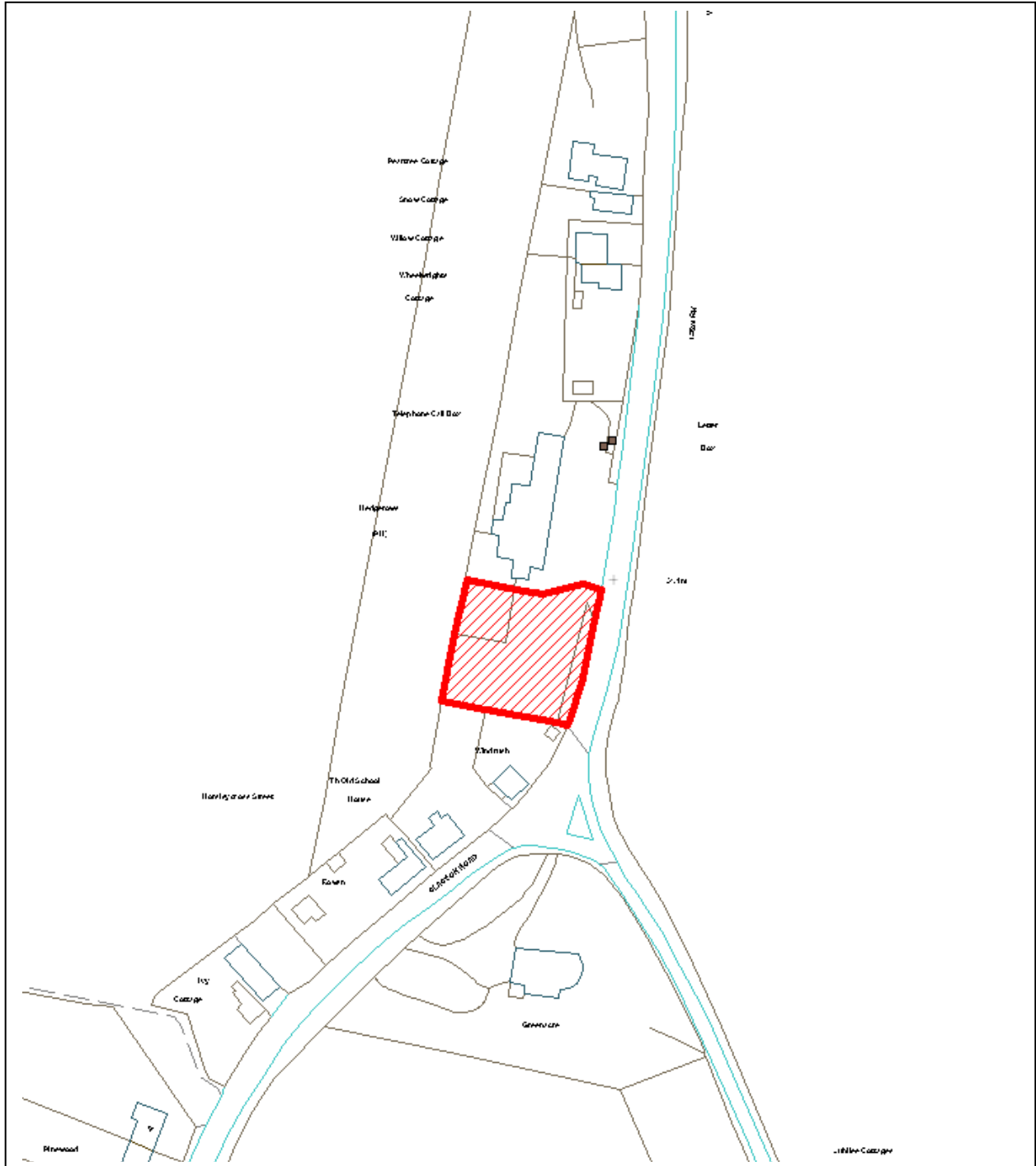


PLANNING COMMITTEE

18th October 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.9 PLANNING APPLICATIONS - 11/00984/FUL - THE PEACOCK , CLACTON ROAD, HORSLEY CROSS, MANNINGTREE, CO11 2NR



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Application:	11/00984/FUL	Town / Parish: Mistley Parish Council
Applicant:	Mr Neil Ellis	
Address:	The Peacock Clacton Road Horsley Cross, CO11 2NR	
Development:	Erection of a four bedroom detached dwelling with detached garage and new vehicular access.	

1. Executive Summary

- 1.1 This application seeks to address the reasons for refusal of application 10/00705/FUL which was refused on three grounds: i) unsustainable rural location outside any defined settlement limits; ii) unacceptable design, and iii) highway safety.
- 1.2 The proposal have been revised to address the detailed design and highway safety issues and is now considered acceptable in relation to these matters. However, the proposal remains unacceptable in principle due to its unsustainable location and that it is unrelated to any rural purposes.

Recommendation: Refuse

Reason for refusal:

It is the policy of the Local Planning Authority, as set out in the Development Plan for the area, to require that all new development should conform to the principles of sustainability which, inter alia, advocate the provision of new housing development within defined settlements where there is good access to local services by a range of modes of transport; in particular, proposals should minimise the need to travel, especially by private motor-car.

In this case, the proposal is located in a remote location outside of any defined settlement limits as defined by policy QL1 of the Tendring District Local Plan 2007. New residential development unrelated to rural purposes is, therefore, unacceptable as a matter of principle. The site is remote from centres of population, there is poor access to public transport and access to local services would be dependent on occupiers of the new dwelling having access to a private motor-car. The proposal would, accordingly, fail on the first test applicable under the principles of sustainability.

The Local Planning Authority is of the opinion that the development, if approved, would result in a development of the site that would lead to the consolidation of ribbon development outside of the defined settlement limits in an unsustainable rural location with regard to access to facilities such as employment and education, which would be detrimental to visual amenity, the open character of the area and the principles of sustainable development. In addition, no special circumstances have been put forward that would justify granting permission for a development that would be contrary to the objectives of Development Plan policies.

The proposal would, therefore, be contrary to policies QL1, QL2, HG3 and EN1 of the adopted Tendring District Local Plan 2007, and Government guidance in PPS1 'Delivering Sustainable Development', PPS3 'Housing', and PPS7 'Sustainable Development in Rural Areas'.

2. Planning Policy

National Policy:

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS7 Sustainable Development in Rural Areas
- PPS23 Planning and Pollution Control

Local Plan Policy:

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL9 Design of New Development
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- EN1 Landscape Character
- TR1A Development Affecting Highways
- COM6 Provision of Recreational Open Space for New Residential Development
- COM31A Sewerage and Sewage Disposal

Core Strategy and Development Policies Proposed Submission Draft

- CP1 Containing Urban Growth
- CP2 Development in the Countryside
- CP4 Transport and Accessibility
- CP10 The Countryside Landscape
- CP22 Childrens Play Areas
- CP23 Residential Densities
- DP1 Design of New Development
- DP4 Private Amenity Space for Residential Development
- DP5 Landscape Impacts

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

08/00499/FUL	Change of use and conversion of existing public house to domestic dwelling and erection of detached cart lodge.	Refused and allowed at appeal	12.06.2008
09/00611/FUL	Demolition of existing disused public house and erection of 4 No. 3 bedroom detached houses.	Returned	
09/00899/FUL	Erection of 4 no. detached two storey dwellings and ancillary garaging (following demolition of former Public House building).	Refused	23.10.2009
10/00024/FUL	Erection of 4 no. detached two storey dwellings and ancillary garaging (following demolition of former Public House building).	Refused and dismissed at appeal	22.03.2010
10/00705/FUL	Proposed erection of a new four bedroom detached dwelling on land formerly the car park and beer garden of the public house with garage and access road.	Refused	15.09.2010

4. Consultations

4.1 Mistley Parish Council supports the application on the grounds that the proposed development would clear up an untidy site and enhance the appearance of the area. Also there will be no greater impact on highway safety.

4.2 Essex County Council Highways Authority raise no objection to the proposed development provided that six conditions are attached to any approval.

- Access in accordance with drawings
- Vehicular visibility splays
- Car parking to be hard surfaced
- Minimum dimensions for the garage
- No unbound materials at access
- Vehicular turning on site.

5. Representations

5.1 The application has been referred to Committee by Councillor Guglielmi for the following reasons:

- The proposal promotes a positive impact upon urban design/street scene,
- Acceptable highways impact and/or traffic issues
- Positive impact upon neighbours.

5.2 Nine letters of support giving the following reasons:

- No impact on highway safety
- Acceptable detailed design
- Clean up untidy site
- Improve street scene/character of area
- Proposal promotes the use of 'brownfield' land rather than using 'greenfield' sites.

5.3 One letter of objection was received raising the following concerns:

- Impact on highway safety
- Development is too large
- Proposal forms 'ribbon' development
- Proposal would lead to further unacceptable development

6. Assessment

The main planning considerations are:

- Context and Background;
- Proposal;
- Principle of Development;
- Design Issues;
- Highway Issues;
- Further considerations

Context and Background

- 6.1 The application site lies outside of any defined settlement boundaries, but within a fairly loose cluster of around 16 dwellings creating a linear form of sporadic development along this part of the Clacton Road. The site comprises the southern part of the car park of a detached two-storey former public house, known as 'The Hedgerows' or 'The Peacock'. Approval was granted at appeal in October 2010 to change the use of the public house to a single dwelling. The majority of the frontage is laid to hardstanding as car-parking. The public house has w been closed for business since 2007.
- 6.2 The application site measures approximately 0.23 hectares, and is adjacent to Clacton Road, a classified public highway (B1035).

Proposal

- 6.3 The proposed development is for 1 no. detached two-storey dwelling, with detached double garage. The property proposes using a mixture of materials, including red brick, and plain tiles. Accommodation within the property would comprise of 4 no. bedrooms and a bathroom on the first floor, and a hallway, dining room, sitting room, day room, kitchen, utility room, study and w/c on the ground floor. The dwellinghouse would have in excess of 100 square metres of private amenity space.
- 6.4 The footprint of the proposed dwelling would measure approximately 12 metres wide, by 9.5 metres deep, and approximately 9.3 metres in height. The double garage measures approximately 7.3 measures wide and 6.3 metres deep and 6.5 metres high.
- 6.5 Vehicular access would be from an existing vehicular access to the public house car park.

Principle of development

- 6.6 When evaluating applications for development in locations such as this site, local planning authorities need to have regard to both national guidance and Development Plan Policies, which generally seek to resist development in order to protect the natural value of the countryside and promote a high standard of design and layout.
- 6.7 In this case the application site lies outside any of the defined settlement boundaries in the Local Plan, and therefore the proposal for development falls to be considered against the policies of restraint that apply to rural areas, namely Local Plan policy QL1 and Planning Policy Statement 1. The application site is approximately 1,300 metres (as the crow flies) from the nearest defined settlement boundary (being the village of Bradfield).
- 6.8 Long established Local Plan policies and national planning advice in Planning Policy Statement 1, Planning Policy Statement 3 and Planning Policy Statement 7, all presume against new residential development in the countryside unrelated to rural purposes, in order to protect the open character and beauty of the countryside for its own sake and in the interests of sustainability.
- 6.9 The application site is not only outside of any settlement limits but it is not required in connection with any rural activity, such as agriculture. Neither would the proposal be a replacement for an existing dwelling nor would it provide an element of affordable housing, which can sometimes be a basis for an exception to the normal presumption against new housing in the countryside (though even then only where the plot adjoins the settlement limit, which does not apply here either).
- 6.10 The proposal would involve the erection of a new detached two-storey dwelling and detached double garage alongside the existing redundant public house which has planning permission for the conversion to a single dwelling. The proposal would therefore result in the site and location generally taking on a significantly more built-up urban appearance, thereby adversely affecting the rural character of the locality contrary to policy QL1 of the Local Plan.
- 6.11 In short, the proposal would be completely at variance with long established settlement policy and the policies of restraint applicable to the rural area. Moreover, it would consolidate and add to the built-up character of the locality, a key feature of which at present is its fairly loose nature, with generous spacing between the few properties, and would cause real harm by the consolidation of the ribbon of development fronting this section of Clacton Road. The proposal would therefore be contrary to Local Plan policy QL1.
- 6.12 The addition of a new dwelling here would be at variance with the principles of sustainability set out in PPS1 that underpin the policies that apply in the Local Plan. These seek to concentrate new development in existing urban centres where services are most easily and most efficiently accessible to the greatest number of people. These policies also reduce the dependence on the use of the private motor car to access local services.
- 6.13 In this case, the site is located outside of any defined settlement boundaries and is relatively distant from local services in Manningtree and Colchester, the nearest main settlements, and public transport links to these settlements are limited and infrequent. There will, therefore, inevitably be a high reliance on the use of a private motor car, which is precisely what the principles of sustainability seek to minimise.

- 6.14 In conclusion, it is considered that there are no material planning considerations that would override these principle objections and therefore the proposed development of this site for a new dwelling is judged to be unacceptable as a matter of principle.

Design Issues

- 6.15 The proposal has been redesigned in consultation with Offices. The resultant design is now considered to be acceptable in terms of mass, form and detailed design.

Highway Issues

- 6.16 The Highways Authority have raised no objection to the proposed development provided that six controlling conditions are attached to the permission as can be seen above, this is due to the redesign of the access.

Further Considerations

- 6.17 A unilateral undertaking has been drafted and is, at the time of writing with the applicant for signature.
- 6.18 Due to the rural location of the application site there are no play facilities within the immediate locality. The play area serving the development site is located along The Street in the village of Bradfield, approximately 2.1 miles away. The play area is 0.05 hectares in size and is classified as a Local Equipped Area for Play (LEAP).
- 6.19 Should additional development take place, it would be necessary to increase the level of play provision to prevent the current deficit from growing. The Parish Council do have plans to install a multi-use games area and increase the size of the children's play area, an estimated investment of £90,000.
- 6.20 Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. However, Bradfield is well provided for in terms of open space and we do not consider that a contribution towards formal open space is necessary or relevant to this application.

Conclusion

- 6.21 National and Local planning policy and guidance requires that all new development should normally be located within defined settlement limits. Whilst the proposal has been redesigned and access improved since the refusal of 10/00705/FUL these amendments do not override the principle objection as defined above.

Background Papers

None.