of approximately 5.7 metres. The proposed dwelling will incorporate the private amenity space acknowledged under planning reference 19/00010/COUNOT. The footprint of the existing building is identified on the proposed plans which demonstrates that the overall length of the new build is marginally shorter but includes the provision of two bays upon the south elevation and a bay to a new farm office to the east elevation. In terms of bulk, the elevational drawings show the outline of the existing building superimposed, demonstrating the reduction in height and overall scale through the provision of a hipped end roof. The external appearance of the replacement building will reflect the existing structure, having a low profile, clad in horizontal weatherboarding and with a plain tile roof. It is a simple structure with limited impact upon its surroundings having regard to the scale of the existing building and the relationship with the large grain stores which are to remain alongside. The approved plans condition will ensure that the floor space and the overall height of the building are controlled.

Furthermore, the building is set well back from the highway with boundary vegetation almost fully screening the site. Having regard to the aforementioned appeals and national and local plan policies, in terms of its size, the proposal will not appear incongruous in its context and will not result in a harmful impact on the character and appearance of the area.

#### Residential Amenities

Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Saved Policy QL10 of the adopted Tendring District Local Plan (2007) requires that all new development should meet functional requirements. In particular the policy states that planning permission will only be granted if; buildings and structures are orientated to ensure adequate daylight, outlook and privacy and provision is made for functional needs including private amenity space. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

Additionally, Saved Policy HG9 sets out the minimum standards for private amenity space.

The site and proposed dwelling are sited a good distance from the few nearby neighbouring properties. The development will not result in any material harm to residential amenities.

The dwelling would be served by a garden area in excess of policy standards.

Conditions removing permitted development rights are considered necessary in this instance due to the potential impact and harm from extensions and outbuildings to the character and appearance of the area, and given the fact that the proposal represents effectively an alternative permission the already approved Prior Notification application which does not benefit from permitted development rights due to the countryside location.

#### Access and Parking

The National Planning Policy Framework 2019 (NPPF) at paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area. Furthermore, Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.

Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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 and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Essex County Highways have been consulted on this application and have stated that the existing access comes out onto Harwich Road and is subject to a 30 mph speed limit. The proposal is at the end of a private road and retains adequate room and provision for off street parking and turning. The Highway Authority does not object subject to conditions relating to visibility splays, vehicular turning facility, no unbound materials, car parking area, vehicular parking space, cycle parking and storage of materials. The recommended conditions relating to the visibility splays and vehicular turning facility are not considered reasonable in this instance as the fall-back position was considered acceptable in highway terms without these. The vehicular parking space condition will not be imposed as the plans demonstrate that the parking spaces provided are in line with Essex Parking Standards. The storage of materials will be imposed as an informative only.

#### Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

The proposed dwelling is sited approximately 70 metres away from the Grade II Listed Building. It is stated within the supporting statement that 'Foulton Hall is a 16th Century listed building within its own clearly defined curtilage. The storage barn is set some 100m from the Hall'. Due to the significant distance away from the Listed Building, it is considered that the site is well set back and

the main views of the Listed Building will be retained. Therefore, there is not considered to be significant harm identified to the setting of the Listed Building,

#### Trees and Landscaping

A condition removing permitted development rights for fencing and enclosures is considered necessary in this instance due to the potential impact to the character and appearance of the area. A soft landscaping condition will be imposed to ensure that the development is appropriate to its rural setting.

#### Financial Contributions - 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.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 1.2km from Hamford Water SPA, SAC and RAMSAR site. New housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure 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.

#### Financial Contribution - Open / Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

No contribution is being requested on this occasion.

#### Representations

Ramsey and Parkeston Parish Council have no objection.

No letters of representation have been received.

#### Conclusion

The underlying purpose of Class Q is to convert agricultural buildings and increase rural housing without building on the countryside. Total demolition and replacement of buildings falls outside of Class Q. Officers recognise that the approval of this permission could be considered at odds with the purpose and aims of Class Q and also be considered contrary to the principles of sustainable development set out within national and local plan policies. However, the approval of this application will not set a harmful precedent due to the special circumstances under which the

application is being assessed. Any future applications for residential development would be considered on its merits at the time of the application.

In considering the overall planning balance, there would be economic benefits arising from the proposal, in particular the additional employment created during the demolition and construction phases, as well as social benefits in respect of the contribution towards the supply of new housing and support for rural communities. The proposal would also meet the requirements of the environmental role, as it would contribute to protecting the natural environment and mitigating and enhancing the ecology credentials of the site, in comparison with the fall-back position of the prior approval scheme. The increase in size is not significant and does not amount to any landscape or visual harm that would amount to any environmental harm that warrants refusal of planning permission. There are no adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Consequently, the proposal would amount to sustainable development and the application is recommended for approval, subject to conditions.

## **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: Drawing No. 1253/01A, Drawing No. 1253/02, Drawing No. 1253/03A, Drawing No. 1253/04, Planning Statement dated September 2019 and Planning Statement Appendix PLG1 scanned 04 September 2019.

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

- 3 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 rural character of the area.

- 4 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 - In the interest of visual amenity and the rural character of the area.

- 5 No above ground level works shall take place until precise details of the provision, siting, design and materials of all screen walls and fences have been submitted to and approved in

writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its rural setting.

- 6 Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwelling hereby permitted shall not be extended or ancillary buildings or structures erected within the curtilage without the prior written approval of the Local Planning Authority following the submission of a planning application.

Reason - In order to protect the rural character and appearance of the area.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), other than those approved under Condition 8, there shall be no provision of fences, walls or means of other enclosures erected on the site.

Reason - To retain the open character of the locality in the interests of visual amenity.

- 8 The dwelling shall not be occupied until such time as the car parking area, indicated on the plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the dwelling thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety

- 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

## **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.

### **Highways**

Steps should be taken to ensure that the Developer provides sufficient 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.

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

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