

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/02/2021
Planning Development Manager authorisation:	TF	08/02/2021
Admin checks / despatch completed	CC	08.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	08.02.2021

**Application:** 20/01723/DETAIL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Craig Giles

**Address:** Land to The rear of 64 Red Barn Road Brightlingsea

**Development:** Reserved matters application for the erection of a detached single storey bungalow with two parking spaces, following approval of outline application 19/01654/OUT.

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

Brightlingsea Town  
Council  
15.01.2021

Brightlingsea Town Council objects to this application and makes the following comments:- (1) The proposal is out of keeping and does not match any similar properties in the area; (2) The design looks like a shed/hut; (3) Members feel that a better proposal could come forward to raise the standard of the design.

### **2. Consultation Responses**

ECC Highways Dept  
25.01.2021

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

1. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

2. Prior to the occupation of the development the internal layout shall be provided in principal with drawing number:

- Drawing: 2096:002a Block plan
- Drawing: 2096:003 c Block plan, floor plan, roof plan and elevations

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

3. The dwelling shall not be occupied until such time as a car parking has been provided in principal with drawing 2096:002a.

These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and/or turning 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 and in accordance with Policy DM 1 & 8.

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. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

6. 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: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

2: 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.

### **3. Planning History**

19/01654/OUT	Erection of a detached single storey bungalow with two parking spaces.	Approved	11.02.2020
20/01477/DISCON	Discharge of condition 5 (CMS) of approved application 19/01654/OUT.	Approved	25.11.2020

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

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN23	Development Within the Proximity of a Listed Building
COM6	Provision of Recreational Open Space for New Residential Development
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
<i>Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)</i>	
LP1	Housing Supply
LP2	Housing Choice

LP3	Housing Density and Standards
LP4	Housing Layout
PPL4	Biodiversity and Geodiversity
SPL1	Managing Growth
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
PPL9	Listed Buildings

### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site refers to the land to the rear of 64 Red Barn Road, Brightlingsea which is located within the settlement boundary of Brightlingsea. This site is accessed from Folkards Lane.

## Planning History

Under planning application 19/01654/OUT, outline planning permission was granted for the erection of a detached single storey bungalow with two parking spaces.

## Proposal

This application seeks permission for the reserved matters for the construction of single storey bungalow with two parking spaces following the approval at outline stage under reference 19/01654/OUT.

As all matters were reserved at outline stage the reserved matters under consideration as part of this detailed application are:

- Access;
- Layout;
- Landscaping;
- Scale; and
- Appearance.

## Assessment

The main considerations for this application are;

Principle of Development  
Scale, Layout and Appearance  
Residential Amenities  
Highway Safety and Parking Provision  
Trees and Landscaping  
Heritage Impact  
Habitat Regulations Assessment  
Other Considerations

### Principle of Development

The principle of development has been established through the granting of outline planning under reference 19/01654/OUT. Therefore, this application is subject to the detailed consideration below.

### Scale, Layout and Appearance

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 within Policy SPL3 of the emerging Local Plan.

The submitted plans demonstrate the layout of the proposed bungalow which retains at least 1 metre to all boundaries which exceeds the standards set out within saved Policy HG14 of the Tendring District Local Plan. The dwelling is set back from the highway and has sufficient parking to the front of the dwelling.

The overall scale and footprint of the dwelling is considered to be proportionate to the plot and the surrounding area.

The fenestration and the proposed materials detailed on the plans are considered to relate acceptably to the character of the area.

Policy HG9 of the Saved Tendring District Local Plan 2007 states that private amenity space for a dwelling of two bedrooms or more should accommodate a minimum of 75 square metres. The plans provided demonstrate that the dwelling complies with Policy HG9.

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

The NPPF, in 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 Tendring District Local Plan (2007) 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 (2017).

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.

It is considered that a dwelling on the site could be accommodated with no material loss of amenity in terms of loss of light, outlook or privacy due to the degree of separation to neighbouring dwellings. It is therefore considered that sufficient spacing can be achieved to all neighbouring boundaries to not cause any harm to the neighbouring amenities. The proposal is considered acceptable in terms of neighbouring impact and residential amenities.

### 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 have stated that they have no objections subject to conditions relating to the pedestrian visibility splays, internal layout, car parking and turning area, cycle parking, residential travel pack and storage of building materials. The cycle parking condition will not be imposed as there is sufficient space to the rear of the dwelling to accommodate bike storage. The residential travel pack condition will not be imposed as this is a minor development. The storage of building materials will be imposed as an informative only.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres. The indicative block plan provided demonstrates that two parking spaces can be achieved in line with Essex Parking Standards to the front of the proposed dwelling.

### Trees and Landscaping

A landscaping condition will be imposed to help soften the appearance of the proposed development.

## Heritage Impact

Policy EN23 of the adopted Tendring District Local Plan (2007) seeks to ensure that any proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that the proposals for new developments affecting a listed building or setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric: are explained and justified through an informed assessment and understanding of the significance of the heritage asset and its setting; and are of a scale, design and use materials and finishes that respect the listed building and its setting.

The application site is located approximately 25 metres away from number 66 Red Barn Road, a Grade II Listed Building. However, due to the separation distance between the proposed dwelling and the Listed Building, it is considered that the dwelling will have a neutral impact upon the setting of the Listed Building.

## Habitat Regulations Assessment

A unilateral undertaking accompanied planning application reference 19/01654/OUT securing a proportionate financial contribution in line with Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development. This remains in place.

## Requirements of Outline Consent

The application was approved subject to a number of conditions and subject to a legal agreement for a financial contribution towards recreational disturbance.

- 1 - 3 Standard reserved matters time limit and submission of details conditions.
- 4 Single Storey
- 5 Construction Method Statement

Condition 4 has been addressed within this application. Condition 5 has been addressed under planning application 20/01477/DISCON.

## Other Considerations

Brightlingsea Town Council objects to this application and states that the proposal is out of keeping and does not match any similar properties in the area, the design looks like a shed/hut, members feel that a better proposal could come forward to raise the standard of design.

*In response to the Town Councils comments, the layout, design and appearance of the proposed dwelling has been assessed within the report.*

4 letters of representation have been received (3 from the same address) raising the following concerns;

-Concerns in regards to the traffic along Folkards Lane, in particular the deliveries and site traffic.

*Essex Council Council Highway Authority have commented on this application and have no objections to the proposed development subject to conditions.*

-Concerns in regards to the safe and efficient and effective delivery of construction equipment and materials.

*A construction method statement has been provided by the applicant and the development must be developed in accordance with the document. A condition will be imposed.*

-Concerns over boundary protected hedge

The removal of a hedge is a civil matter between the neighbour and the applicant. Within the design and access statement submitted with this application, it is stated that the boundary hedge will remain as existing.

-Concerns that other applications have been approved and the construction of the dwellings at the same time.

-Objection due to the size and nature of the lane in the context of this application that has the narrowest of entrances and no turning access.

-Concerns over the access of the proposed dwelling.

*In response to the concerns above, every application is assessed on its own merits, as mentioned above, Essex Highways Authority have been consulted on this application and have no objections subject to conditions and the development will be build in accordance with the construction method statement.*

## **5. Recommendation**

Approval - Reserved Matters/Detailed

## **6. Conditions**

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

- Drawing No. 2096:003 Revision C
- Drawing No. 2096:002 Revision A

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

- 2 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

- 3 Prior to the occupation of the development the internal layout shall be provided in principle with drawing number:

- o Drawing: 2096:002a Block plan
- o Drawing: 2096:003 c Block plan, floor plan, roof plan and elevations

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

- 4 The dwelling shall not be occupied until such time as a car parking has been provided in principle with drawing 2096:002a. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and/or turning 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



- 5 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 all boundary treatments and 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 soften and enhance the development in the interests of visual amenity

- 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 the implementation and maintenance of the approved scheme in the interests of visual amenity

- 7 All new hardstanding and parking areas 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 or surface within the curtilage of the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D and E 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), there shall be no additions or alterations to the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected within their curtilage except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in the interests of visual amenity and neighbouring amenities.

- 9 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 shown on the approved drawings, no provision of fences, walls or other enclosures shall be erected along the northern, eastern or southern boundaries of the site or forward of the front elevation of the dwellings hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and landscape impact.

- 10 The contents of the Construction Method Statement, as discharged under 20/01477/DISCON, shall be adhered to throughout the construction period.

Reason - To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure working conditions are sympathetic to residential amenities.

## 7. 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 approved under planning reference 19/01654/OUT 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

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

2: 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.

<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