



<b>Application:</b>	11/00543/FUL	<b>Town / Parish:</b> Mistley Parish Council
<b>Applicant:</b>	B B Builders Pty Ltd	
<b>Address:</b>	The Wagon New Road Mistley, CO11 2AP	
<b>Development:</b>	Extension and alterations to existing public house with dwelling above in connection with conversion to two no. dwellings, and erection of two no. two storey dwellings with associated parking facilities and construction of vehicular access.	

## 1. Executive Summary

- 1.1 The proposed development has been referred to committee by Councillor G Guglielmi on the grounds of detrimental impact upon highway safety.
- 1.2 This application seeks the conversion of the former Wagon public house to form two no. dwellings along with the erection of two further dwellings to the north side of the site. The application site is located within the defined settlement limits of Mistley where development is considered acceptable in principle. The Highway Authority raises no objection subject to the imposition of a number of controlling conditions. The application attracted 12 letters of objection, however the comments within these letters are not considered to hold sufficient weight to refuse planning permission.

### **Recommendation: Approve**

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

- (a) Within one month of the date of the Committee's resolution to approve, the submission of a unilateral undertaking under the provisions of Section 106 of the Town and Country planning Act 1990 dealing with the following matters:
  - Public open space provision
- (b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Interim Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.
- (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 one month, as the requirements necessary to make the development acceptable in planning terms has not been secured through S106 planning obligation, contrary to Local Plan policy QL12.

#### **(i) Conditions:**

- Time Limit
- Plans condition
- Landscaping

- Levels
- Fencing and screen walls
- Materials
- Withdraw PD for extensions
- Withdraw PD rights for dormers
- Vehicular access at right angles to highway
- Vehicular visibility splays
- No unbound materials within 6metres of highway boundary
- Layout of car parking
- Boundary hedge planted 1m back from highway
- Closure of old vehicular access

**Reason for approval:**

- (ii) This site is situated within the defined settlement boundary of Mistley. Therefore the principle of development is not at issue. The application proposes the conversion of the former Wagon public house to 2 no. dwellings and the erection of 2 no. further semidetached dwellings as well as a new shared vehicular access. In the absence of any material conflict with planning policy and since no material objections have been raised that outweigh these policies, the proposed development is considered to be acceptable.

## **2. Planning Policy**

National Policy:

Government Guidance

- |       |  |
|-------|--|
| PPS1  | Delivering Sustainable Development       |
| PPS3  | Housing                                  |
| PPS5  | Planning for the Historic Environment    |
| PPS 9 | Biodiversity and Geological Conservation |

Local Plan Policy:

Tendring District Local Plan (2007):

- |      |  |
|------|--|
| QL9  | Design of New Development  |
| QL10 | Designing New Development to Meet Functional Needs                   |
| QL11 | Environmental Impacts and Compatibility of Uses                      |
| HG3  | Residential Development Within Defined Settlements                   |
| HG9  | Private Amenity Space  |
| HG14 | Side Isolation   |
| COM3 | Protection of Existing Local Services and Facilities                 |
| COM6 | Provision of Recreational Open Space for New Residential Development |

EN1	Landscape Character
EN6A	Protected Species
EN17	Conservation areas
EN23	Development Within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

Core Strategy and Development Policies Proposed Submission Draft:

CP4	Transport and Accessibility
CP9	The Historic Environment
DP1	Design of New Development
DP4	Private Amenity Space for Residential Development
DP7	Development Within Conservation Areas
DP8	Development Affecting Listed Buildings
DP15	Protecting Existing Community Facilities
DP16	Provision of Green Infrastructure in New Residential Development

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

### **3. Relevant Planning History**

None

### **4. Consultations**

4.1 Mistley Parish Council recommended refusal for the proposed development on the following grounds:

- The density of development is too high and there is insufficient amenity space for the development to be in keeping with other properties in the area;
- Concerns about the egress of traffic onto Oxford Road which is single lane with a blind bend;
- Inadequate on-site parking that will lead to increased parking on Oxford Road;
- The conversion of the existing building into two properties will mean changing the look of the building and harm the conservation area;
- The conversion of the upper floors would not meet current building regulation standards;
- The new properties are shown to be of timber framed construction with a rendered finish. This will destroy the character of the part of the conservation area on New Road south of the

railway line where all the buildings are of significant standing and are brick built with only one property part-rendered;

- The total height of the new houses is around one metre higher than the existing property thus tending to dominate the site;
- Inadequate internal layout;
- The trees on Oxford Road boundary add no character to the plot and should be removed;
- Network Rail should be consulted;

4.2 Essex County Council Highways Authority raises no objection to the proposed development subject to the imposition of seven controlling conditions relating to layout of vehicular access; vehicular visibility splays; no unbound materials within 6m of highway boundary; provision of parking spaces prior to occupation; size of parking space; boundary hedge planted 1metre back from highway, and closure of existing vehicular access.

4.3 Regeneration regret the loss of the public house but recognise that similar facilities exist within the proximity outlined in Policy COM3 and that in many areas the clustering of pubs is no longer commercially viable.

4.4 Network Rail has been consulted but no response received. An update will be given at the meeting.

## 5. Representations

5.1 12 Letters of objection were received in relation to the application. Concerns are summarised below (with officer response in brackets where not addressed in the report below):

- Detrimental affect on the character and appearance of the area;
- Overdevelopment of site;
- Out of character;
- Detrimental impact of new access;
- Loss of parking on Oxford Road (*this relates to on-street parking only*);
- Loss of chimneys from public house (*consent is not required to demolish the chimneys*);
- Detrimental impact on Conservation Area;
- Dwelling in plot 4 too close to railway line;
- Concerns over the lack of viability of the public house;
- Insufficient amenity land for each dwelling;
- Inadequate parking on site;
- New buildings dominate site;
- Loss of potentially viable public house;
- Non compliance with Policy ER3 1(*Local Plan policy COM3 specifically refers to the loss of public houses and the proposal complies with this policy as another public house exists within 800 metres*);
- Site requires more parking spaces;
- Loss of value of property (*this is not a material planning consideration*);
- Loss of trees to west side of site.

## 6. Assessment

The principle planning issues in this instance are:

- Context
- Policy Considerations
- Principle of development
- Impact upon the conservation area

- Impact on the setting of listed buildings
- Layout
- Impact upon highway safety
- Trees and landscaping
- Rail safety
- Protected species
- Unilateral undertaking

## **Context**

### **Site Description**

- 6.1 The application site is located at the junction of Oxford Road and New Road within the defined settlement limits of Mistley. The site is also located within a conservation area and the area of the proposed extension to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). Within the locality there is a mix of housing types including terraced, semidetached and detached dwellings. To the north of the application site there is a railway line, beyond which is further housing. To the west of the site are three terraced dwellings set in narrow plots, further south are detached and semidetached dwellings set within larger plots. To the east of Main Road there are a number of detached properties within spacious plots. Three of these close to the application site are listed buildings.
- 6.2 The site itself comprises of a two storey former public house (the Wagon) with single storey side and rear additions. The public house is constructed of red brick and weatherboarding beneath a slate roof. Access to the site is currently off Main road. There is an area of hardstanding with tables and chairs to the rear of the site, beyond which is an area of trees and planting. The boundary on the west side of the site is formed by mature trees and planting, to the east side of the site the boundary is open. The public house building is noted as a building of positive contribution within the conservation area appraisal.

### **Proposal**

- 6.3 This application seeks permission for the conversion of the former Wagon public house to form two no. dwellings, one two-bed and one three-bed, and the erection of two new semidetached dwellings to the north side of the site in the area of the former car park. The application also seeks the insertion of a new vehicular access and a parking area to the rear of the proposed dwellings. As part of the development two existing extensions to the building and an outbuilding would be demolished.

### **Policy Considerations**

- 6.4 The proposed development has been principally assessed against Policies QL9, QL10, QL11, HG9, COM3, COM6, EN6A, EN17, EN23, TR1a and TR7 of the Tendring District Local Plan (2007).
- 6.5 These policies are given greater emphasis through Planning Policy Statement 1: Delivering Sustainable Development (2005), Planning Policy Statement 3: Housing (2006) and Planning Policy Statement 5: Planning for the Historic Environment (2010).

### **Principle of development**

- 6.6 The application site is located within the defined settlement limits of Mistley where residential development is acceptable in principle. The site is not allocated for any other purpose within the Tendring District Local Plan (2007). The loss of a public house in this locality is considered to be acceptable due to the existence of other public houses within 800m in accordance within Local Plan policy COM3.

### **Impact upon the conservation area**

- 6.7 It is considered that owing to the acceptable siting, scale and form of the proposed development, no significant harm to the character or appearance of the conservation area will occur. Furthermore with the appropriate use of quality materials as controlled by condition, the proposals would preserve the appearance and character of the conservation area. Whilst concerns have been raised in relation to the differing materials as compared to the former public house, officers consider that this visual break between the old and new will form a positive feature within the locality. The removal of the large frontage car park will also significantly enhance the appearance of the site from New Road.

### **Impact on the setting of listed buildings**

- 6.8 Opposite the application site to the east of Main Road are two listed buildings; these are set some 25 metres and 35 metres away from the proposed development. It is considered that owing to the distance from the listed buildings and the proposed scale of the development, no significant harm to the setting of the listed buildings would occur.

### **Layout**

- 6.9 Policy HG9 sets out the requirements for private amenity space for new dwellings which seeks a minimum of 100<sup>2</sup> for dwellings with 3 or more bedrooms and 75m<sup>2</sup> for two-bed dwellings. The proposal provides more than 100m<sup>2</sup> for plots 3 and 4 and 97m<sup>2</sup> for plot 2 which is considered to be acceptable. However, Plot 1 which is two-bedroom would have approximately 53m<sup>2</sup>; however it is considered that as a conversion of an existing property and with a garden size that is comparable with others within the locality this would not be out of character with the area. Moreover, parking for each dwelling, including the converted public house meets the Council's adopted parking standards. Whilst it is fully understood that dwellings along Oxford road and New Road close to the site afford spacious plots and large private amenity areas, within the wider locality there are a mix of dwelling types which constitute a variety of differing forms, densities and layouts. Within this broader context it is considered that the proposed layout and density would fit satisfactorily.

### **Impact upon residential amenity**

- 6.10 Officers consider that owing to the siting and scale of the proposed development, no significant loss of outlook, daylight or other amenity currently enjoyed by residents within the immediate locality will occur.

### **Impact upon highway safety**

- 6.11 Essex County Council, the Highway Authority has raised no objection to the proposed development subject to the imposition of seven controlling conditions which are included in the recommendation to this report. The level and dimensions of parking provision on site are in full accord with the Council's adopted parking standards as shown on the plans so a condition is not necessary in this case.
- 6.12 Whilst objections have been raised in relation to the increase in traffic that would be generated, it is considered that there would be no increase over that of the public house, albeit access would now be taken from Oxford Road, rather than New Road.

### **Trees and landscaping**

- 6.13 In order to assess the impact of the development proposal on the trees on the site and adjacent land the applicant has provided a tree survey and report on the condition of the trees. The trees are in two locations: those 'off site' on the railway embankment and those 'on-site' in the location of the proposed access from Oxford Road.
- 6.14 The tree report identifies works to some of the trees and removal of two Sycamores to gain access to the land. The removal of overhanging growth from the trees situated on the railway land is acceptable and will not harm the trees or significantly diminish their visual amenity value. The removal of the two Sycamores to create a vehicular access is acceptable because of the poor condition of the trees and because the trees either side of the access road will be retained in the medium term.
- 6.15 The tree report suggests that over a period the remaining trees are replaced with more appropriate and desirable species. If this were to be combined with the planting of new trees on the boundary with New Road then the overall number of trees on the site could be increased. New tree planting can be secured by a landscaping condition.
- 6.16 If the requirements of the tree report are followed then the development will not have a detrimental impact on the character or appearance of the conservation area and if new tree planting is secured by condition then there will be a net increase in the number of trees on the land.

### **Rail safety**

- 6.17 Consultations with Network rail have been sent however, at the time of writing no such responses have been received.

### **Protected species**

- 6.18 The biodiversity assessment states that the site is of low or negligible ecological value. As such, any loss of these habitats is of negligible ecological significance. Furthermore, the assessment states that whilst there are some opportunities for nesting bird's habitats, this can be controlled under the Wildlife and Countryside Act 1991 and that any works should take place outside of the nesting season (March to August).

### **Unilateral Undertaking**

- 6.19 A unilateral undertaking to provide for the required financial contribution towards the provision of public open space in accordance with policy COM6 has been drafted. At the time of writing this has not been completed and the recommendation has been worded accordingly.

### **Background Papers**

None.