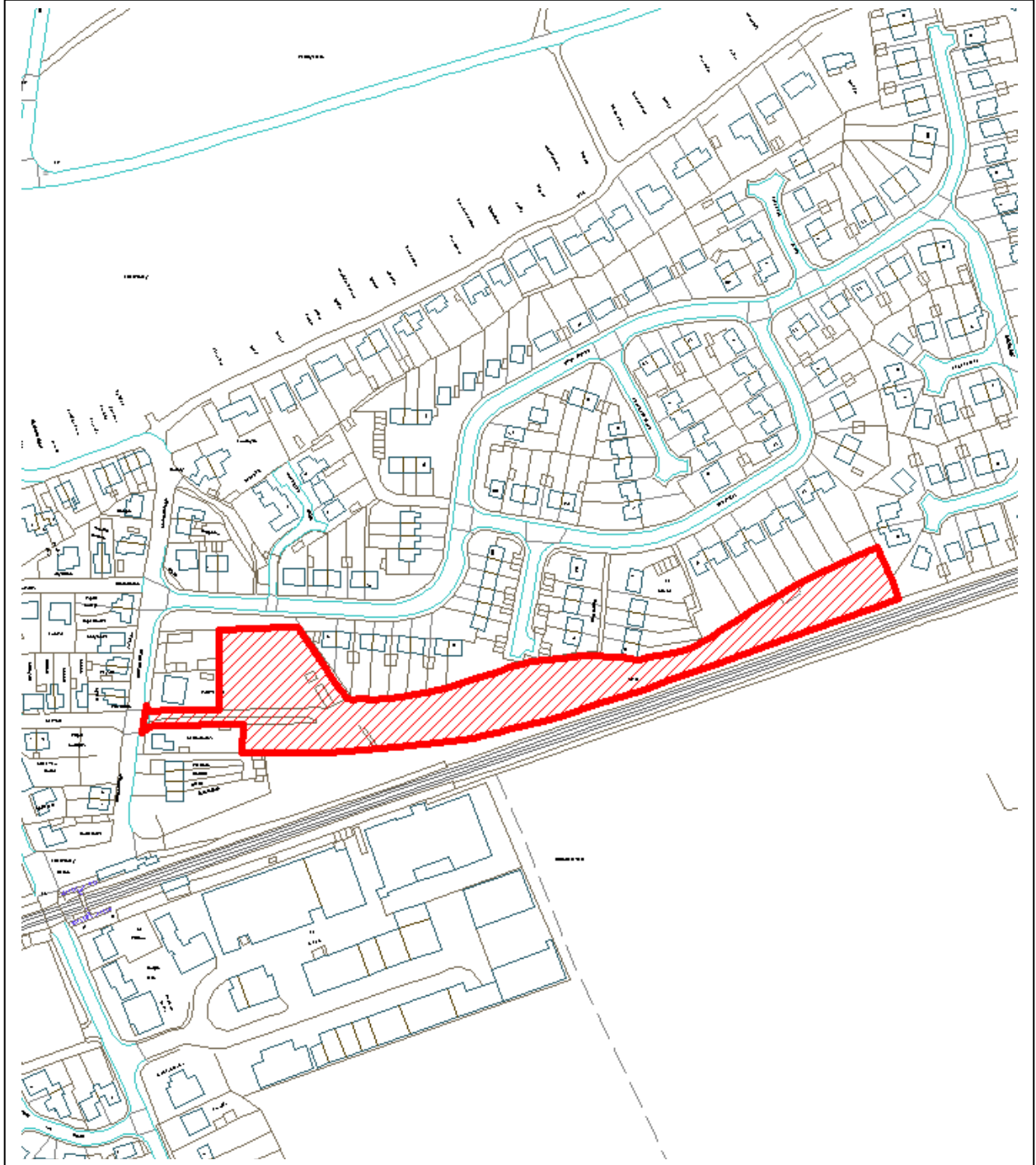


PLANNING COMMITTEE

4 SEPTEMBER 2012

REPORT OF THE ACTING HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 11/01443/OUT - LAND TO REAR OF BOLD VENTURE,
STATION ROAD, GREAT BENTLEY, CO7 8LH**



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Application:	11/01443/OUT	Town / Parish: Great Bentley Parish Council
Applicant:	Mr T G Simmons	
Address:	Land to rear of Bold Venture, Station Road, Great Bentley.	
Development:	Erection of 22 houses together with associated garages and parking, alterations to vehicular access, formation of access road and all ancillary works.	

1. Executive Summary

- 1.1 This application is before Members as it has been called in by the Ward Member. The highway impact, layout/density issues and negative impact on neighbours were cited.
- 1.2 This planning application seeks outline consent for 22 dwellings. In principle housing is acceptable on this brownfield site as it sits within the settlement limits and is close to Great Bentley village centre and train station. The layout proposed is inevitably linear in form but in the interests of the most efficient use of land it is important that it is all used and there are no landlocked sections left over. This layout achieves this aim without causing material harm to neighbouring amenity or highway safety and is acceptable in the context of the residential development to the north. It will make a valuable contribution to the districts housing supply and in turn will reduce the need for further greenfield land allocations.

Recommendation: Approve

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

- a) Within 3 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 affordable housing, education, public open space and a Transport Information and Marketing Scheme (and any further terms and conditions as the Acting Head of Planning (or the equivalent authorised officer) and/or the Head of Resource Management and Monitoring Officer in his or her discretion consider appropriate.
- 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 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.
 1. Time limit.
 2. Reserved matters conditions.
 3. Prior approval of landscaping.
 4. Landscaping in accordance with approved scheme.
 5. Tree protections measures as set out in Tree Report.
 6. Prior Approval of details of bat and reptile mitigation scheme.
 7. Full contaminated land condition.
 8. Prior approval of acoustic mitigation scheme.
 9. Prior approval of surface water drainage scheme.
 10. Prior approval of scheme of energy efficiency scheme and rainwater harvesting.
 11. Visibility Splays in accordance approved plan.

12. Provision of car parking areas.
13. Garage doors shall be a minimum of 2.3 metres wide.
14. No unbound materials to be used within 6 metres of the highway boundary.
15. Prior approval of on site parking, turning and unloading area for construction vehicles.
16. Prior approval of wheel washing facilities for construction vehicles.
17. Condition requiring the public's right of passage over the public right of way being maintained at all times.
18. Prior approval of details of the estate roads and footways.
19. Grampian style condition for the upgrading of the 2 bus stops on Plough Road, including landing stage, level entry kerbing, new posts and flags and any reasonable accommodation work to levels.
20. Plot 19 to be single storey.

Reason for approval:

In principle housing is acceptable on this brownfield site as it sits within the settlement limits and is close to Great Bentley village centre and train station. The layout proposed is inevitably linear in form but in the interests of the most efficient use of land it is important that it is all used and there are no landlocked sections left over. This layout achieves this aim without causing material harm to neighbouring amenity or highway safety and is acceptable in the context of the residential development to the north. It will make a valuable contribution to the Districts housing supply and in turn will reduce the need for further greenfield land allocations.

c) The Interim 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 three months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a S106 planning obligation, contrary to Local Plan Policy QL12.

2. Planning Policy

National Policy:

National Planning Policy Framework

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

QL12 Planning Obligations

COM6 Provision of Recreational Open Space for New Residential

HG9 Private Amenity Space

Other guidance:

Essex Car Parking Standards

3. Relevant Planning History

- 3.1 There is no relevant planning history on the site but Great Bentley Parish Council have recently received planning approval on the triangle of land to the south of the site for a public car park - application 11/00666/FUL. This proposal has yet to be implemented.

4. Parish

Great Bentley Parish Council - Kate Mayhew
- Parish Clerk

The Council has agreed by a majority vote to support the application but it must be noted that there are serious concerns about the lack of off-site infrastructure and lack of attention to highway matters specifically relating to The Cut and how the new traffic will be existing the site opposite a school when we have extreme congestion at the present time particularly at peak times.

5. Consultations

Natural England

No objection to the scheme.

Environmental Health

I have looked at the initial contaminated land reports and ask that you add the full contaminated land condition to the approval if given to ensure that there is a full desk study and intrusive sampling on the site completed by an independent consultant and that if any contamination discovered the land is remediated in accordance with the latest requirements.

I am satisfied that if the recommendations in the acoustic report are followed then noise internally shouldn't be a deciding factor in determining whether to approve or not. Please condition that the recommendations in the report are adhered to.

Reason for both: To protect the amenity of any future residents of the development.

Regeneration

Regeneration has no specific comments to make on this application.

Principal Tree & Landscape Officer

The applicant has submitted a tree report and survey that has been carried out in accordance with the recommendations contained in BS5837 2005: Trees in Relation to Construction.

The report establishes the extent of the constraint that the trees are on the land most importantly the trees covered by a Tree Preservation Order TPO 06/11.

The information contains information showing that the Goat Willow - T3 and one Oak from G1 of the above TPO are to be removed to facilitate the development.

The Goat Willow makes some contribution to the appearance of the area it has a large wound in one of the branches of the sub-divided main stem. Whilst remedial pruning could be carried out to address this defect it is considered that the amenity value of this tree is not so great that it should influence the proposed layout of the

development. The amenity value of the tree could relatively easily be replicated by new tree planting.

The Oak situated within G1 also has some visual amenity value however the amenity value that it provides could be relatively easily replicated by new planting.

The proposed layout would not adversely affect T1 or the remaining trees in G1.

By means of specialist construction methods the report adequately demonstrates that the development could be implemented without harm being caused to T2, T4 and T5 the remaining protected trees.

However the position of the proposed units close to T2 is awkward inasmuch as the tree may cause an obstruction to daylight reaching the front of the units and as it overhangs car parking spaces may result on requests to prune the tree in such a way that would diminish its amenity value. In this respect the proposed layout does not result in a satisfactory juxtaposition of the dwelling and the protected tree.

Should consent be granted then a condition should be attached to secure the protection of the roots of the trees to be retained for the duration of the construction phase of any approved planning application.

The condition should also secure the details of proposed landscaping including new tree planting. The proposed development would if approved result in the sides of several rear garden boundaries directly abutting the highway. These will need to be treated sensitively to ensure that the site is not 'fence dominated'. Fences may need to be set back to facilitate planting between the fence and the highway.

In response to the revised tree report submitted by the applicant I can confirm that the errors contained therein have been corrected.

There are no additional issues that need to be addressed.

Anglian Water Services
Ltd

No objection to the scheme. Following condition required:

Condition: No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Environment Agency

We have reviewed the application as submitted and would advise the Council that we have no objection to the development proposal. The following comments should be noted.

Surface Water Management

We have advised local planning authorities in our catchment area that we will no longer provide comments on surface water flood risk from development sites in Flood Zone 1 where the site area is less than one hectare. Because the site lies in Flood Zone 1 and the planning application indicates that the site area is less than 1 hectare we do not propose commenting on the Flood Risk Assessment submitted in support of the development proposal. It is disappointing to note that the applicant proposes to dispose of surface to the main sewer. Environmentally it would be preferable if drainage design incorporated soakaways and other forms of SuDS.

Sustainable Design Construction

To enable the use of resources and the production of waste to be minimised we suggest the development incorporates principles of sustainable construction and design. There is the opportunity to install water efficiency and water saving devices in buildings on the proposed development. Water butts low flush toilets and efficient appliances would be obvious measures but there may be opportunities for more innovative techniques such as grey water recycling. We recommend that the following conditions be appended to any planning permission granted.

Condition:

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason:

To enhance the sustainability of the development through better use of water energy and materials.

Condition:

Prior to the commencement of development a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed in writing with the Local Planning Authority. The works scheme shall be constructed and completed in accordance with the approved plans specification before occupancy of any part of the proposed development.

Reason:

To enhance the sustainability of the development through efficient use of water resources.

Essex Wildlife Trust	No comment to date.
The Ramblers Association	As Footpath Secretary for Tendring Ramblers, I would ask that if this development goes ahead, the footpath on the eastern boundary of the plot, remains intact, and at its correct width. I would not be satisfied with having to join the path through the new housing estate. One link on this path was closed a while ago, so please keep this remaining section as it is.
Network Rail	After careful consideration of the application, Network Rail has not further observations to report.
ECC Schools Service	See image on file for comments.
ECC Highways Dept	No objection subject to conditions.
Policy Section	<p>The previously-developed site is well within the Great Bentley Settlement Development Boundary and is close to the shops and services in the centre of the village including the railway station and employment area, to the south.</p> <p>Officers have recommended the inclusion of the site as a housing allocation in the Council's new Local Plan, which highlights the site's suitability for housing development, in principle.</p> <p>Whilst it is appreciated the irregular shape of the site will influence the layout and design of the new development, officers expect a high standard of design due to the site's prominent location at the heart of the village, close to the Conservation Area, and for the new houses to be carefully located and orientated in order to minimise any adverse impact on the amenity of existing houses neighbouring the site.</p> <p>Development on this site is welcomed as it will provide new housing for Great Bentley on a previously-developed site, reducing the need for development on greenfield land and it will help improve the visual appearance of the village – particularly when approached by train.</p>

6. Representations

6.1 Representations received objected to the scheme on the following grounds:

1. The area can not take any more traffic.
2. New Cut is very tight and has got more congested since Tesco's opened.
3. The new access effectively creates a cross roads with New Cut and Station Road which will be harmful to highway safety.
4. Parking is already very difficult in the area, there are not enough spaces provided on site.
5. School children pass the site on the way to school.
6. Essex County Council Highways recommended refusal initially.
7. The transport assessment was flawed.
8. How will the roads cope with the construction traffic?
9. Harm to the public footpath.
10. It is a wildlife haven and its loss is unacceptable.

11. The path that links to Elm Close is privately owned by the Elm Close residents who do not want people using this footpath to access the new residential development due to issues with disturbance.
12. Housing here will cause noise, disturbance and security issues.
13. The scheme will destroy our outlook.
14. This scheme will cause unacceptable harm to neighbouring amenity in terms of noise from cars, overlooking, overshadowing, oppressiveness, loss of privacy and loss of view.
15. This scheme will put the protected trees on site at risk.
16. Scheme will increase pressure on the school and Doctor's surgery.
17. There are no play areas planned and the site is next to a speeding train line – where will the children play?
18. We would prefer if the land was left as it is.
19. In the daft Core Strategy Great Bentley is not identified as accommodating more housing.
20. Vibration from the trains would affect the new houses.
21. This will put further strain on the sewage system.
22. The amendments have not overcome our objections.
23. This scheme does not enhance the area.
24. The development is too dense – there are too many dwellings on site.
25. The site is too close to the railway.
26. The land remediation work might cause subsidence.

6.2 In response:

- 1 to 9) Following discussions and highway geometry amendments, Essex County Council have withdrawn their objection to the scheme. They accept the findings of the transport assessment and therefore do not consider it to be flawed. They also accept the site crossing the public footpath. Therefore this scheme will not cause material harm to highways safety and therefore a refusal on this basis is not warranted.
- 10) The scheme has come with a Phase 1 Habitat survey. This recommended a Bat Survey and mitigation statement which has been provided. Natural England accepts the findings and therefore a refusal on biodiversity grounds is not warranted.
- 11 to 15) have been dealt with in the report.
- 16 & 17) The scheme does not propose any play areas within the site but is making a contribution towards play equipment through the legal agreement. It is not far to the large open space of the Great Bentley Green to the north and therefore a refusal on a lack of play space grounds is not warranted. A financial education contribution is also being provided through the legal agreement which will go towards extra school places. The increase in pressure on the local Doctors surgery does not warrant a refusal in its own right.
- 18) The fact the residents would prefer the land to be left as it is in not a reason for refusal.
- 19) This is a windfall site that sits within the defined settlement limits and therefore residential development is acceptable in principle.
- 20 & 25) The vibrations from passing trains that the occupants of the proposed dwellings will feel does not amount to a reason for refusal. Dwellings near to railways are common and this is an issue that prospective purchasers will take into consideration before buying one of the properties.

- 21) Anglian Water has not objected to the scheme and therefore a refusal on the basis of problems with sewerage system is not reasonable.
- 22) The amendments were made to improve the internal highway geometry and were not specifically made to overcome objections.
- 23) Officers consider that a residential scheme of this nature will enhance the area and is preferable to a open storage use in visual amenity terms.
- 24) The density is acceptable as it is important that land is used efficiently.
- 25) No evidence has been provided to suggest that the land remediation works will cause subsidence to neighbours.

7. Assessment

7.1 The main planning considerations are:

- The Proposal;
- Site Characteristics;
- The Lawful Use of Site;
- Principle of Development;
- Layout/Design;
- Highways/Parking;
- Trees;
- Impact on Amenity;
- Contributions; and,

The Proposal

7.2 This application is an outline submission for 22 dwellings. The proposed housing mix is for 9 dwellings with 2 bedrooms, 10 dwellings with 3 bedrooms and 3 dwellings with 4 bedrooms, however this housing mix could change at reserved matters stage. The access arrangements and the layout of the scheme are to be considered by Members at this stage. Appearance, Landscaping and Scale will be dealt with at a later date by reserved matters.

Site Characteristics

7.3 The site is located in central Great Bentley. It is long and thin in shape. There are a number of disused sheds on site. It has some areas of long grass and a number of protected trees around the boundary. A public footpath dissects the site.

7.4 The southern boundary of the site abuts Network Rail land and the train tracks. The section of the site that makes up the access has 5 dwelling to the south and 1 dwelling to the north (which is in the applicant's ownership). To the north of the rest of the site is a 1970's housing estate made up of detached and semidetached dwellings.

7.5 The application has come with a phase 1 habitat survey, a bat survey and mitigation statement, a transport survey, a tree survey, a contaminated land survey, an acoustic survey and a flood risk assessment. None of these surveys raised any issues of principle. Conditions that the various surveys have recommended will be imposed.

The Lawful Use of Site

- 7.6 In the past, part of the site has been used as a coal yard. More recently the site has been used as an open storage area. Anecdotal evidence from local residents has confirmed that the site was used for the storage of items such as old military trucks and climbing frames. Although some parts of the site (for example the eastern most section) have not been used intensively for this purpose since approximately 2005, it is clear that the use of the site has not been abandoned and therefore this open storage use could be intensified at any time. As this use has been occurring historically there are no conditions with regards to what can be stored on site and to what height. This is a material consideration as the site could be used in a manner that is significantly more disruptive to neighbouring amenity than the one that is currently occurring. As the applicants have confirmed that they intend to sell the site in the future, it must be assumed that if a residential scheme is not approved, following a sale the land could be used in a more intensive manner as a B8 open storage use than currently occurs.

Principle of Development

- 7.7 As a brownfield land located within the Great Bentley development boundary, in principle this site is suitable for residential development.

Layout/Design

- 7.8 The layout proposed can be divided into 2 distinct sections, east and west of the public footpath. To the west of the foot path the site is at its widest and the proposal has dwellings on either side of the road facing each other, with some parking in front of the dwellings and some set to the sides. Plots 8 and 9 back onto the footpath and therefore this area takes the shape of a small square of residential development.
- 7.9 To the east of the footpath, the site narrows and effectively becomes a roadway with dwellings set on alternating sides. Two detached dwelling terminate the vista at the end of the long cul-de-sac. The garden sizes comply with Policy HG9.
- 7.10 The part of the garage block serving plots 14 to 17, the garage block serving plots 20 and 22 and the dwelling on plot 20 are located hard up to the southern boundary. They do not provide 1m side isolation as required by policy HG14 however as there are no residential neighbours to the south this is acceptable. Access to the land to the south for construction and maintenance will have to be made with the owner by private arrangement.
- 7.11 The awkward shape of the site does not lend itself to creating a strong 'sense of place' and it is inevitable that a site that is so much longer than it is wide results in a linear layout of this nature. On balance your officer's consider that the development of the land for the contribution towards the districts housing stock outweighs the design and layout limitations. Therefore the proposal is acceptable in design and layout terms.

Highways/Parking

- 7.12 Many of the representations received related to the inability of the highway network to take the increase in traffic that would result from 22 additional dwellings. The application has been accompanied with a full transport assessment that shows that this scheme will not cause a materially harmful increase in traffic. Essex County Council Highways department also have assessed the transport assessment and have no objection to the scheme on traffic generation grounds.
- 7.13 Within the application period a number of amendments have been made to the road geometry to ensure the scheme complies with the Essex Design Guide. The turning head

that was situated over the public footpath has been moved to avoid unacceptable vehicular/pedestrian conflict.

- 7.14 A number of objections have also noted problems with parking in the locality. The Council's adopted parking standards require 44 parking spaces and 5.5 (i.e. 6) visitor spaces. The scheme makes provision for 44 parking spaces and 5 visitor spaces all of which meet the size requirements. Therefore this scheme will not cause materially harmful on street parking in the vicinity.

Trees

- 7.15 The applicant has submitted a tree report and survey that has been carried out in accordance with the recommendations contained in BS5837 2005: Trees in Relation to Construction.
- 7.16 A Goat Willow and one Oak from G1 of the TPO 06/00011 are to be removed to facilitate the development. The Tree and Landscape Officer considers that the amenity value of these trees can be replicated by new planting which will be dealt with at reserved matters stage and has not objected on this basis.
- 7.17 Whilst it is accepted that plots 15 and 16 are situated in relatively close proximity to the protected Oak T2, it is not considered that this juxtaposition will cause materially harmful shading to the front elevations of Plots 15 and 16 as they face west and therefore will only receive evening sun to this elevation. The parking spaces situated under the crown spread are for visitors and therefore will not be as intensively used as the spaces allocated to particular dwellings and therefore are unlikely to force a requirement for hard pruning.

Impact on Amenity

- 7.18 The layout has been designed to minimise the harmful impact on the neighbours.
- 7.19 The dwellings to the west of the public footpath have been set out in such a way that it will be possible at reserved matters stage to design dwelling types that will not cause material harm to neighbouring amenity. Plots 1 to 6 do not back onto existing dwellings. Plots 7 and 8 back onto the public footpath and the narrow end of the gardens of 6 and 8 Birch Avenue that are afforded good screening from the footpath by hedging. Plots 9 to 12 back onto garages and the site that has consent for the Parish Car Park. Plots 15 to 18 have been orientated to sit comfortably with the urban grain of the estate to the north.
- 7.20 Unusually, the dwellings 5 Elm Close has 2 large windows at a first floor level that face out over the site and countryside beyond. The side window nearest to the rear elevation serves the dwellings staircase/landing. The window nearest to the front elevation is the only window to one of the bedrooms – this bedroom does not have a window on the front elevation.
- 7.21 Plot 19 will have an impact on the neighbours at 5 Elm Close. The test is whether this impact is materially harmful. It is clear that the view that the neighbours enjoy will be lost from the landing window and will be significantly diminished from the bedroom window, however planning does not seek to protect views. On balance, even with the set back from the boundary at first floor level that 5 Elm Close has and the 1m side isolation that has been provided to plot 19 and the common boundary, officers consider that a two storey dwelling would be materially harmful to the neighbours at 5 Elm Close. As this is an application where appearance and scale are reserved for future consideration, officers suggest a condition stipulating that plot 19 is a single storey dwelling. This would significantly reduce the building's impact on the neighbour in Elm Close to within tolerable levels.

- 7.22 Due to the narrow plot width and the orientation of the dwellings at to the south of 13 to 27 Cedar Way, Plots 20, 21 and 22 are set at right angles to the existing dwelling's gardens. Many of these gardens have open or very low boundaries to the rear, and some have informally encroached upon this site with vegetable plots or areas of extra lawn.
- 7.23 The addition of 3 dwellings, a turning head and a garage block at the end of these gardens will have an impact on the residents of 13 to 27 Cedar Way. Due to the lengths of the gardens a 2 storey dwelling will not be materially oppressive to these residents. It will be possible at reserved matters stage to design dwellings that do not overlook these gardens directly with no windows in the facing flanks at first floor level. Clearly dwellings will have windows on the front a rear elevation at first floor level so some oblique overlooking will be expected, but with careful design this will be minimised to within tolerable levels
- 7.24 Although the detail of the dwellings and the placement of windows will be assessed at reserved matters stage, there are no relationships to existing dwellings from the sitting of the dwellings that are materially harmful.
- 7.25 The footway that runs north/south in front of plots 17 and 18 has been designed to link into Elm Close. This is positive in urban design terms as it gives the scheme permeability and allows pedestrians from the eastern end of the proposed development to walk over to Cedar Way without having to go via the Public Right of Way.
- 7.26 A number of the residents of Elm Close object to this link as they bought their dwellings on the basis it was a secluded cul-de-sac and opening this link would cause an increase in disturbance. They also claim that the existing footway is privately owned and therefore this link could not actually be provided.
- 7.27 The level of disturbance caused by this link would be minor as in practice it is unlikely to be heavily used. For example if a resident of plot 22 wanted to get to the station or the local Tesco's it would be faster to walk west down proposed access road as opposed to heading north into the neighbouring housing estate. Therefore it is your officer's opinion that the minor level of disturbance that would be caused does not warrant removing this pedestrian link by condition.

Contributions

- 7.28 A legal agreement to secure 40% on site affordable housing and for a financial contribution towards public open space, education and the provision of a Transport Information and Marketing Scheme has been drafted and will be sealed following Members decision. This officer recommendation is only on the basis that this legal agreement is sealed within 3 months of the decision.

Conclusion

- 7.29 In principle housing is acceptable on this brownfield site as it sits within the settlement limits and is close to Great Bentley village centre and train station. The layout proposed is linear in form but in the interests of the most efficient use of land it is important that all the land is used and there are no landlocked sections left over. This layout achieves this aim without causing material harm to neighbouring amenity. Therefore on balance, officers consider that this scheme is acceptable.

Background Papers

None.