

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	19/12/19
Planning Development Manager authorisation:	AN	19/12/19
Admin checks / despatch completed	CC	23/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

Application: 19/01754/FUL **Town / Parish:** Bradfield Parish Council

Applicant: Mr & Mrs Terry & Anne Norman

Address: Stour Lodge Cottage Station Road Bradfield

Development: Variation of condition 2 (approved plans) for application 18/01296/FUL.

1. Town / Parish Council

Bradfield Parish Council No comment.

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 proposed vehicular access is not affected by the revised plans therefore:

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

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

3. Planning History

00/00885/FUL	Erection of 2 metre wall or fence to give privacy	Refused	13.09.2000
00/01705/FUL	Erection of boundary wall	Approved	28.11.2000
TRE/97/55	T.1 - Sycamore - removal of limb extended towards cottage back to a suitable collar to bring limb in line with remainder of canopy	Current	29.10.1997
01/01037/FUL	Porch/utility extension (to rear of property)	Approved	13.08.2001
01/01756/FUL	Elevational changes to house design approved under 97/01282/FUL and 01/01037/FUL	Approved	05.12.2001
91/01121/FUL	Part demolition and re-building of rear extension to domestic	Refused	28.01.1992

	dwelling.		
93/00908/FUL	(Stour Cottage, Station Road, Bradfield) Two storey extension to form additional bedroom, kitchen and bathroom	Approved	05.10.1993
97/00054/FUL	(Stour Cottage, Station Road, Bradfield) Detached single garage	Approved	24.02.1997
97/01282/FUL	Demolition of existing dwelling and erection of replacement house and detached garage	Approved	27.01.1998
98/00922/FUL	Variation to design of house approved under TEN/97/1282 and temporary siting of metal storage container, mobile home and caravan	Approved	28.09.1998
17/30340/PREAPP	Proposed new 2-3 bedroom detached cottage.		11.01.2018
18/01296/FUL	Proposed detached dwelling and detached single garage.	Approved	22.10.2018
18/01927/TPO	1 No. Sycamore - Remove.	Approved	17.12.2018
19/01220/FUL	Proposed detached dwelling and detached single garage.	Withdrawn	19.11.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN3 Coastal Protection Belt

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP4 Housing Layout

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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

Site Description

The application site is land to the north-west of Stour Lodge Cottage, Station Road which falls within the parish of Bradfield. The site forms part of the curtilage of Stour Lodge Cottage and is currently used as garden land. The southern boundary is marked by a 1.8m high red brick wall. The overall character of the surrounding area is largely rural; however there are some scatterings of residential development, notably a number of detached properties located to the east. The site falls outside of a recognised Settlement Development Boundary within the Tendring District Local Plan 2007 but falls within the Settlement Development Boundary for Bradfield within the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Description of Proposal

This application seeks planning permission for the variation of condition 2 of previous planning permission 18/01296/FUL. This will amend the previously approved design of the dwelling by reducing it from two storeys to a single storey dwelling, and will also include a detached garage to the north-west corner of the site.

Site History

Under planning reference 18/01296/FUL, planning permission was granted for the erection of a single detached two storey dwelling. This is an extant permission and can be implemented regardless of the determination of this application. This dwelling was sited to the west of the site to avoid the root protection area of a mature sycamore protected with a Tree Preservation Order.

Since the determination of this application, this tree has been granted permission to be removed under planning reference 18/01927/TPO, and therefore the siting of the proposed dwelling within this current application is more central within the plot.

Assessment

1. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is to be amended to be detached, single storey and sited to the north-west of Stour Cottage, accessed via a newly formed access to the south-west off Station Road. The proposed dwelling is again considered to satisfactorily relate to its surroundings, with it being sited in line with the existing pattern of development along this northern side of Station Road, running from the south-east to the north-west.

In terms of the design, the L-shape dwelling incorporates key features including a chimney, a front gable and bay window, which help to soften the bulk of the proposal. Furthermore the use of red brick and smooth render is an acceptable mix of materials in this semi-rural location where there is also no existing defined character.

On the previous scheme, concerns were raised with regards to the prominence of the detached garage, which was to be sited to the southern section of the application site. As such it was removed from the plans. However, while this current application incorporates a garage, its location is far less prominent being sited to the side of the dwelling, set back from Station Road. There is therefore no objection to the proposed garage on this occasion.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space dwelling of three bedrooms or more should be a minimum of 100 square metres. The plans demonstrate that this level of private amenity space is comfortably achieved for both the proposed dwelling and also the existing property, 'Stour Lodge Cottage'.

2. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The submitted plans show that the proposed dwelling will be located in close proximity to the existing property known as 'Stour Lodge Cottage'. However there is an approximate separation distance of 4 metres, and the dwelling is now to be single storey compared to the previously approved two storey design. The dwelling will therefore not appear imposing, not result in significant loss of light, and not cause any degree of overlooking.

The only other neighbouring property that may have the potential to be impacted upon is 'Stour Lodge', to the north-west of the site. However, given a significant separation distance of approximately 75 square metres and that the boundary separating the two properties is heavily vegetated, there is not considered to be any harm to existing amenities as a result of the proposed development.

3. Tree Impacts

The application site is affected by Tendring District Council Tree Preservation Order 89/09/TPO that affords formal legal protection to a single Sycamore situated within the curtilage of Stour Lodge Cottage.

Usually, in order to show the extent of the constraint of the tree on the development potential of the land the applicant would need to provide a Tree Survey and Report and Tree Constraints Plan (TCP) is in accordance with BS5837 2012 Trees in relation to designs, demolition and construction. However since the determination of the previous application relating to the application site (reference 18/01296/FUL) consent to fell the tree has been granted under the terms and condition of the TPO. The reason for granting consent to fell being that the tree is in decline as a result of Honey Fungus attack. This is causing decay of the root buttress and main stem and has led to a decrease in the vigour of the tree and compromised its structural integrity. Consequently the tree is no longer a constraint on the development potential of the land.

The cutting back of perimeter vegetation to the north and west will not adversely affect the character or appearance of the area. In addition, the removal of the boundary wall adjacent to the highway and its replacement with a 1m tall picket fence and a low hedge will lead to an improvement to the appearance of the public realm.

Therefore, subject to additional conditions securing details of soft landscaping, particularly to the boundary with the highway, there is no identifiable harm. The proposed hedge planting should be augmented by the incision of at least two trees, one either side of the proposed new vehicular access, to both soften and enhance the appearance of the development.

4. Highway Safety

Essex Highways Authority have confirmed they have no objections to the proposal.

Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The submitted plans show that the proposed garage does not adhere to the above standards; however there is sufficient space to the front and side of the dwelling to accommodate the necessary parking.

5. Habitats Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation); within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings. However on this occasion it is acknowledged that the proposal is a variation of a condition from a previous decision at a time when this contribution was not required. As such it would not be reasonable to request a contribution on this occasion.

Other Considerations

Bradfield Parish Council have not commented.

No other letters of representation have been received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of 22 October 2021.

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 plans:

18/01296/FUL:

The document titled 'Arboricultural Impact Assessment'.

19/01754/FUL:

Drawing numbers 106-2017-01PA, 106-2017-02PB, 106-2017-03PA, 106-2017-04PA and 106-2017-05PA.

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

- 3 Prior to the proposed access being brought into use, vehicular visibility splays of 129m westerly by 2.4m by 90m easterly as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 4 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 5 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary/throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 6 The development shall not be occupied until such time as the car parking and turning area has been provided in accord with the details shown in Drawing Number 106-2017-02PB. 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 development thereafter.

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

- 7 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

- 8 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

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

- 9 The construction of the proposed block paving shall be in accordance with the 'no dig' specification throughout the construction of the development.

Reason: In order to ensure no harm is carried out within the Root Protection Area of the protected tree.

- 10 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme 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 - To enhance the visual impact of the proposed works.

- 11 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

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.