

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	12/01/2022
Planning Development Manager authorisation:	TF	12/01/2022
Admin checks / despatch completed	DB	13.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.01.2022

Application: 21/01637/FUL **Town / Parish:** Great Bromley Parish Council
Applicant: Mr K Robinson - K W Robinson
Address: Badley Hall Farm Badley Hall Road Great Bromley
Development: Proposed erection of an agricultural workers dwelling.

1. Town / Parish Council

Great Bromley Parish
Council
11.11.2021

Support the application providing it is only approving a single property, and replaces the previous planning applications.

2. Consultation Responses

ECC Highways Dept
15.11.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that this application is similar to two previous applications 19/01050/OUT and 19/01912/DETAIL and this proposal is again within the existing boundary of Badley Hall Farm with no new or altered means of access proposed. The proposal provides adequate room and provision for off-street parking and turning, for the proposed dwelling therefore:

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 dwelling 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. 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.

3. 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.

4. 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 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: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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	Approved	14.08.2000
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97/48

00/01211/TPO	T.1 - T.6 - Oak and Ash trees - crown lift to 18ft over the road (TPO 7/86)	Approved	14.08.2000
04/02361/FUL	Porch.	Approved	01.02.2005
07/00305/AGRIC	Erection of general purpose agricultural building.	Prior Approval Not Required	04.04.2007
09/00629/AGRIC2	Farm irrigation reservoir 45,500 cu metres capacity.	Closed	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
19/01912/DETAIL	Approval of reserved matters for outline application 19/01050/OUT.	Approved	13.03.2020
21/01434/TPO	1 No. Horse Chestnut - fell	Approved	15.09.2021

remainder of tree.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

EN1	Landscape Character
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
HG6	welling Size and Type
HG9	Private Amenity Space
HG14	Side Isolation
HG18	Permanent Dwellings for Agricultural Workers
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
COM6	Provision of Recreational Open Space for New Residential Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP7	Place Shaping Principles
LP3	Housing Density and Standards
HP5	Open Space, Sports & Recreation Facilities
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
SPL1	Managing Growth
SPL3	Sustainable Design
CP1	Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'tilted balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

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 doesn't 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.

The Reserved matters application was approved under planning reference 19/01912/DETAIL.

Description of Proposal

This application seeks permission for the erection of an agricultural dwelling.

Assessment

The main considerations are;

- Principle of Development,
- Scale, Layout and Appearance,
- Residential Amenities,
- Trees and Landscaping,
- Highway Considerations and Parking Provision,
- Financial Contributions - Open Space
- Financial Contributions - Recreational Disturbances,
- 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

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The submitted plans demonstrate that the dwelling is one and a half storey with a dual pitched roof. The proposed dwelling will comprise of two bedrooms with private amenity space to the 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 one and a half storey dwelling is not considered to cause any significant impact within the immediate locality.

The proposed dwelling will be constructed from brick, slate roof with white UPVC windows and doors and black rainwater goods. 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

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

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

Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 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 no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that this application is similar to two previous applications 19/01050/OUT and 19/01912/DETAIL and this proposal is again within the existing boundary of Badley Hall Farm with no new or altered means of access proposed. The proposal provides adequate room and provision for off-street parking and turning, for the proposed dwelling. The highway authority have no objections subject to conditions relating to the vehicular turning area, parking space measurements, cycle parking and storage of building materials. The parking space measurements will not imposed as sufficient parking is provided in line with Essex Parking Standards. There is also sufficient storage of bicycles on the application site and the storage of building materials will be imposed as an informative only.

Furthermore, the Council's Adopted Parking Standards require that for a dwelling with two or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9 metres and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans demonstrate that there is sufficient parking for two parking spaces in line with Essex Parking Standards.

Trees and Landscaping

No trees or other significant vegetation will be affected by the development proposal.

The proposed position of the dwelling is such that it would be relatively well associated with existing farm buildings. Soft landscaping of the site boundaries would help to soften its appearance and screen or filter views from the Public Right of Way to the west of the application site.

Financial Contributions - Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of -1.15 hectares of equipped play and formal open space in Great Bromley. No contribution is being requested on this occasion.

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 (Zol) being approximately 5.2 km Stour and Orwell Estauries RAMSAR and SAC. New housing development within the Zol 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.

Representations

Great Bromley Parish Council supports this application providing it is only approving a single property and replaces the previous planning applications.

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 plans and documents:

- Drawing No. 1256.L.001
- Drawing No. 1256.L.002
- Drawing No. 1256.L.003
- Drawing No. 1256.L.101

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

- 3 Prior to occupation of the dwelling 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

- 4 The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person and to any resident dependants.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity.

- 5 This planning permission shall only be implemented as an alternative to and not at the same time as planning permission 19/01050/OUT and 19/01912/DETAIL.

Reason - The site is in an extremely rural location which has no defined settlement boundary due to its small size and lack of services and amenities. It is highly likely that the occupants of the proposed dwelling would be car dependant, failing to promote sustainable modes of transport therefore failing to meet the social strand of sustainable development.

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

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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
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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: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

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