

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	06/07/2021
Planning Development Manager authorisation:	JJ	07/07/2021
Admin checks / despatch completed	ER	07/07/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	07.07.2021

**Application:** 21/00689/FUL **Town / Parish:** Great Bromley Parish Council

**Applicant:** Mr and Mrs S Brazier

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

**Development:** Variation of Condition 2 (Approved Plans) of Planning Permission ref: 20/01290/FUL (Erection of replacement detached dwelling and demolition of existing dwelling with alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings). Variation for the enlargement of the single storey rear projection and balcony above.

### 1. Town / Parish Council

Great Bromley Parish  
Council  
20.05.2021

Great Bromley Parish Council had no comment on the application.

### 2. Consultation Responses

n/a

### 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04/02189/FUL	Erection of a domestic stable block	Withdrawn	20.10.2005
06/01463/FUL	Erection of a domestic stable block (resubmission of 04/02189/FUL)	Withdrawn	21.05.2007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) and erection of a replacement building.	Approved	13.05.2009
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.	Approved	16.09.2020
20/01290/FUL	Erection of replacement detached dwelling and demolition of existing dwelling with alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings.	Approved	23.12.2020
21/00689/FUL	Variation of Condition 2 (Approved Plans) of Planning Permission ref: 20/01290/FUL (Erection of replacement detached dwelling and demolition of existing dwelling with alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings). Variation for the enlargement of the single storey rear projection and balcony above.	Current	

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

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

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) (Section 1 adopted on 26th January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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. 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.

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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## **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 new dwelling originally approved under 16/01368/FUL 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.

### Proposal

This application seeks planning permission to vary condition 2, the approved plans of planning permission 20/01290/FUL for the erection of replacement detached dwelling and demolition of existing dwelling with alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings. The changes propose the enlargement of the single storey rear projection and balcony above.

### 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. The history shows many variations and amendments to the approved schemes dating from 2008. The most relevant application in this instance is planning application reference 20/01290/FUL for *Erection of replacement detached dwelling and demolition of existing dwelling with alterations to existing vehicular access. Demolition of existing agricultural/domestic buildings and erection of replacement agricultural/domestic buildings.*

### Assessment

This application is submitted as a minor material amendment to application 20/01290/FUL and the main considerations will be the visual impact and the impact on neighbouring amenities.

The replacement dwelling is nearing completion following the previously approved planning applications. The acceptability of the proposal has therefore been assessed and considered to accord with local policy and the National Planning Policy Framework under previous approvals.

Changes to the main house are concentrated at the rear and therefore will not have a significant impact on the character of the area. The approved single storey rear projection and balcony with balustrade on the flat roof will be extended to create a larger internal ground floor area and larger balcony however the overall design of the new dwelling will remain the same.

The provision of the extended single storey projection and 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 which will offer a degree of screening. The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

The proposal is a significant distance to neighbouring properties and 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 comment on the application.

No other letters of representation have been received.

### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

## **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:

20/01290/FUL

Drawing number: 1709/2 Rev B, 1709/24 Rev A, 1709/4 and 1709/3.

21/00689/FUL

Drawing number: 1709/1 Rev G, 1709/18 Rev D, 1709/19 Rev D, 1709/22 Rev B and 1709/23 Rev B.

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 G) 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 The vehicular access shall be constructed to a width of 5.5m 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 all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 11 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 12 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

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

- 13 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.

- 14 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.

- 15 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.

- 16 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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.

## **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 Informatives

The applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

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.

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

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, please contact the Environment Agency as soon as possible to discuss your plans. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start. Once preliminary details have been agreed, you will be asked you to fill in an application form, which must be returned with the appropriate fee.

Please call the Environment Agency on 08708 506 506 and ask for the Essex Development and Flood Risk Team to discuss this requirement further.

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