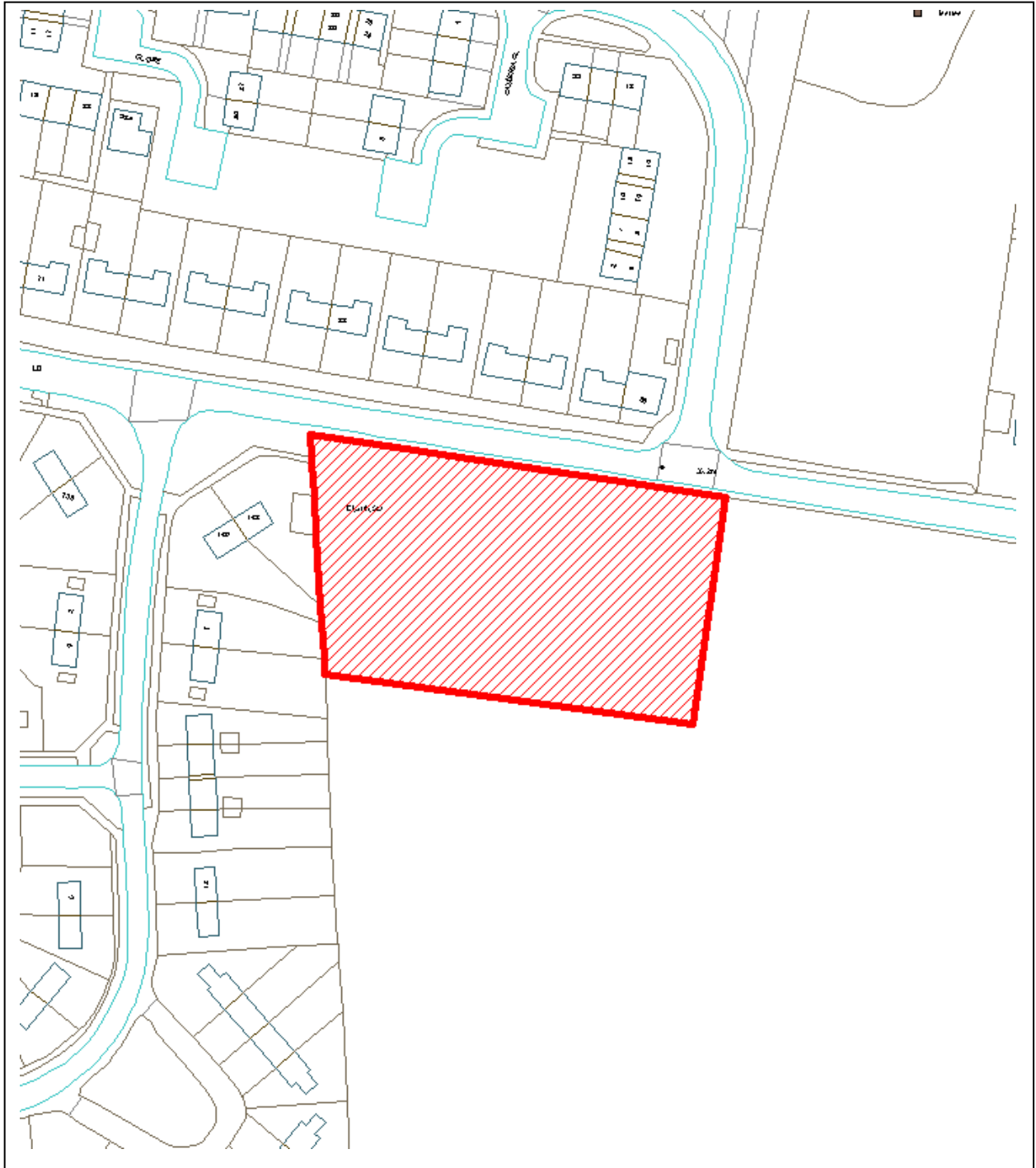


PLANNING COMMITTEE

28 JUNE 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.4 PLANNING APPLICATION - 11/00037/FUL – LAND ADJ. 142 HARWICH ROAD, MISTLEY



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| Application: | 11/00037/FUL | Town / Parish: | Mistley Parish Council |
| Applicant: | English Rural Housing Association | | |
| Address: | Land Adj. 142 Harwich Road Mistley | | |
| Development: | Construction of 15 affordable rural dwellings with associated parking, carports, cycle stores, and new vehicular access. | | |

1. Executive Summary

- 1.1 This application is for the construction of 15 affordable dwellings with associated parking, carports, cycle stores and new vehicular access. The application is to be assessed as a 'Rural Exception Site' and as such falls to be considered under the criteria of Policy HG5 of the adopted Tendring District Local Plan (2007).
- 1.2 The proposed development meets the criteria for an 'exception site' as the site abuts the defined development boundary of Mistley. Furthermore, a housing needs survey, that has been carried out in conjunction with Mistley Parish Council, identifies a clear need for affordable rural housing in this location and secure arrangements are in place to ensure the dwellings remain exclusively for local need for the lifetime of the development.
- 1.3 The design, layout and scale of the proposed development would contribute to the character of the area and the development would not adversely impact upon highway safety, ecology or residential amenity in the locality.
- 1.4 It is recommended that this application is approved subject to the prior completion of a Section 106 to provide a financial contribution for public open space and arrangements are in place to ensure the dwellings remain exclusively for local need for the lifetime of the development.
- 1.5 The application was deferred at the Planning Committee of the 2nd June to enable members to undertake a site visit on the 21st June.

Recommendation: Approve

That the Temporary Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to:-

- (a) Within 2 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters
 - Public Open Space Provision; and,
 - Dwellings remain for local need.
- (b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Temporary Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (i) below.

Conditions:

- Time Limit
- Landscaping Scheme
- Implementation of Landscaping Scheme
- Removal of Permitted Development Rights - Fencing
- Ecological Mitigation Measures
- Site Access Layout
- Estate Road Layout
- Vehicular Visibility Splays
- Construction Method Statement
- Completion of Car Parking and Vehicular Turning Heads
- Completion of Surface Water Drainage Scheme
- Siting of Hedgerow to Site Frontage
- Provision of Footpath
- Bicycle Parking Provision
- Communal Lighting Details
- Renewable Energy
- Permeable/Porous Driveways
- Approved Plans

(i) Reason for approval:

The proposal, for the erection of 15 no. affordable housing units, ancillary car parking and associated works, is considered to be in accordance with the provisions of the Tendring District Local Plan (2007). The Local Planning Authority, having had regard to all planning considerations material to the determination of this application, including particularly the scale, design, layout and siting, ecology and highway matters of development proposed and all consultations and representations made in connection with the application, conclude that the proposal accords with the provisions of the development plan as applicable to it, including the policies and proposals noted below, and in the absence of any material adverse impact resulting from the development consider that there are no material grounds which justify its refusal.

- (c) The Temporary Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of two months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Local Plan policy COM6 and HG5.

2. Planning Policy

National Policy:

- | | |
|------|--|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPS7 | Sustainable Development in Rural Areas |

Local Plan Policy:

Tendring District Local Plan 2007

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|------|---|
| QL1 | Spatial Strategy |
| QL2 | Promoting Transport Choice |
| QL9 | Design of New Development |
| QL10 | Designing New Development to Meet Functional Needs |
| QL11 | Environmental Impacts and Compatibility of Uses |
| QL12 | Planning Obligations |
| EN1 | Landscape Character |
| EN6 | Biodiversity |
| EN6A | Protected Species |
| HG5 | Local Needs Affordable Housing Outside Village Development Boundaries |
| HG7 | Residential Densities |
| HG9 | Private Amenity Space |
| HG14 | Side Isolation |
| COM6 | Provision of Recreational Open Space for New Residential Development |
| TR1A | Development Affecting Highways |
| TR3A | Provision for Walking |
| TR7 | Vehicle Parking at New Development |

Core Strategy and Development Policies Proposed Submission Draft (2010)

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|------|---|
| CP2 | Development in the Countryside |
| CP4 | Transport and Accessibility |
| CP5 | Achieving a Sense of Place |
| CP8 | Nature Conservation |
| CP23 | Residential Densities |
| DP1 | Design of New Development |
| DP4 | Private Amenity Space for Residential Development |
| DP5 | Landscape Impacts |

DP18 Rural Exception Sites

Other guidance:

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

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|--------------|--|----------|------------|
| 11/00156/HRN | Removal of hedge in association with planning application 11/00037/FUL | Approved | 28.03.2011 |
|--------------|--|----------|------------|

4. Consultations

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|----------------------------|---|
| Environmental Health | I refer to the above planning application, and have no comments or objections to make at this stage. |
| Housing Services | Local market housing in many rural areas is priced at a level which is out of reach for many local people and if rural communities are to remain sustainable it is essential that more affordable rural housing is delivered. Given the identified need for affordable housing - Housing Services fully support the application. |
| Leisure Services | No comments received. |
| Anglian Water Services Ltd | No comments received. |
| ECC Highways Dept | No objections subject to 10 conditions relating to layout of access, the layout of the estate road, vehicular visibility splays, wheel washing facilities, construction method statement, car parking and turning heads layout, completion of surface water drainage prior to occupation, the location of frontage hedgerow planting, the provision of footpath and the details of bicycle parking provision. |
| Environment Agency | No objections to the development proposal but have suggested that a condition is attached to any permission securing sustainable design and construction methods. |
| Essex Wildlife Trust | No comments received. |
| Natural England | No comments received. |
| Mistley Parish Council | The Council has been involved in the preparation of this application from the start and strongly supports it. The Council considers that the development would fit very well into the local environment and strongly recommends the application for approval. |

5. Representations

65 letters of objection and 3 letters of support have been received. A summary of the content of the letters and the Officer response is set out below:

- Overlooking.

Officer Response - The first floors of plots 1-5 have been designed to prevent the overlooking of the rear gardens of the properties in Rigby Avenue due to the orientation of the dwellings, the windows not serving main habitable rooms and the degree of separation involved.

- Devaluation of Properties.

Officer Response – This is not a material planning consideration.

- Pollution/Disturbance.

Officer Response – Some pollution/disturbance during construction stage is unavoidable but can be minimised through a construction method statement. A condition is proposed to secure this.

- Development on Agricultural Land.

Officer Response – Policy HG5 (Local Needs Affordable Housing Outside Village Development Boundaries) of the adopted Tendring District Local Plan (2007) allows for the development of small sites directly adjacent to the defined development boundary where it has been demonstrated there is a particular proven need for local affordable housing.

- Possibility of Future Housing – Access through area of Open Space

Officer Response – The proposed development consists of 15 dwellings which reflects the findings of the Housing Needs Survey. Any further development would again have to be justified through the same procedures. Furthermore, the land to the south and east of the site is outside of the defined development boundary and therefore private housing development is not acceptable. The open space area will contain a soakaway system and therefore will not provide a suitable access to the surrounding farmland. Furthermore, the applicant has confirmed that they have no future plans to expand the current scheme.

- Traffic/Access Concerns.

Officer Response – Essex County Council has no objections to the proposed vehicular access or the estate road layout.

- Ribbon Development.

Officer Response – Whilst the development is a form of ribbon development, the development would not appear as a intrusive protrusion in the countryside due to the fact that housing development continues along to the east on the northern side of Harwich Road.

- Removal of Ancient Hedgerow.

Officer Response – The removal of the hedgerow to the site frontage has been approved by the Council. Following a search of the historical records at the Essex Records Office and a site visit to establish the biological importance of the countryside hedgerow it has been confirmed that it does not meet the criteria under which it merits retention.

- Important Wildlife Habitat.

Officer Response – A phase one ecological survey has been carried out and makes recommendations in relation to bats, invertebrates and badgers that may be located in the vicinity or on the site. These will be covered by condition.

- Loss of views.

Officer Response – This is not a material planning consideration.

- More appropriate alternative sites.

Officer Response – Each application has to be considered on its own merits. In any case pre-application discussions were conducted and the site applied for was considered the most appropriate due to the other sites being located within areas of landscape protection.

- Strain on Local Primary School.

Officer Response – Essex County Council has commented and stated that there are sufficient primary and secondary places at the local schools serving the development.

- Easement Restriction.

Officer Response – This civil matter between the developer and the National Grid.

- Development is Undeliverable.

Officer Response – English Rural Housing Association has been engaged in the process of negotiating a grant package to deliver schemes over the next 4 years. They have every indication that the negotiations will be successful as this scheme is named as one of their key projects for completion in 2012.

- A further letter has been received contesting the comments of Mistley Parish Council.

Officer Response – Mistley Parish Council have been contacted and they have confirmed that their previous comments, i.e. that they strongly support the development, remain unchanged.

6. Assessment

The main planning considerations are:

- Policy Context;
- Identified Local Need;
- Secure Arrangements – Section 106;
- Design/Impact;
- Residential Amenity;
- Landscaping/Environmental Considerations; and,

- Highways/Parking.

Context

- 6.1 The application site is located on the southern side of Harwich Road adjacent to the defined development boundary for Mistley. The site is currently an arable field margin with dead wood and trees. To the site frontage is a hedgerow that is located on a raised bank. To the south and east of the site is arable farmland and to the north and west is post-war residential development mainly comprising of semi-detached properties set on relatively large plots. The site measures approximately 54m in depth and has a frontage onto Harwich Road of 97m.

Proposal

- 6.2 Erection of 15 affordable homes with associated sheds, parking and landscaping, and construction of new vehicular access and internal access road. The scheme will include public open space and off-street car-parking to serve the 15 new units. The 15 units will include: 2 x 1 bedroom units, 10 x 2 bedroom units, and 3 x 3 bedroom units. The tenure of the properties is split with 12 dwellings to be offered for rent and 3 dwellings for shared ownership.

Policy Context

- 6.3 PPS3 makes provision for exceptional circumstances when housing can be provided on land outside, but abutting, a settlement boundary where it can be demonstrated that housing is required for a justified local need.
- 6.4 It is an indisputable fact that this site abuts an existing settlement boundary and therefore this element of the policy requirement is satisfied. Various other sites were considered in the pre-application stage and were dismissed due to; protective landscape designations, the presence of important trees and lack of availability. In terms of assessing appropriate location, the identified site is not considered to raise any specific concerns in respect of impact on the character of the countryside. Obviously the introduction of built form will have a significant impact on the open character of the immediate area, although that is a consequence of such exception sites, emphasising the importance of securing a well designed scheme (addressed below). The land in question is within a coastal protection belt, but is not subject of any other special landscape or nature protection designations. Therefore, with reference to the other sites assessed this site is the preferred choice in terms of its suitability as a rural exception site.
- 6.5 This application proposes such an 'exception' site and must be considered against the specific criteria as identified within PPS3 and the relevant adopted local plan policy HG5. Policy HG5 states that proposals will need to:- provide evidence of local need; have secure arrangements in place to ensure that the dwellings remain exclusively for local need in perpetuity; shall cater exclusively for local needs and shall have no material adverse impact upon the landscape, residential amenity, highway safety or the form and character of the settlement to which it adjoins.

Identified Local Need

- 6.6 Following surveys of local need carried out in conjunction with Mistley Parish Council, the application has been made identifying a requirement for 15 new homes, the tenure of the properties is split with 12 dwellings (4 flats and 8 houses) being offered for rent and 3 dwellings for shared ownership. The methodology that was applied to the survey is considered appropriate and the resulting findings acceptable. Furthermore the Council's

Housing Department has stated that the council's housing needs survey has identified a significant housing shortfall and whilst most of the housing need emanates from the urban centres a clear need has been identified for affordable homes for local people in more rural settlements. Local market housing in many rural areas is priced at a level, which is out of reach for many local people, and if rural communities are to remain sustainable it is essential that more affordable rural housing is delivered. Accordingly, it is considered that an appropriate local need has been demonstrated, thereby satisfying the first criterion in respect of rural exception sites.

Secure Arrangements – Section 106

- 6.7 A further criterion is that secure arrangements are put in place to ensure that the dwellings constructed remain exclusively for local need throughout the lifetime of the development. This can be done through the imposition of a legal agreement thereby satisfying this requirement. It is proposed that three of the units would be 'shared ownership', and 12 units for rent. The scheme does not propose a 'mixed' development incorporating private housing. Officers at the Council's Development Team have considered the appropriate level of contribution under policy COM6 for a public open space contribution and agreed a figure of £10,000 having regard to the policy and recent government guidance. The Section 106 has been requested and is awaiting completion.

Design/Impact

- 6.8 In design terms, the estate proposed is considered to create an attractive environment in its own right. The use of a mix of narrow and wider frontage properties and a good mixture of materials provide visual interest throughout the scheme and assist in breaking up the built form. The development ensures that the street scene fronting Harwich Road has been suitably addressed by providing a continuous built form set to the rear of a proposed hedgerow behind the required visibility splay. To the rear of the Harwich Road frontage are detached houses and a 'barn style' building accommodating flats that would reflect the former agricultural use of the site. A landscaped open area has been incorporated into the layout adjacent to the proposed flats. This area will also accommodate a soak-away to deal with surface water drainage.
- 6.9 The development would be located adjacent to the end of the built form along the southern side of Harwich Road, however as the built form continues along the north of Harwich Road the proposed development would not appear as an intrusive extension in the countryside but as a continuation of residential development to reflect the northern side of Harwich Road.

Residential Amenity

- 6.10 Due to the close relationship of the units to the rear and of those addressing Harwich Road careful consideration has been given to the fenestration. Window locations have been arranged and detailed to maximise views of the proposed landscape areas and countryside views to the south, whilst retaining the privacy and natural surveillance of the street and parking areas. The first floors of plots 1-5 have been designed to prevent the overlooking of the rear gardens of the properties in Rigby Avenue due to the orientation of the dwellings, the windows not serving main habitable rooms and the degree of separation involved.
- 6.11 Adverse overlooking from properties within the site has been kept to a minimum by the internal configuration of the properties being carefully considered and by having regard to separation distances outlined in the Essex Design Guide (2007).

- 6.12 Local Plan policy HG9 relates to private amenity space provision. The private amenity space provided shows a slight shortfall in provision for a minority of the plots. However, as there is only a slight shortfall on these plots officers consider that there would be adequate private amenity space for new residents.

Landscape/Environmental Concerns

- 6.13 Enclosure of the site is proposed via a native species hedge with tree planting to the field boundary. This will help to soften the appearance of the development in views from the east and south. The existing hedgerow to the site's frontage will be removed and replaced with a continuous hedge set back behind the vehicular visibility splay. Following a search of the historical records at the Essex Records Office and a site visit to establish the biological importance of the existing countryside hedgerow it has been confirmed that it does not meet the criteria under which it merits retention.
- 6.14 A phase 1 ecological survey has been conducted and concluded the need for a desk top study relating to the proximity to a RAMSAR site and the impact the development could have upon birds. The desktop study has been carried out in liaison with Natural England and states, in summary, that the development of the site would not adversely affect the status of birds associated with the statutory protected RAMSAR to the north.
- 6.15 The survey also makes recommendations in relation to bats, invertebrates and badgers that may be located in the vicinity or on the site. These mitigation measures will be secured by condition.
- 6.16 The development also makes provision for the siting of several bat and bat boxes on site and within the roofs of the properties, as well as the creation of a stag beetle habitat.

Highways/Parking

- 6.17 Essex County Council Highways have been consulted and has advised that they have no objections to the development subject to a number of conditions relating to visibility splays, car parking provision, the estate road layout, the provision of a footpath, surface material, surface drainage and bicycle parking provision.
- 6.18 The car parking provision is compliant with the adopted car parking standards in terms of the number and size of the spaces provided.

Background Papers

None