

Application:	13/01320/FUL	Town / Parish:	Great Bentley Parish Council
Applicant:	Haynes Building and Development Ltd		
Address:	The Corner Cottage The Green Great Bentley		
Development:	Demolition of existing house and construction of three new detached dwellings.		

1. Executive Summary

- 1.1 The application has been called in to the Planning Committee by Councillor Lynda McWilliams for the following reasons: highway safety and inadequate visibility splays; poor layout and density; the need for a landscape and visual impact assessment due to the Conservation area; and, the need for an ecological assessment.
- 1.2 The application proposes the demolition of an existing single storey dwelling known as The Corner Cottage and the erection of three new dwellings on a partly, previously developed site on the eastern side of Heckfords Road at its junction with Moors Close which is a private road.
- 1.3 The 2007 adopted local plan includes the curtilage of the existing dwelling (The Corner Cottage) within the settlement boundary. The entire site area is however included within the settlement limit for Wix (Policies Inset Map 9: Great Bentley) identified by the emerging local plan. The dwelling that is proposed to be demolished is also within the Conservation Area. The application also seeks consent to demolish this dwelling.
- 1.4 The report considers the proposal in relation to the National Planning Policy Framework (NPPF); the adopted Tendring Local Plan 2007 and those policies of the District's emerging local plan (Tendring District Local Plan : Proposed Submission Draft 2012) where these can be afforded weight at this stage of the local plan preparation. The report also considers the proposal against other material considerations (including the planning history of the site; sustainability; design – including layout, amenity and parking standards; residential impact; visual and landscape impact; biodiversity; highways issues; and Section 106 obligations).
- 1.5 Officers consider that this application scheme is acceptable and that conditional planning permission should be granted following the completion of a Section 106 obligation.

Recommendation

That the Head of Planning be authorised to:

1) Grant planning permission (12/01023/FUL) for the development subject to:-

- a) The completion of a Section 106 obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure contributions towards public open space

and

b) **Conditions:**

- Time Limit for commencement – three years from the date of the decision
- Development in accordance with the plans

- Details of materials and permeable surfacing to hard surfaced areas to be agreed
- External Materials to be agreed
- Hard and Soft Landscaping – including details of the protection of hedgerow and trees during and after construction
- Boundary treatments
- Site Levels
- Demolition and Construction Management Plan
- Surface and foul water drainage scheme to be agreed
- As per Highway Authority recommendations
- As per recommendations in phase 1 habitat survey

2. **Planning Policy**

National Policy:

- 2.1 The NPPF presumes in favour of sustainable development, which requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. It encourages the reuse of previously developed brownfield sites – particularly those that are not of high environmental value.
- 2.2 The NPPF requires a mix of housing to be delivered that serves the needs of the community and reflects local demand in terms of size, type and tenure. In delivering such development high regard should be paid to good design that takes into account the views of the community.
- 2.3 It also places an emphasis on conserving and enhancing the natural environment.

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Need
- QL11 Environmental Impacts and Compatibility of Uses
- HG3 Residential Development Within Defined Settlements
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM6 Provision of Recreational Open Space for New Residential Development
- EN1 Landscape Character
- EN17 Conservation Areas
- TR1A Development Affecting Highways

Tendring District Local Plan Proposed Submission Draft

- SD1 Presumption in favour of sustainable development

- SD3 Key Rural Service Centres
- SD5 Managing growth
- SD7 Securing facilities and infrastructure
- SD8 Transport and accessibility
- SD9 Design of new development
- SD10 Sustainable construction
- PEO1 Housing supply
- PEO2 Housing trajectory
- PEO3 Housing density
- PEO4 Standards for new housing
- PEO5 Housing layout in Tendring
- PEO7 Housing choice
- PEO8 Aspirational housing
- PEO9 Family housing
- PEO14 Single storey residential development
- PEO22 Green Infrastructure in New Residential Development
- PLA4 Nature conservation and geo-diversity
- PLA5 The Countryside Landscape
- PLA 6 The Historic Environment
- PLA7 Conservation Areas

Other guidance:

Essex Design Guide

Essex Parking Standards 2009

- 2.4 The written Ministerial Statement of Greg Clark 23 March 2011 ‘Planning for Growth’ – that sets out the Government’s commitment to promoting sustainable growth.

3. Relevant Planning History

06/00084/FUL	Two dormer windows to front elevation and two storey rear extension and alteration to vehicular access	Refused	16.03.2006
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06/01558/FUL	New three bedroom house.	Refused	12.12.2006
06/01559/FUL	Two pairs of 3 bed semi detached houses.	Refused	12.12.2006
07/00287/FUL	Single storey rear extension.	Refused	07.01.2008
07/00630/FUL	New three bedroom detached house and detached garage.	Approved	27.06.2007
10/00105/FUL	Erection of a detached garage.	Refused	18.03.2010
13/01320/FUL	Demolition of existing house and construction of three new detached dwellings.	Current	

4. **Consultations**

Great Bentley Parish Council

- 4.1 The Parish Council objects to this application for the reasons set out below.
- 4.2 Due to the close proximity of the Conservation Area the Parish Council would like to see a Landscape and Visual Impact Assessment and an Ecology Report prior to determination.
- 4.3 There are concerns regarding sight-lines. The plans show access into the dwellings from Heckfords Road directly on to what is a notoriously difficult bend in the road. There is no pedestrian footway on the east side of Heckfords Road compounding the sight-line issue.
- 4.4 The Parish Council requires a Traffic Impact Assessment as there are concerns regarding the road junction the private road Moors Close and Heckfords Road.

Principal Tree & Landscape Officer

- 4.5 The main body of the application site is set to grass with a young Hawthorn hedgerow situated on its western, northern and eastern boundaries adjacent to the highway. The hedgerow that is shown as retained on the site layout plan. This hedgerow should be retained or replaced if part or all of it is removed as part of the development of the land. On the southern boundary the site abuts the garden of an existing dwelling
- 4.6 Within the boundary hedgerow there are several young trees situated in the line of the hedge. There are two young Maples situated on the perimeter of the site with Heckfords Road and two Oaks on the boundary with Moors Close. These trees should be retained for the contribution that they make to the appearance of the area.
- 4.7 It may not be necessary for the applicant to provide a full tree survey and report in order to assess the impact of the development proposal on the trees however it will be necessary to identify the extent of Root Protection Areas (RPA's) that will need to be established and maintained for the duration of the construction phase of any consent that may be granted to ensure that the trees are not harmed during the development process. The information provided should be in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction.

- 4.8 Should consent be likely to be granted then a condition should be attached to ensure that there is no net loss of trees or hedgerows on the land. Any trees or hedgerows removed during the development process should be replanted as part of a detailed soft landscaping scheme.

ECC Highways Dept

- 4.9 The Highway Authority observes that Moors Close is classified as a Private Road.
- 4.10 The Highway Authority raises no objection subject to:-
- 4.11 1 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
- 4.12 2 The development shall not be occupied until such time as the car parking area, indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development. Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
- 4.13 3 Single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m. Reason. To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
- 4.14 4 Prior to commencement of the proposed development, details of the provision for storage of bicycles for each dwelling, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose. Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.
- 4.15 5 The proposed new boundary hedge shall be planted a minimum of 1m back from the highway boundary and outside any visibility splays. Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
- 4.16 Informative1: All works affecting the highway to be carried out by prior arrangement with and to the requirements and specifications of the Highway Authority and application for the necessary works should be made initially by 'phone on 0845 603 7631.

5. Representations

5.1 2 objections have been received. These are summarised as follows:

- These houses are planned close to know dangerous bend where accidents have happened
- Few vehicles are doing the statutory 30 mph even with the speed warning sign
- The location of the houses will restrict the line of sight when entering the main road
- Access via Moors Close will require agreement from the Close residents as it is a private road and up kept by them.
- Outside the village boundary.
- Accidents at the junction have resulted in damage to property. This proposal will only exacerbate the problems.

5.2 1 supporting comment has been received. This is summarised as follows:

- We agree with those objecting that maintaining sight line and restricting access to the front from Heckfords Road are important. The sight line the farmer's field opposite the proposed development at the end of Moors Close causes just as many problems.
- The new properties appear to lay back from the road with the existing hedge remaining. Providing hedges are maintained regularly and kept cut back, the sight line position will be no worse and probably better than at present. This blind bend is a safety problem affecting all residents.
- To the rear of the proposed new properties is a courtyard incorporating garages and parking spaces. With continuous hedging around the front of the properties and postbox/doorbells to the rear, then access would not be required to Heckfords Road.
- The current cottage is in an extremely bad state of disrepair with cracks in the walls, plumbing and heating problems. It is no longer fit for habitation and the whole plot is totally overgrown and rats have come under the fence in to our property.
- The proposed designs will provide a much more attractive entrance to the village. The plots all have garages and parking and are much bigger plots than most new developments.
- New residents would contribute to the upkeep of Moors Close as it is a private road but would only be using the very top part of the road so there would be no increase in traffic/road use further down the close.

5.3 One neutral comment has been received. This is summarised as follows:

- TDC must ensure that the sight lines for exiting Moors Close are maintained, this landowner has failed to do so since they have owned the land.
- The proposal in the application is for trees to be planted on the Northern edge, this will obscure the sightline. It should be noted that to the south of the Moors Close exit onto Heckfords Road is a blind bend within 100 meters.
- Similarly it is proposed to provide pedestrian access to the front of the properties directly to/from Heckfords Road. There is no footpath.

6 Assessment

6.1 The main planning considerations are:

Policy and Planning History
Sustainability
Design – including layout, amenity and parking standards
Residential impact
Visual and landscape impact

The Site

- 6.2 The site is in a corner location to the northern side of the village of Great Bentley. It is bounded on three sides by Heckford Road and Moors Close (a private road). The site is flat and is contained by post and wire fencing along its boundaries with double row hedgerow planting behind by about 1.8-2 metres. The hedges are relatively well established.
- 6.3 Part of the site is occupied by a modest timber framed single storey house that is in a poor state of repair. This part of the site lies within the Settlement Boundary of the 2007 adopted Local Plan and within the Great Bentley Conservation Area. Next to this property is a relatively substantial new build detached property that was granted planning permission in 2007.
- 6.4 The site is on the outskirts of the village with open land to the north and east and with properties opposite on Heckfords Road and behind on Moors Close the site, therefore, has a semi-rural back drop.

The Proposal

- 6.5 The proposal is for the demolition of the existing single storey dwelling, known as Corner Cottage. The property is in a poor state of repair and it makes little contribution to the qualities of the Conservation Area. It currently provides accommodation comprising of a kitchen; dining room; lounge; bathroom and two bedrooms. The property is vacant.
- 6.6 The application also proposes the construction of three (3) dwellings all of which are detached.
The housing types include 2 no. one and a half storey and 1 no. two storey properties. The following properties are proposed:
- Plots 1 2 storey 4 bedrooms 116 sq. Metres
 - Plots 2 and 3 1.5 storey 3 bedrooms 123 sq. Metres
- 6.7 The housing types are cottage like in appearance to reflect the traditional character of many of the properties surrounding The Green.
- 6.8 Each property is provided with a garage and a parking space (of a size that complies with the Council's parking standards). The access and parking is arranged off a shared access from Moors Close.
- 6.9 The existing hedgerows and trees are to be retained and additional native planting is proposed.
- 6.10 The application documents include:
- Design and Access Statement
 - Phase 1 Habitat Survey
- 6.11 Since the application was submitted revised and additional information have been submitted as follows:
- Ecological Survey

- Hedges and fences plotted more accurately
- Revised layout to exclude pedestrian accesses onto Heckfords Road
- Visibility splays are shown
- Streetscene drawing

Policy and Planning History

General Planning Policy Status :

- 6.12 Paragraphs 2.14, 2.15 and 2.16 of the NPPF explain the relative weight that can be given to policies and proposals in fully adopted Local Plans compared to emerging draft Local Plans when dealing with planning applications under the government's new planning system and its 'presumption in favour of sustainable development'.
- 6.13 Paragraph 214 of the Framework states that *"for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework"*. Accordingly, for 12 months after the Publication of the NPPF the Council continued to apply full weight to the policies in the 2007 Adopted Local Plan, despite the fact that it does not reflect all aspects of the new national policies.
- 6.14 Paragraph 215 of the Framework states that *"in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*. Given the fact that the 2007 Adopted Local Plan was only designed to cover the period up to 2011, is based on what is now outdated evidence, outdated housing targets from the now obsolete 2001 Essex and Southend-on-Sea Replacement Structure Plan and reflects the old set of Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) from the previous government, there is a strong argument for not applying significant weight to its policies any longer.
- 6.15 The government does allow the use of emerging draft Local Plans in determining planning applications. Paragraph 216 of the Framework states that *"from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"*.
- 6.16 The Council's emerging plan is the Tendring District Local Plan: Proposed Submission Draft that was approved by Full Council in November 2013 and has been published for focused consultation. The consultation ended on 17 February 2014. The site under consideration was not included within the focused changes as its inclusion was not objected to in the original emerging local plan consultation exercise in 2012.
- 6.17 This is a reasonably advanced stage of preparation and whilst the Draft Local Plan still needs to go through the process of examination and finally adoption, the inclusion of this site within the settlement boundary has not attracted objection and as the emerging local plan has been drawn up in accordance with the new NPPF as opposed to the previous PPS

and PPG guidance, there is a strong argument for attaching considerable weight to this emerging plan in the determination of this planning application.

Site Specific Policies

- 6.18 This site is included within the settlement boundary of the emerging local plan Policies Inset Map 9 : Great Bentley. The emerging local plan consultation resulted no objections to the inclusion of this site within the settlement boundary.
- 6.19 The following section of this report considers the proposal in relation to the main emerging local plan policies that relate to the principal of residential development of this site. It then gives an indication of the level of weight that officers consider can be attached to that policy and that should be taken into account when determining the application.
- 6.20 **Policy SD1** presumes in favour of sustainable development and states that the Council will take a positive and proactive approach in determining applications that reflects the NPPF requirements. Planning applications that accord with the policies of the local plan will be approved without delay unless material considerations indicate otherwise. The Planning Inspectorate has asked for this policy to be included within local plans to clarify and emphasise the presumption in favour of sustainable development at national level.
- 6.21 This policy can be applied with confidence as it reflects the NPPF requirement. Full weight can be attached to it in the decision making process.
- 6.22 **Policy SD3** relates to key rural settlements and identifies Great Bentley as one such settlement. The policy is aimed at those settlements that do have some job opportunities; local services; facilities and other infrastructure and which are under pressure to grow. In these locations, small scale developments that are in keeping with their surroundings will be acceptable.
- 6.23 **Policy SD5** intends to manage growth across the District in rural settlements such as Great Bentley by defining settlement limits beyond those of the old local plan to include a range of possible development sites that could accommodate the new homes proposed for that settlement either individually or cumulatively. Within these settlement limits there should be a general presumption in favour of development.
- 6.24 Members are advised that officers consider that the general presumption in favour of sustainable development should take precedence in this instance bearing in mind that, amongst other things: it represents sustainable development; the site is partly previously developed land; the development follows the existing pattern of development along Heckford Road; and it does not involve development of particularly sensitive site from a biodiversity point of view.

Planning History

- 6.25 There are a number of previous refusals and appeal dismissals on this site. These applications were refused as the development site was outside of the settlement and there was no justification for allowing the scheme contrary to policies of the local plan that sought to protect the countryside from inappropriate development and because of an adverse impact on the qualities of the Conservation area. There has been a material change in circumstances since these refusals, not least, because now the emerging local plan includes the site within the settlement boundary. The current application should be judged in relation to current planning policy and other material considerations.

Sustainability

- 6.26 The NPPF presumes in favour of sustainable development. It divides sustainable development into economic; social and environmental concerns. For the purposes of the emerging local plan sustainable development means achieving prosperity in our District by addressing current and future economic and social challenges; meeting housing needs; achieving growth across our District; protecting and enhancing our environment; and maintaining a good quality of life.
- 6.27 The development is on partly previously developed brownfield land.
- The site is in a sustainable location and the provision of family housing will help to maintain and enhance the existing community facilities within the village.
- 6.28 The development accords with National and emerging local plan policies (policies SD1, SD3 and SD5 refer) that presume in favour of sustainable development.

Design – including layout, amenity and parking standards

- 6.29 The external materials include a mix of brick, render and weatherboarding. Many of the front elevations are enhanced by well proportioned and symmetrical porches or canopies which introduce an element of architectural detailing that helps the buildings address the street and provides a public face to Heckford Road although all of the access and functional parking areas are to the rear. The architectural detailing also incorporates chimney stacks on all of the plots that, coupled with the ranging ridge heights and generous spacing between each dwelling, provide a varied and sympathetic addition to the roofscape and streetscene. All the proposed dormers are proportionate to the roof slopes and accord with the guidance of the Essex Design Guide.
- 6.30 Each property has two parking spaces. All the garages and parking spaces accord with the adopted Essex Parking Standards 2009. It is proposed to condition the surface treatment of the access drives to ensure that they are in keeping with the semi-rural location
- 6.31 The private amenity space for each dwelling is far in excess of the Council's previously adopted standards and emerging standards and this allows for a generous spacing between the properties amounting to a low density. This reflects the existing low density development surrounding the site.
- 6.32 The housing type mix includes two one and half storey dwellings and one two storey dwelling. The two storey dwelling is proposed immediately adjacent to the existing two storey residential property next to Corner Cottage. The visual impact of the development is reduced by virtue of the drop in ridge height of the one and half storey properties that provide a gradual reduction in scale and a softer edge to the approach to the village.
- 6.33 The design therefore accords with national and emerging local plan policies that seek to ensure high standards of design and that developments meet their functional requirements (policies SD8 and SD9 refer).

Residential impact

- 6.34 The nearest dwelling house is the immediate neighbour to Corner Cottage. There is a single window within the side elevation of this property that lights a stairwell. Because of this and the distance from this dwelling it is not considered that the development would result in an adverse impact on the residential amenity currently enjoyed by the occupants of the property by virtue of overlooking; overshadowing or dominance.

- 6.35 The layout of the scheme takes account of the amenities of the proposed dwellings and there will be no direct overlooking, over shadowing or buildings that dominate their neighbour.
- 6.36 The development complies with National and emerging local plan policies that seek to protect the amenities of residential properties (policies SD8 and SD9 refer).

Visual and landscape impact and Impact on the Conservation Area

- 6.37 The existing hedgerows and trees are to be retained and additional planting is proposed. This will assist in retaining a semi rural back drop to the development. It is intended to control the additional planting via a suitably worded condition to ensure that native species are used. The Parish Council have asked for a landscape and visual impact assessment to be submitted, however, officers are satisfied that the relatively small scale of the development can be assessed sufficiently without the need for such a detailed document. The layout, scale and detailed design of the properties takes account of the existing landscape features and is sympathetic to its semi-rural setting on the edge of the village and adjacent to the Conservation Area.
- 6.38 The proposal therefore accords with those policies of the adopted and emerging local plan that seek to protect the landscape qualities of the District and the identified Conservation areas.

Biodiversity

- 6.39 The application is accompanied by an Extended Phase 1 Habitat Survey. This concludes that:
- The proposed development site is dominated by unmanaged semi-improved grassland with recently planted hedgerows at the boundaries and a vacant property is located in the southern part of the site. These habitats have the potential to be of value to protected species as well as being of general biodiversity value themselves and there are records of protected species in the surrounding area.
 - further works have been recommended to determine the presence or likely absence on the site of reptiles and an internal inspection of the house followed by a dusk emergence survey and activity surveys for bats
 - Precautionary methods are also recommended for site clearance undertaken outside the bird nesting season (March to end of August) or immediately after an ecologist has confirmed the absence of nesting birds
- 6.40 The report does not identify any protected species on the site at present and does not consider that the development will have an adverse impact on biodiversity. The development accords with the NPPF that seeks to protect the natural environment and policy PLA4 of the emerging local plan.

Highways Issues

- 6.41 The Highway Authority does not object to the application subject to a number of conditions requiring a Construction management Plan; the provision of parking areas in accordance with the drawings; and the planting of hedgerows behind the sight splays. The Highway Authority also notes that Moors Close is a private road. The applicant advises in his submission that although Moors Close is a private road he benefits from a right of access over the road.
- 6.42 A number of the objections relate to highway safety issues particularly around the visibility splays at the junction of Moors Close with Heckfords Road. Previous refusals have also

referred to highway safety issues at the junction, since this time significant policy changes have occurred. The revised block plan shows that minimum sight splays of 2.4 by 26 metres can be achieved in each direction. The junction lies within the 30 mile an hour speed limit. The radii of the junction is generous to allow unhindered manoeuvres onto the main road. The junction currently serves 13 dwellings and the introduction of a net increase in two properties is not considered to result in a material adverse impact on highway safety. The NPPF advises that developments should only be refused where highway impacts are severe.

- 6.43 The development would not result in a material adverse impact on the capacity of the highway network or on the safety of road users. The development therefore accords with the NPPF and policy SD8 of the emerging local plan.

Section 106 Obligations

- 6.44 The applicant has agreed to provide a Unilateral Undertaking to provide for open space provisions within the locality.
- 6.45 The development therefore accords with Policy PEO22 of the emerging local plan.

7 Conclusion

- 7.1 The proposal has been considered in relation to the NPPF and those policies of the local plan that can be afforded relative weight. Regard has also been had to other material considerations (including the planning history of the site; sustainability; design – including layout, amenity and parking standards; residential impact; visual and landscape impact and impact on the Conservation area; biodiversity; highways issues; and Section 106 obligations). It is considered that the scheme is acceptable and that conditional planning permission should be granted following the completion of the Section 106 obligation.

Background Papers

None