

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	09/09/2020
Planning Development Manager authorisation:	SCE	11.09.2020
Admin checks / despatch completed	DB	15/09/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	16/09/2020

Application: 20/00660/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr & Mrs Brazier

Address: Bush Farm Hall Road Great Bromley

Development: Variation of Condition 3 of 18/01123/FUL to allow changes to the fenestration of the proposed dwelling, the provision of a balcony and changes to the design of building 1.

1. Town / Parish Council

Great Bromley Parish Council
09.07.2020

Great Bromley Parish Council had no objection to this application.

2. Consultation Responses

ECC Highways Dept No comments received

3. Planning History

04/02189/FUL	Erection of a domestic stable block	Withdrawn	20.10.2005
06/01463/FUL	Erection of a domestic stable block (resubmission of 04/02189/FUL)	Withdrawn	21.05.2007
07/01206/FUL	Erection of detached dwelling. Alterations to vehicular access. Demolition of existing dwelling.	Refused	25.09.2007
08/00072/AGRIC	The erection of a machinery and general storage building.	Determination	13.02.2008
08/00631/FUL	Erection of detached dwelling (following demolition of existing dwelling). Alterations to existing vehicular access.	Approved	18.07.2008
09/00097/AGRIC	Erection of machinery / general storage building.	Determination	06.03.2009
09/00099/FUL	Demolition of existing agricultural/domestic building(s)	Approved	13.05.2009

Classification - Official

	and erection of a replacement building.		
09/00644/FUL	Erection of four bay stable block with shelter, store and tack room and change of use of agricultural land to horse paddocks.	Approved	02.09.2009
09/00645/FUL	Erection of hay store/barn (following demolition of existing building) and cattle shed with associated yard.	Approved	02.09.2009
09/00646/AGRIC	Erection of machinery / general storage building.	Determination	05.08.2009
09/00647/FUL	Erection of a general purpose agricultural building.	Approved	02.09.2009
09/01340/FUL	Erection of a general purpose agricultural building.	Approved	12.04.2010
10/00355/FUL	Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural / domestic buildings and erection of replacement agricultural / domestic buildings.	Approved	09.07.2010
11/00390/FUL	Extensions and alterations to existing barn.	Approved	28.06.2011
13/00509/FUL	Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural / domestic buildings & erection of replacement agricultural / domestic buildings. (Extension of time on previously approved 10/00355/FUL).	Approved	25.07.2013
13/00981/FUL	Erection of a general purpose agricultural building (addition to building approved under 09/01340/FUL currently under construction).	Approved	23.10.2013
14/00573/DISCON	Discharge of condition 01 (materials) of planning permission 13/00981/FUL.	Approved	29.05.2014
16/01368/FUL	Erection of replacement detached dwelling (following demolition of	Approved	16.01.2017

	existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings.		
17/00424/FUL	Variation and amendments to approved scheme 16/01368/FUL.	Approved	26.05.2017
17/01445/FUL	Alterations and improvements to existing access point, closure of existing access to the south.	Withdrawn	17.10.2017
17/01720/FUL	Variation and amendments to approved scheme 17/00424/FUL & improvements to an existing vehicular access.	Approved	08.01.2018
18/00778/FUL	Erection of a storage building.	Refused	10.08.2018
18/01123/FUL	Variation of Condition 3 of 17/01720/FUL to allow changes to the fenestration of the proposed dwelling, and to erect a single storey garden room.	Approved	05.10.2018
20/00660/FUL	Variation of Condition 3 of 18/01123/FUL to allow changes to the fenestration of the proposed dwelling, the provision of a balcony and changes to the design of building 1.	Current	

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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN1 Landscape Character

EN16 Agricultural and Related Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP4 Housing Layout

PPL3 The Rural Landscape

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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.

5. Officer Appraisal

Site Description

The application site is on the western side of Hall Road, within the Parish of Great Bromley. It is outside of any defined settlement limits and currently comprises the original two-storey dwelling closest to the road with the approved dwelling nearing completion set back and behind the existing dwelling. A number of large agricultural buildings have already been demolished and the proposed outbuildings are also nearing completion. The site is surrounded by agricultural land and horse paddocks.

Proposal

This application seeks planning permission for the variation of Condition 3, the approved plans, of previously approved 18/01123/FUL. The changes proposed are detailed as follows:

- Conversion of the loft space to create three bedrooms with restricted head height. A pitched roof dormer with double doors and Juliette balcony is created on the central rear roof slope, double doors and Juliette balcony on the southern gable rear elevation, four roof lights on the southern slope of the southern gable and a small window on the front elevation of the southern gable
- The front door has been moved to a central position
- The rear elevation at ground floor proposes a window serving the kitchen, two sets of 3 pane bi-fold doors serving the dining and sitting areas

- The rear elevation at first floor proposes three sets of double doors, the southern gable will benefit from a Juliette balcony. The other two sets of double doors will open onto a rear first floor balcony from the landing and bedroom
- The size of the other windows have altered slightly and none of the windows now have glazing bars
- Building 1 will be extended to create an L shape building the same as approved building 2

Site History

The site has extensive planning history for redevelopment of the residential dwelling and the outbuildings on site (following their demolition) and alterations to the access arrangements (currently 2 access points). The history shows many variations and amendments to the approved schemes dating from 2008.

The most relevant application in this instance is the original planning application reference 16/01368/FUL for *Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings*. This was subsequently replaced and amended by the following variation of condition applications: 17/00424/FUL, 17/01720/FUL and 18/01123/FUL.

Assessment

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).

Changes to the main house are largely concentrated at the rear and therefore will not have a significant impact on the character of the area. The footprint, scale and overall design of the proposed dwelling will remain the same. Building 1 is set behind building 2 ensuring that the modest increase of size to building 1 will have no significant impact to the street scene or character of the area.

The provision of a first floor balcony at the rear is considered acceptable given the considerable distance from any neighbouring properties and the relatively recent tree planting along the front and side boundaries of the site will offer a degree of screening. The changes to the fenestration will result in a neutral impact to the character of the area as when viewed from Hall Lane the changes are minor.

Given the nature of the proposed changes and significant distance to neighbouring properties, there is not considered to be any adverse impacts to existing amenities.

There are no other impacts in comparison to the previously approved scheme.

Other Considerations

Great Bromley Parish Council has no objection to the application.

No other letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

- 1 Within 1 month of the new dwelling being first occupied the existing dwelling shall be demolished and all materials resulting therefrom shall be cleared from the site in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason - The site lies outside any defined settlement limits where strict policies of constraint apply to new dwellings.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

18/01123/FUL:

Drawing number: 1709/3 Rev A, 1709/4 and Material Schedule submitted on 6th July 2018.

20/00660/FUL:

Drawing numbers: 1709/1 Rev E, 1709/18 Rev B, 1709/19 Rev B, 1709/2 Rev B, 1709/22, 1709/23 and 1709/24.

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

- 3 Proposed buildings 3 & 4, shown on the 'Site Layout' drawing (drawing no. 1709/1 Rev E) shall only be used for agricultural purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the level of domestic accommodation remains ancillary to the main dwelling as the site lies outside any defined settlement limits where strict policies of constraint apply to new dwellings.

- 4 Prior to occupation of the hereby approved dwelling details of the provision, siting, design and materials of screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwelling being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual amenity and to preserve the landscape quality of the surrounding countryside.

- 5 Prior to first occupation of the hereby approved dwelling, details of the hard and soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - There are insufficient details within the submitted plans and this is a publicly visible area in a rural location where such development must be suitably integrated into the landscape.

- 6 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 ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class A, B, C and D of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations or additions to the dwelling or its roof shall be erected except in accordance with drawings showing the design and siting of such building(s) or enclosure(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the character of the development and landscape quality of the surrounding countryside.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such building(s) or enclosure(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the landscape quality of the surrounding countryside.

- 9 Prior to occupation of the development, the remaining access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by the site maximum in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 10 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.

Reason - To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and not causing an obstruction or hindrance to use in the interest of highway safety.

- 11 The existing southern access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement of the highway verge to the satisfaction the Highway Authority immediately the proposed new access is brought into use.

Reason - To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 12 No unbound materials shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

- 13 All new driveways, parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

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.

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