

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	13/03/2020
Planning Development Manager authorisation:	TF	13/03/2020
Admin checks / despatch completed	CC	13/03/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RW	13/3/20

**Application:** 19/01912/DETAIL **Town / Parish:** Great Bromley Parish Council

**Applicant:** K W Robinson

**Address:** Badley Hall Farm Badley Hall Road Great Bromley

**Development:** Approval of reserved matters for outline application 19/01050/OUT.

### 1. Town / Parish Council

Great Bromley Parish  
Council

No objection to the application.

### 2. Consultation Responses

ECC Highways Dept

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

The proposal is within the existing boundary of Badley Hall Farm and retains adequate room and provision for off street parking and turning.

Vehicular access to the new dwelling will be via the existing farm access, therefore:

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

1. Prior to 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.
2. 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.
3. 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.

4. 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.

5. 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/carrageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carrageway (delete as appropriate) 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.

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**

00/01209/TPO	T.2 - remove large lower branch over field, crown lift over road; T.6, T.7, T.9, T.10 and T.11 - remove deadwood, crown lift over road and balance all round; T.8 - gale damaged, pollard or fell to ground level if found dangerous (TPO 97/48	Approved	14.08.2000
00/01211/TPO	T.1 - T.6 - Oak and Ash trees -	Approved	14.08.2000

	crown lift to 18ft over the road (TPO 7/86)		
04/02361/FUL	Porch.	Approved	01.02.2005
07/00305/AGRIC	Erection of general purpose agricultural building.	Determinati on	04.04.2007
09/00629/AGRIC2	Farm irrigation reservoir 45,500 cu metres capacity.		24.07.2014
10/00999/TPO	Remove epicormic growth and crown reduction by 30% of 2 Willow Trees	Approved	21.09.2010
11/00129/TPO	2 No. Willow - T3 & T4 - fell due to decay	Approved	28.02.2011
11/01269/TPO	1 No. Holm Oak - woodland G2 of TPO 97/48 - remove branch 30' to restore balance	Approved	24.11.2011
12/00043/FUL	Installation of two small scale wind turbines (14.7m to hub, 5.5m diameter blades).	Approved	15.03.2012
12/01446/FUL	Installation of single micro scale wind turbine (14.97m to hub, 5.6m diameter blades).	Approved	06.03.2013
18/00230/FUL	Replacement of a general purpose agricultural barn building destroyed by fire, with a new agricultural barn building.	Approved	28.03.2018
18/01835/TPO	1 No. Oak - remove overhanging branches to 6m max from ground level	Approved	26.11.2018
18/01836/TPO	8 No. Oak, 8 No. Ash, 2 No. Acer - remove overhanging branches to a height of 6m maximum	Approved	26.11.2018
19/01050/OUT	Erection of dwelling for a farm stockman.	Approved	13.11.2019
19/01104/TPO	1 No. Horse Chestnut - fell	Approved	30.08.2019

#### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

COM6 Provision of Recreational Open Space for New Residential Development

EN1	Landscape Character
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
HG18	Permanent Dwellings for Agricultural Workers
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)*

HP5	Open Space, Sports & Recreation Facilities
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 Badley Hall Farm, Badley Hall Road, Great Bromley, located on the western side of Bradley Hall Road. The site is a long-established farm holding measuring approximately 169 hectares, while there are numerous agricultural buildings throughout the site. To the south-west of the site is a residential dwelling with an agricultural occupancy condition. The character of the area is largely rural, with large areas of grassed and agricultural land to all sides.

The site does not fall within a recognised Settlement Development Boundary within either the Adopted Tendring Local Plan 2007 or Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### History

Outline planning permission was granted under planning reference 19-01050-OUT for the erection of dwelling for a farm stockman.

### Description of Proposal

This application seeks permission for the reserved matters for the construction of 1 dwelling following the approval at outline stage under planning permission 19/01050/OUT.

### Assessment

The main considerations are;

- Principle of Development,
- Scale, Layout and Appearance,
- Residential Amenities,
- Trees and Landscaping,
- Highway Considerations and Parking Provision,
- Financial Contributions - Recreational Disturbances,
- Requirements of Outline Conditions; and
- Representations

### Principle of Development

The principle of development has been established by the granting of outline planning application 19/01050/OUT.

The detailed considerations are set out below.

### Scale, Layout and Appearance

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 submitted plan demonstrates that the dwelling is single storey, with a dual pitched roof. The proposal will comprise of two bedrooms with amenity space to the sides and rear. The proposed dwelling will be located to the north west of the existing agricultural buildings on the site, thereby reducing its impact and helping it to assimilate well within its surroundings. The siting of the dwelling is well set back from the highway with limited views from Badley Hall Road.

The single storey scale of the development minimises the visual impact within the immediate locality as well as ensuring that longer distance views of the development from the adjacent open fields would be minimised.

The proposed dwelling will be constructed from horizontal weatherboarding and lightweight terracotta profiled roof tiles. These materials and overall design proposed is considered to relate acceptably to the rural area and would not appear incongruous in this location.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should be a minimum of 75 square metres. The submitted plans show that this will comfortably be achieved for this dwelling.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

### Residential 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).

Due to the rural location of the proposed dwelling, it is considered that the proposed development will not have any significant impact upon residential amenities.

### Highway Considerations and Parking Provision

Essex County Highways have been consulted on this application and have stated that the proposal is within the existing boundary of Badley Hall Farm and retains adequate room and provision for off street parking and turning. Vehicular access to the new dwelling will be via the existing farm access. The Authority have no objections subject to conditions relating to vehicular turning facility, no unbound materials, parking space measurements, cycle parking, storage of building materials. The storage of building materials will be imposed as an informative only.

### Trees and Landscaping

Although the applicant hasn't submitted details of soft landscaping, the low level design of the proposed dwelling has reduced the impact of the development on the surrounding area and therefore negates the need for planting.

### Financial Contributions - Recreational Disturbances

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 residential development on a site that lies within the Zone of Influence (Zoi) being approximately 5,258metres from Stour & Orwell Estuaries Ramsar site. New housing development within the Zoi would be likely to increase the number of recreational visitors to Stour and Orwell Estuary 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 this legal obligation 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.

### Requirements of Outline Conditions

Other than the standard reserved matters time limit conditions, the outline application was subject to the following conditions;

- 4 - Approved Plans
- 5 - Occupation of the dwelling as an agricultural worker

The appropriate informative will be added to ensure compliance with the requirements of the other conditions.

### Representations

Great Bromley Parish Council have no objection to this application.

No letters of representation have been received.

## **6. Recommendation**

Approval - Reserved Matters/Detailed

## **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. RBH-01 Revision B and Site Plan scanned 16 Dec 2019.

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

- 2 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

- 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

- 4 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

- 5 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

## 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.

### Highways

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.

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.

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653 The Crescent,  
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### 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.

### Conditions Precedent

As this is a reserved matters application any decision will need to be read in conjunction with the outline consent 19/01050/OUT which contains conditions that remain relevant to the development.

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