

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/09/2020
Planning Development Manager authorisation:	AN	24/09/2020
Admin checks / despatch completed	DB	24/09/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	24/09/2020

Application: 20/00752/FUL **Town / Parish:** Frating Parish Council

Applicant: Mr & Mrs Brumley

Address: Burrs Farm Station Road Frating

Development: Proposed side extension to form new living space and new cart lodge with home office above.

1. Town / Parish Council

Frating Parish Council 09.07.2020 Frating Parish Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept 15.07.2020 The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposals are within the boundary of the farm and the existing accesses from the highway are not changing; the proposals are for recreational purposes only 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.

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

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

3. Planning History

91/00707/FUL	Extension and conversion to form annexe.	Approved	18.03.1992
97/00366/FUL	Proposed vehicular access	Approved	08.05.1997

98/01301/FUL	Change of use of former agricultural land to the residential curtilage of Burrs Farmhouse, Frating	Approved	03.11.1998
04/01027/FUL	Farm yard land to be used as garden land	Approved	30.07.2004
05/00926/FUL	Rebuilding and extending old brickwall and moving kerbstone to make safer access from road onto driveway	Approved	22.08.2005
08/00106/FUL	Change of use of redundant farm building to B1 and B2 use.	Approved	
08/01176/FUL	Change of use of redundant agricultural building to B1 (c) Light Industrial Use and creation of new vehicular access, as amended by Design and Access Statement received on 18 September 2008, and amplified by Bat Survey produced by D. F. Clark Bionomique Ltd on 7 October 2008.	Refused	19.02.2009
10/01052/FUL	Creation of new farm access and hardstanding area.	Refused	04.11.2010
11/00045/FUL	Creation of new access and hardstanding area.	Approved	10.03.2011
12/00655/FUL	Erection of 2 polytunnels.	Approved	09.08.2012
12/01324/FUL	Change of use of existing agricultural building to B1 (c) (Horticultural business), including external alterations to existing barn; creation of new access; and formation of hardstanding areas for parking and manoeuvring and outside storage.	Approved	13.02.2013
15/00196/FUL	Coach house style stables and single storey garage and new vehicular access onto highway	Approved	19.05.2015
18/01510/FUL	Proposed manege 20m x 40m.	Approved	17.12.2018
19/00842/FUL	Extend existing stable block by adding one equipment store, hay store and covered open unit for tractor storage.	Approved	04.09.2019

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

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

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 (including Site Description and Proposal)

Site Description

The application site is Burrs Farm, which is located along Station Road within the parish of Frating. The character of the surrounding area is rural; whilst there is some examples of built form predominantly characterised by large areas of grassed and agricultural land. The site is located outside of a recognised Settlement Development Boundary, as per the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Description of Proposal

This application seeks planning permission for the erection of a side extension to form new living space and new cart lodge with home office above.

Assessment

The main considerations for this application are the design and appearance, the impact upon neighbouring amenities and highway safety and parking provision.

1. Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SPL3 reflects these considerations.

The proposal consists of a two storey and single storey element which are both visible from the street scene however due to the set back from the highway it is considered that the proposals will not cause any significant impact upon Station Road. Although the proposal is considered to be fairly large, the ridge height of the two storey element is reduced in height to ensure the proposal is seen as an extension. Both two storey and single storey elements are constructed with flat roofs and will be constructed from red brickwork and slate to match the existing with some parts of the single storey element incorporating weatherboarding for a contrasting appearance. The proposals are therefore considered acceptable in terms of design and appearance.

The proposed cartlodge will be located to the rear of the existing dwelling and therefore it will not be visible from the street scene of Station Road. The proposal will be one and half storey with a hipped roof and will accommodate three parking spaces and an open store to the ground floor and a home office to the first floor. The proposal will be constructed from plain tiles, red brick and weatherboarding which is considered to be expected for a cartlodge in a rural location. The proposal is therefore considered acceptable in terms of design and appearance.

2. Impact upon Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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 application site and the distance to the neighbouring dwellings, it is considered the proposed extension and cart lodge will not cause any impact upon neighbouring amenities.

3. Highway Safety and Parking Provision

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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Essex Highway Authority have been consulted on this application and has stated that the proposals are within the boundary of the farm and the existing accesses from the highway are not changing; the proposals are for recreational purposes only therefore the Authority have no objections.

Essex Parking Standards states that for a residential property with two or more bedrooms, there must be provision for two parking spaces measuring 5.5 metres by 2.9 metres or if a garage is proposed this must provide internal measurements of 7 metres by 3 metres. The proposed cartlodge will measure 12 metres by 8 metres which is above the requirements and sufficient sufficient space is retained on the site to accommodate at least two parking spaces measuring 5.5 metres by 2.9 metres.

4. Trees and Landscaping

There is a large Oak within the grounds of Burrs Farm that is a prominent feature in its setting and makes a positive contribution to the character and appearance of the locality. A tree survey was requested to demonstrate whether there was adequate separation distance between the tree and the proposition of the proposed cart lodge to avoid harm being caused to the roots of the tree.

The additional information provided demonstrates that the development proposal will not adversely affect the health, condition or long term viability of the large Oak within the grounds of Burrs Farm. The information provided shows the extent of Root Protection Area (RPA) of the tree and the position of the fencing that will be erected to physically protect the RPA for the duration of the construction phase of any approved development.

5. Other Considerations

Frating Parish Council has no objection.

No letters of representation have been received.

6. **Recommendation**

Approval - Full

7. **Conditions**

- 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. P01B
- Drawing No. P03d

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

3 The Oak tree shall be protected in accordance with the details shown on Drawing No. P03d for the duration of the construction period.

Reason – To ensure that the Oak tree is retained and protected in the interests of visual amenity and landscape character.

8. **Informatives**

Positive and Proactive Statement

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

Highways

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