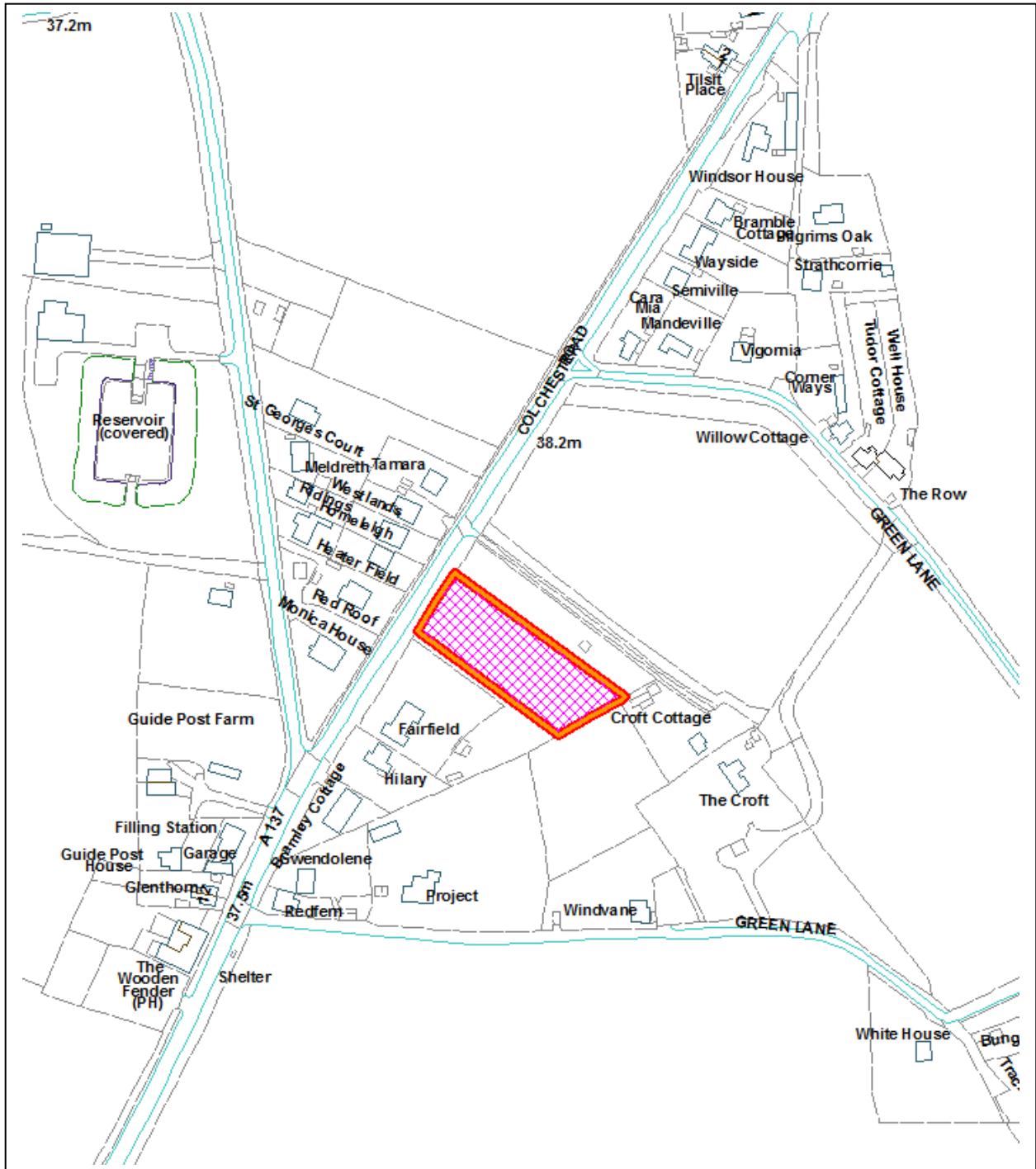


PLANNING COMMITTEE

3<sup>RD</sup> MARCH 2015

REPORT OF THE HEAD OF PLANNING

**A.8 PLANNING APPLICATION - 14/01783/OUT – FAIRFIELDS, COLCHESTER ROAD, ARDLEIGH, CO7 7PB**



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<b>Application:</b>	14/01783/OUT	<b>Town / Parish:</b> Ardleigh Parish Council
<b>Applicant:</b>	Mrs S Woodman	
<b>Address:</b>	Fairfields, Colchester Road, Ardleigh CO7 7PB	
<b>Development:</b>	Construction of a single detached bungalow with new access to Colchester Road	

## 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 bungalow. The application is in outline form with all matters of detail reserved for a future application. The site currently forms part of the residential garden for the donor property "Fairfields" to the south-west. The site is approximately half a mile from Ardleigh with the "Wooden Fender" public house and a petrol station within 150 metres of the site.
- 1.3 Whilst the proposal for a dwelling outside the settlement boundary would not normally be acceptable in principle due to its impact on the countryside, the lack of a 5-year supply of housing obliges the Council to consider whether it would constitute sustainable development. This approach represents a material change in policy context from when a similar application for the same site was refused and dismissed at appeal in 2004 for its impact on the countryside.
- 1.4 Whilst the proposal would cause harm environmentally, this is sufficiently outweighed by the economic and social benefit of the proposal. It is therefore considered to represent sustainable development and acceptable in principle.

### **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
4. Details of boundary treatments
5. Vehicular access width to be 3.7m
6. No unbound materials to be used within 6m of highway boundary
7. Details of bridging/piping of ditch/watercourse required prior to development
8. Gradient of access not to be steeper than 4% (1 in 25) for first 6m from highway boundary and 8% (1 in 12.5) thereafter.
9. Details of a vehicular turning facility
10. All off street parking to be in accordance with current parking standards
11. Any garage with its door facing the highway to be at least 6m from the highway boundary
12. Details of bicycle storage
13. Provision of and adherence to a Construction Method Statement

**Informatives:**

1. Any fencing required, as part of the development should be chain-link or similar metal fencing with adjacent soft landscaping to screen the fence and to screen and enhance the appearance of the development. Close board or panel fencing would not be acceptable in this location.
2. Standard highways informative

**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

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

PLA5 The Countryside Landscape

## Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

03/02273/FUL. New dwelling with double garage, refused (12/01/2004).

### **4. Consultations**

- 4.1 Principal Tree & Landscape Officer – there are no trees or other vegetation in the main body of the application site. The front boundary is marked by an established hedgerow comprising indigenous species. As it abuts land forming part of the domestic curtilage of Fairfields it does not fall within the scope of the Hedgerow Regulations 1997. The removal of a short section of hedgerow to gain access to the land would not have a significant impact on the character or appearance of the area.

If consent is likely to be granted then a condition should be attached to secure details of soft landscaping as described in the Planning Statement submitted with the application. An informative (detailed above) is also added with regards to the type of fencing that would be acceptable in this location.

- 4.2 Essex County Council Highways – The Highway Authority raises no objection subject to conditions relating to:
- Vehicular access width
  - Use of unbound materials
  - Details of bridging/piping of ditch/watercourse required
  - Gradient of access not to be steeper than 4% (1 in 25) for first 6m from highway boundary and 8% (1 in 12.5) thereafter.
  - Details of a vehicular turning facility
  - All off street parking to be in accordance with current parking standards
  - Any garage with its door facing the highway to be at least 6m from the highway boundary
  - Details of bicycle storage
  - Provision of and adherence to a Construction Method Statement

### **5. Representations**

- 5.1 Ardleigh Parish Council objects to this application. The grounds for the objection are that a previous, similar application to develop this site was refused permission a few years ago, and an appeal was dismissed by the Inspector and the Parish Council considers that nothing has changed since the dismissal. The objection also focusses on the impact the intrusive infilling will have on the open and rural character of the site and the fact that it is outside of the defined settlement limits, and thereby contrary to the local plan. The Parish Council is also concerned about the additional vehicular access onto this stretch of Colchester Road, where the speed limit is greatly exceeded, therein creating an issue of highway safety.

### **6. Assessment**

- 6.1 The main planning considerations are:
- Context and Background;
  - Proposal;
  - Planning History;
  - Policy Context;

- Sustainable Development;
- Residential Amenity; and,
- Highway Safety.

### **Context and Background**

- 6.2 The 0.3 hectare site is located at Fairfields on the south-eastern side of Colchester Road and is outside of the Settlement Development Boundaries as established in the saved and draft local plans. The site currently functions as a garden to the side of Fairfields (the donor property) and is mainly lawn grass. The front boundary is marked by a hedgerow and the site contains some mature trees at the rear of the site.

### **Proposal**

- 6.3 The proposal is an outline application for planning permission with all matters reserved for the construction of a single detached bungalow with access to Colchester Road.

### **Planning History**

- 6.4 Planning permission (ref: 03/02273/FUL) for a new dwelling with double garage was refused on 12th January 2004. The grounds for refusal focused on the site's location in the countryside and that the ribbon development it constituted would be detrimental to the rural appearance of the area and character of the locality. A subsequent appeal (PINS ref: APP/P1560/A/04/1141386) was dismissed on 7th July 2004. The Planning Inspector sustained that the proposal would extend development away from the existing cluster of dwellings into the open countryside.

### **Policy Context**

- 6.5 As the site is outside of the established settlement development boundaries it is considered to form part of the countryside. Normally, such sites would not be acceptable in principle for residential development as it would be contrary to the Council's policy to focus such development in established settlements. However, as the Council no longer has a demonstrable 5-year supply of housing, it is obliged by the National Planning Policy Framework ("the Framework") to consider the extent to which the proposal represents sustainable development.
- 6.6 The Framework states that applications for residential development should be considered in the context of the presumption in favour of sustainable development and thereby comprises economic, social and environmental elements. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. Draft Policy SD1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework.
- 6.7 This approach is a key part of the consideration of this proposal. Indeed, this approach differentiates this application from the proposal that was refused and then dismissed at appeal in 2004. The introduction of the Framework in 2012 and the afore-mentioned housing shortage has changed the policy context for this site. 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.
- 6.8 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.

### **Sustainable Development**

- 6.9 As discussed above, a key consideration in determining this application is the extent to which it comprises sustainable development. If it is considered to comprise sustainable development then the proposal would be acceptable in principle. Sustainable development consists of economic, social and environmental elements and these will now be discussed in turn.
- 6.10 Economically, the proposal would be sustainable as it would generate employment during construction and thereafter generate some extra trade for local businesses through the modest population gain it would entail.
- 6.11 Socially, the application site is linked by a lit pavement to the village of Ardleigh, which is 0.5 miles to the north-east. Whilst Ardleigh has no defined employment area and no railway station, it has GP services, a primary school and good bus routes. Furthermore, within approximately 100m of the application site there is a petrol station (with a small convenience store) and a public house. In consideration of these characteristics, the proposal would be considered socially sustainable.
- 6.12 In considering whether the site is environmentally sustainable, it is necessary to examine the character and appearance of the area. The application site forms the edge of a small cluster of dwellings in the countryside. In dismissing an appeal in 2004 for a new dwelling on the application site, the Planning Inspector identified that the appeal proposal would extend frontage development north-eastwards away from the existing group of buildings towards the open countryside. He also considered that it was important to retain the open character of the countryside surrounding Ardleigh village and that the appeal proposal would be harmful for changing this character. Whilst the policy context has changed since 2004, the conclusions reached in terms of environmental harm by the Planning Inspector will not differ significantly. Therefore, the proposal would not be environmentally sustainable.
- 6.13 In drawing these three elements together it is clear that there would be some harm environmentally. However, this harm could be reduced through appropriate landscaping and urban design. The impact on the environment is also reduced through the presence of an existing garden to the north-east, which buffers the proposal's encroachment into the countryside. It is also important to remember that the material changes in policy context since 2004, notably the introduction of the Framework and the Council's housing shortage, frame the application differently. Accordingly, when considered alongside the economic and social benefit mentioned above, the proposal would, on balance, represent sustainable development and therefore be acceptable in principle.

### **Residential Amenity**

- 6.14 The proposal is an outline application with all matters reserved. However, from the submitted indicative drawing it is clear that it is possible to design a building for the site that would have well in excess of the minimum private amenity space required by local plan

policy. Also, if a single storey building were to be built, as is shown indicatively, it would protect the residential amenity of the donor property ("Fairfields") and other nearby properties.

### **Highway Safety**

- 6.15 As an outline application with all matters reserved, access is not a matter for detailed consideration. Whilst concerns have been raised from Ardleigh Parish Council regarding a new access point onto Colchester Road, this point of access would benefit from substantial visibility splays in both directions given the straightness of Colchester Road and the depth of verge between the highway edge and the application site. Furthermore, no objection has been received from the Highways Authority subject to conditions, which can be attached. Accordingly, there would be no material impact on highway safety.

### **Background Papers**

None.