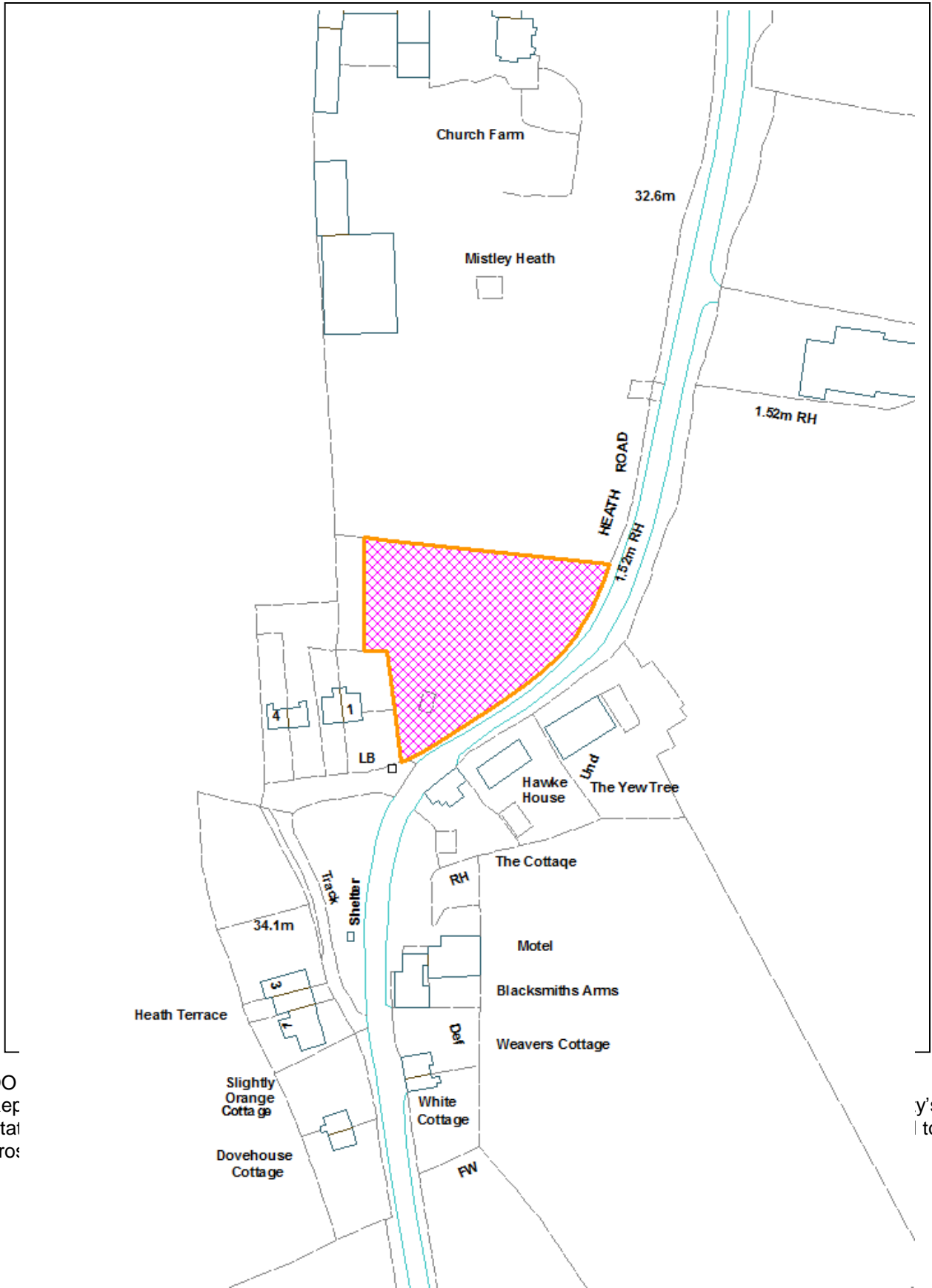


PLANNING COMMITTEE

30 June 2015

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 15/00378/OUT - LAND OPPOSITE THE YEW TREE HEATH ROAD, MISTLEY, CO11 2QJ



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Application:	15/00378/OUT	Town / Parish: Mistley Parish Council
Applicant:	Granville Developments	
Address:	Land opposite The Yew Tree Heath Road Mistley CO11 2QJ	
Development:	Erection of two pairs of semi detached dwellings and associated garages.	

1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Cllr. G Guglielmi due to the positive impact on urban design/street scene, the location inside the housing circle that makes up Mistley Heath, the proposal represents sustainable development, two large dwellings have been built further away from the centre of the settlement, no objections from neighbours and the site is very near development boundaries, next to several other properties.
- 1.2 The application seeks outline planning permission, with all matters reserved for the erection of two pairs of semi-detached dwellings and associated garages.
- 1.3 The application site is situated on the northern side of Heath Road and extends to 0.21 hectares of grassland with an outbuilding. The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007), but within the Settlement Development Boundary of Mistley Heath in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012) and the Focussed Changes 2014, which is not yet formally adopted and cannot be given significant weight.
- 1.4 The proposal raises no objection within regard to highways, landscape impact or impact on neighbours. However, there is considered to be a principle objection to the proposal as it fails to meet the requirements of sustainable development as set out by the National Planning Policy Framework (NPPF).

Recommendation: Refuse

The site lies outside of the settlement development boundary of the Tendring District Local Plan 2007 and relates to open market housing. Policy QL1 of the Tendring District Local Plan 2007 follows established principles for sustainable development and seeks to concentrate new development within established settlements. Elsewhere, only development which is consistent with countryside policies will be permitted.

As an adequate supply of land for housing cannot be demonstrated, paragraph 49 of the National Planning Policy Framework (NPPF) applies in relation to the three dimensions of sustainable development; economic, social and environmental. It is considered that the proposal meets the economic and environmental roles. But fails the social role as the site is within a small hamlet which has no facilities other than a public house. Whilst there are bus stops close to the site, it remains likely that journeys to important services and facilities will be taken by unsustainable modes of transport. On this basis, the proposal would not be socially sustainable and is contrary to the criteria set out in the NPPF.

2. **Planning Policy**

National Policy

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

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)*

SD4 Smaller Rural Settlements

SD5 Managing Growth

SD8 Transport and Accessibility

SD9 Design of New Development

PEO1 Housing Supply

PEO4 Standards for New Housing

PEO8 Aspirational Housing

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

3. **Relevant Planning History**

- 3.1 There is no planning history directly relating to this application site, however, the following applications within the local vicinity are relevant.

- 3.2 13/00334/FUL – granted planning permission for the erection of a dwelling and detached garage at Fairview, Heath Road, Mistley on 9th July 2013. This consent was later amended by application 13/01189/FUL which was granted on 16th December 2013.
- 3.3 13/00911/FUL – granted planning permission for the erection a detached dwelling and garage on land adjacent to The Pightle, The Heath, Mistley on 8th October 2013.
- 3.4 14/01541/OUT – refused planning permission for the erection of two detached dwellings on land adjacent to Church Farm House, The Heath, Mistley on 9th December 2014.

4. Consultations

Mistley Parish Council

- 4.1 No response received.

Essex County Council Highways

- 4.2 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to condition to cover the following:
- The access being provided prior to first occupation of the dwellings and in accordance with submitted drawings.
 - Adequate vehicular visibility splays being provided and maintained free from obstruction.
 - The width of the proposed carriageways.
 - The provision of off-street parking in accordance with current parking standards.
 - The size and location of any proposed garages
 - Details of the provision for the storage of bicycles.
 - The provision and maintenance of an appropriate vehicular turning facility.
 - Suitable surface treatment for the proposed vehicular access.
 - Width and location of individual proposed vehicular accesses.

5. Representations

- 5.1 One letter of support has been received with states that the proposal would only enhance and improve the village feel of Mistley Heath.
- 5.2 The proposal has been referred to Planning Committee at the request of Cllr. G Guglielmi for the following reasons:
- The development resides inside the housing circle that makes up Mistley Heath
 - It meets all the sustainability criteria in the NPPF guidelines in terms of footpaths, lighting, bus services, amenities, pub etc.
 - Two large dwellings have been built further away from the centre of the settlement that would have been considered on a similar basis and could be seen to have set a precedent.
 - There has been no objection to the application, and some neighbours have expressed pleasure that a rough area of ground in the village will be tidied up.
 - The site is very near the development boundaries and the proposed development will be next to several other properties already existing.

6. Assessment

- 6.1 The main planning considerations are:

- Principle of Development;
- Landscape and Visual Impact;
- Residential Amenity; and,
- Highway Safety.

Context and Background

- 6.2 The application site is situated on the northern side of Heath Road and extends to 0.21 hectares of grassland with an outbuilding. The site benefits from hedgerow screening to the highway with scattered trees along the northern boundary of the site. To the south and west of the site are residential properties which are predominately two storey in height with the exception of a bungalow on the opposite side of the road. To the north of the site lies an area of grassland comprising of various outbuildings (which was subject to a planning application (14/01541/OUT) for two detached dwellings, which was refused and currently at appeal). To the west of the site behind the existing residential properties lies agricultural land.

Proposal

- 6.3 This application is for the erection of a pair of semi-detached dwellings and associated garages, the application is in outline form with all matters reserved. Issues of access, landscaping, appearance, layout and scale will be dealt with as part of a future application. The drawings provided as part of the application are indicative only.

Principle of Development

- 6.4 The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007), but within the Settlement Development Boundary of Mistley Heath in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 201) and the Focussed Changes 2014.
- 6.5 In accordance with a number of appeal decisions dating from April 2014, the first being in relation to a site in St Osyth Road East, Little Clacton (APP/P1560/A/2211702 or 13/01212/OUT) the Tendring District Local Plan Proposed Submission Draft 2012 and Focussed Changes 2014 can only be given limited weight in the determination of applications. Before this a different approach was being taken. However, this appeal decision highlighted the fact that as the Council cannot demonstrate a 5 year housing supply and the Local Plan policies (2007) are out of date, any housing developments should be considered purely against the criteria set out in the NPPF as the Draft Local Plan has not been adopted it is still subject to change and therefore can only be given little weight.
- 6.6 The National Planning Framework (NPPF) 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.
- 6.7 Economically, the construction and habitation of 4 new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents will bring to the local economy. In this regard, the proposal would be economically sustainable.
- 6.8 Socially it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. The site is

located in an area which does not benefit from any key facilities such as a primary school, shop or employment opportunities. There is a public house, however, it is understood that this operates on a rather ad hoc basis. There are bus stops within walking distance of the application site. However, whilst these are only a short distance away, there are no footpaths or street lights in the area which does not encourage people to walk in the surrounding area. The occupiers of the proposed dwellings would therefore be likely to use private motor vehicles for the vast majority of trips, including their day-to-day needs and therefore the proposal fails to meet the social dimension of sustainable development.

- 6.9 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under Landscape and Visual Impact.
- 6.10 The NPPF states these three roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings can places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. As the proposal fails to meet the social element of sustainable development, it cannot be considered to be sustainable and is therefore contrary to the NPPF.

Landscape and Visual Impact

- 6.11 The site is currently a grassed area situated immediately to the north and east of existing residential development and to the south of an area of grassland which contains a number of outbuildings. Whilst it is situated outside any Settlement Development Boundary in an area designated as Countryside, due to the existing dwellings, it is considered to be semi-rural in nature.
- 6.12 Within the surrounding area there is no uniform, design, appearance and layout. Given the size of the site it is considered that the site is capable of accommodating two pairs of semi-detached dwellings without result in harm to the character and appearance of the surrounding area.

Residential Amenity

- 6.13 Whilst the design, appearance and scale of the proposed dwellings are reserved for a future application, it is considered that the indicative layout shows that the site is capable of accommodating two pairs of semi-detached dwellings whilst leaving sufficient distance from neighbouring properties not to result in any adverse impact on neighbours amenities.
- 6.14 The site is of sufficient size to provide each property with adequate private amenity space.

Highway Safety

- 6.15 The site is of sufficient size to provide adequate parking and turning for the proposed dwellings.
- 6.16 Essex County Council Highways originally objected to the proposal on the basis that the proposal would lead to the intensification of use of a sub-standard access by reason of insufficient vehicular visibility splays. In response to this objection the agent submitted further information, including a speed survey. This was sufficient for Essex County Council to remove their objection and raise no objection subject to conditions.

Conclusion

- 6.17 Whilst the proposal is considered to be acceptable in terms of the impact on highway safety, residential amenity and the character of the surrounding area, there remains a principle objection to residential development on the site due to the fact that it is not considered to be a sustainable location, contrary to the NPPF.

Background Papers

None.