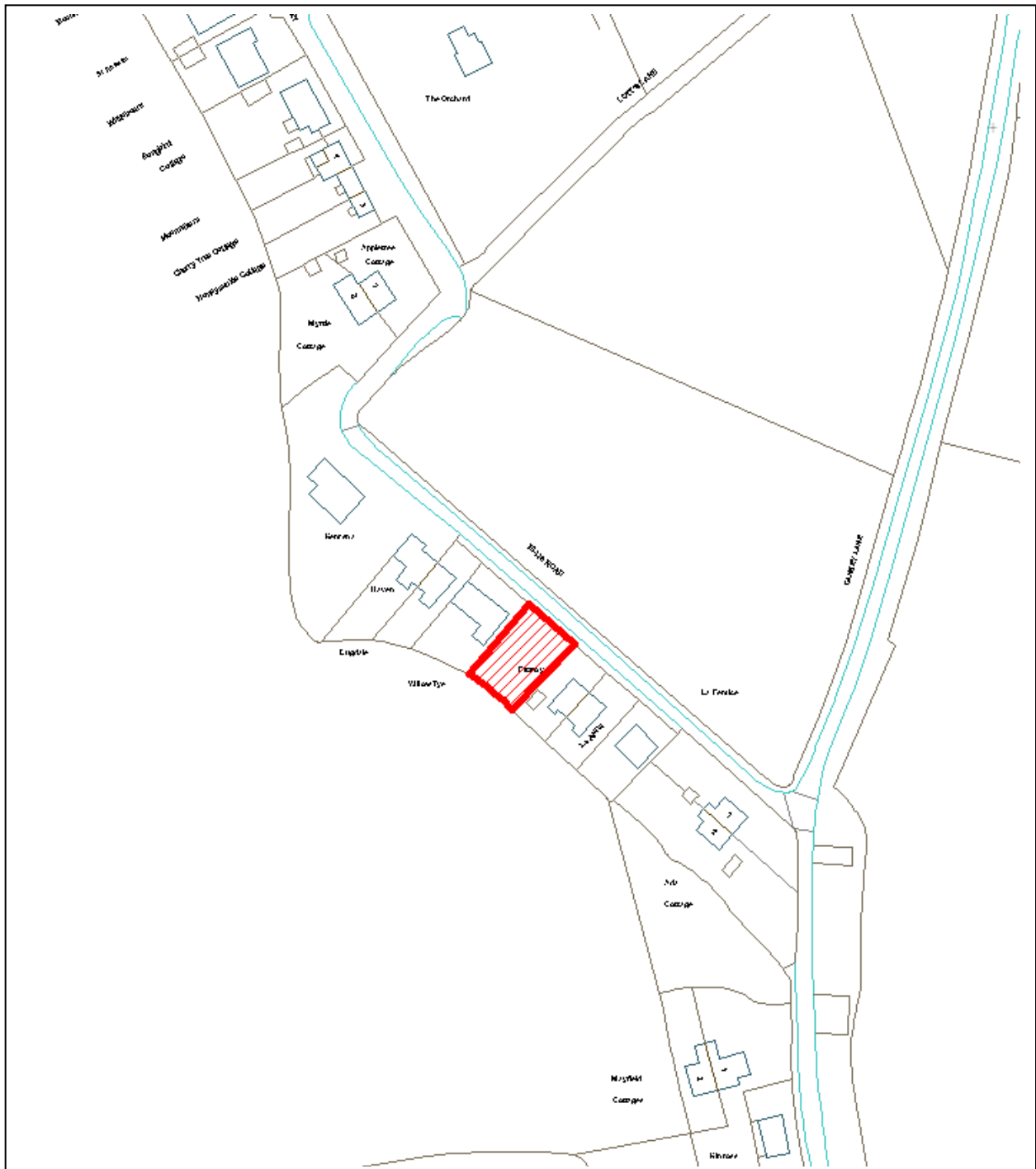


# PLANNING COMMITTEE

29 APRIL 2014

## REPORT OF THE HEAD OF PLANNING

### A.2 PLANNING APPLICATION - 14/00257/OUT - LAND ADJACENT TO FITZROY, ELLIS ROAD, BRADFIELD, CO11 2RE



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	14/00257/OUT	<b>Town / Parish:</b> Bradfield Parish Council
<b>Applicant:</b>	Mr Schwier	
<b>Address:</b>	Land adjacent to Fitzroy Ellis Road Bradfield CO11 2RE	
<b>Development:</b>	New dwelling.	

## 1. **Executive Summary**

- 1.1. This application has been referred to Planning Committee as it represents a departure from Local Plan policies which seek to manage growth and concentrate development within Settlement Boundaries.
- 1.2. The application seeks planning permission for the erection of a single dwelling. The application is in outline form with all matters of detail reserved for a future application.
- 1.3. Whilst the dwelling is outside the settlement boundary, the proposal does meet with other Local Plan policies in that it is situated between two dwellings in an established area of ribbon development and does not represent a new isolated home. It is therefore considered that residential development of this site would not result in any material harm to the landscape quality of the area.
- 1.4. Whilst no details of the proposed dwelling have been provided as part of this outline application, it is considered that the site is capable of accommodating a single dwelling of a design which would not be detrimental to the surrounding area or result in an adverse impact upon neighbour's amenities.
- 1.5. The required financial contribution towards public open space has been provided and the application is recommended for approval.

### **Recommendation: Approve**

#### **Conditions**

1. Standard time limit for commencement of development
2. Standard time limit for the submission of reserved matters application
3. No development to commence until approval of all reserved matters

#### **Informative**

1. Footpath to the rear of the site should not be obstructed at any time

## 2. **Planning Policy**

### **National Policy**

NPPF            National Planning Policy Framework

National Planning Practice Guidance

## Local Plan Policy

### *Tendring District Local Plan 2007*

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
EN1	Landscape Character
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

### *Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)*

SD1	Presumption in Favour of Sustainable Development
SD4	Smaller Rural Settlements
SD5	Managing Growth
SD8	Transport and Accessibility
SD9	Design of New Development
PEO1	Housing Supply
PEO4	Standards for New Housing
PEO22	Green Infrastructure in New Residential Development
PLA5	The Countryside Landscape

## Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

96/01556/FUL - (Land adjacent Fitzroy, Ellis Road, Bradfield) Detached house and garage and new vehicular access – Refused 21.01.1997

#### **4. Consultations**

- 4.1. Principle Tree and Landscape Officer states that there are no trees or other significant vegetation on the application site. The shrubs situated to the rear of the plot of land do not merit retention.
- 4.2. Essex County Council Highways Department observes that this section of Ellis Road is classified as a Private Road and therefore does not wish to object to the proposals as submitted.
- 4.3. The Ramblers Association has no objection providing that the Public Right Of Way to the rear remains open and usable at all times.

#### **5. Representations**

- 5.1. Four letters of objection has been received and can be summarised as follows (*with Officer's response in brackets*):
  - This parcel of land has not been included in the new village envelope and therefore should not proceed. (*See paragraphs 6.4 to 6.9 below*)
  - This application has previously been refused at appeal; the circumstances have not changed. (*See paragraph 6.9 below*)
  - Ellis Road is an unadopted single track and as such would not be suitable for further development of this nature and particularly for any additional 'on-street' parking which would no doubt arise. (*See paragraphs 6.15 to 6.17 below*)
  - The proposal constitutes overdevelopment. (*See paragraph 6.19 below*)
  - The proposal would obscure the open views that are currently enjoyed by both residents and the many people who regularly walk the road to gain access to the nearby countryside. (*See paragraph 6.8 below*)
- 5.2. One letter has been received which supports the planning application.
- 5.3. Bradfield Parish Council note that the site appears to be outside the village envelope, but providing this is acceptable to the planning department would be minded to recommend approval as long as 1) the road is first made up to an acceptable highways standard, and 2) adequate off road parking is provided, both conditions we believe to be essential, given the nature and condition of Ellis Road.

#### **6. Assessment**

- 6.1 The main planning considerations are:
  - Planning Policy;
  - Design and Appearance;
  - Residential Amenity;
  - Highway Safety; and,
  - Public Open Space Contribution.

## **Proposal**

- 6.2 This application seeks planning permission for the erection of a single dwelling on Land Adjacent to Fitzroy, Ellis Road, Bradfield. The application is in outline form with all detailed matters reserved for a future application.

## **Site Location**

- 6.3 The site is located in between properties known as Fitzroy and Willow Tye in Ellis Road outside any development boundary in an area of ribbon development on the edge of the village. The site is accessed via a private road which is narrow in width with a number of potholes. The adjacent dwellings are two storey in height and are constructed of red brick and tiles.
- 6.4 The site itself is currently laid to grass and is rented out as a garden area for Fitzroy. Along the front boundary and rear boundary is a low chain link fence. Along the rear boundary of the site is a public footpath beyond which is agricultural land.

## **Policy**

- 6.5 The National Planning Policy Framework states housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Draft Local Plan Policy SD1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 6.6 The site lies wholly outside the settlement development boundary and therefore proposes a new dwelling in the Countryside. Saved Policies HG5 and HG18 make clear that new permanent dwellings in the Countryside should only be allowed as local needs affordable housing or to support existing agricultural activities where there is a clearly established functional need. These views are reflected under Draft Local Plan Policies PEO11 and COU5. In this case there is no local need or agricultural justification for the proposed dwelling.
- 6.7 Notwithstanding the above, whilst the site is outside any development boundary it is situated in between two dwellings in an established area of ribbon development. Therefore the proposal does not represent a new isolated home.
- 6.8 Since the previous decisions set out above, the policy context has changed due to the publication of the NPPF, which sets out a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Given this significant change in policy context, it is considered that although the site lies outside a development boundary it is not the sole determining factor and other issues must be taken into consideration.
- 6.9 Saved Policy EN1 states the quality of the District's landscape and its distinctive local character will be protected from inappropriate forms of development. Draft Local Plan Policy PLA5 also states that 'the quality of the district's landscape and its distinctive local character will be protected and, wherever possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted.' The site falls within the Agricultural Heartland with a landscape type of Heathland Plateaux (7A Bromley Heaths) characterised by a 'low density, rural settlement pattern of scattered farms and halls, hamlets, villages and small market towns'. The Tendring District Landscape Character Assessment (November 2001) Volume Two: Guidance for Built Development advises that the historic dispersed settlement pattern of hamlets, scatter farmstead and

distinct villages should be maintained and that further incremental linear development along roads would disrupt this pattern. As the proposal is between two existing dwellings it does not represent further incremental linear development and the identity of the village will be retained.

- 6.10 Planning permission for a dwelling on this site was refused and dismissed at appeal in 1997 (96/01556/FUL). The Inspector concluded that the proposal would have a detrimental effect on the form of the settlement and the character of the area and that it would also adversely affect highway safety. Since this date there have been significant changes in planning policy with the adoption of the Tendring District Local Plan 2007, the Tendring District Local Plan Proposed Submission Draft 2012 and the National Planning Policy. It is therefore considered that the appeal decision should be given limited weight.

### **Design**

- 6.11 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, in indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design.
- 6.12 Policies QL9, QL10 and QL11 of the Saved Plan aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Policy SD9 of the Draft Plan carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.
- 6.13 The design of the proposal does not form part of this application. However, it is considered that the site is capable of accommodating a dwelling of a design that would not be detrimental to the character and appearance of the surrounding area.

### **Residential Amenity**

- 6.14 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SD9 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.15 The properties either side of the application are two storey in height. The flank elevation of Willow Tye has no windows or openings. The flank elevation of Fitzroy has a door and two windows at ground floor level and one window at first floor level, however, these do not appear to serve habitable rooms. It is therefore considered that the site is capable of accommodating a single dwelling without resulting in any adverse impact on the amenities of neighbouring residents.

### **Highway Safety**

- 6.16 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able

to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SD9 of the Draft Plan.

- 6.17 This part of Ellis Road is a private road and is narrow. At the time of the appeal the Inspector accepted that the traffic generated by one dwelling would be limited, but the nature of the roads in the vicinity is such that it would be wrong to encourage any additional vehicular traffic. Since this decision was made the NPPF has been introduced; this states at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Given that the proposal is for one dwelling, it is considered that it would not result in an increase traffic that would result in a severe impact on the character of the area.
- 6.18 No details of parking provision are provided as part of this application. However, this a matter that will be dealt with as part of a future application.

#### **Public Open Space Contribution**

- 6.19 There is an identified significant deficit in equipped play facilities in the Bradfield Parish and a financial contribution towards improved play facilities is justified. A Unilateral Undertaking has been provided and the proposal is therefore in accordance with saved Local Plan Policy COM6 and Draft Local Plan Policy PEO22.

#### **Other Considerations**

- 6.20 The site is large enough to accommodate a dwelling with adequate amenity space and parking which meets the criteria set out in PEO4 of the Tendring District Local Plan Proposed Submission Draft without representing overdevelopment of the site.

#### **Background Papers.**

None.