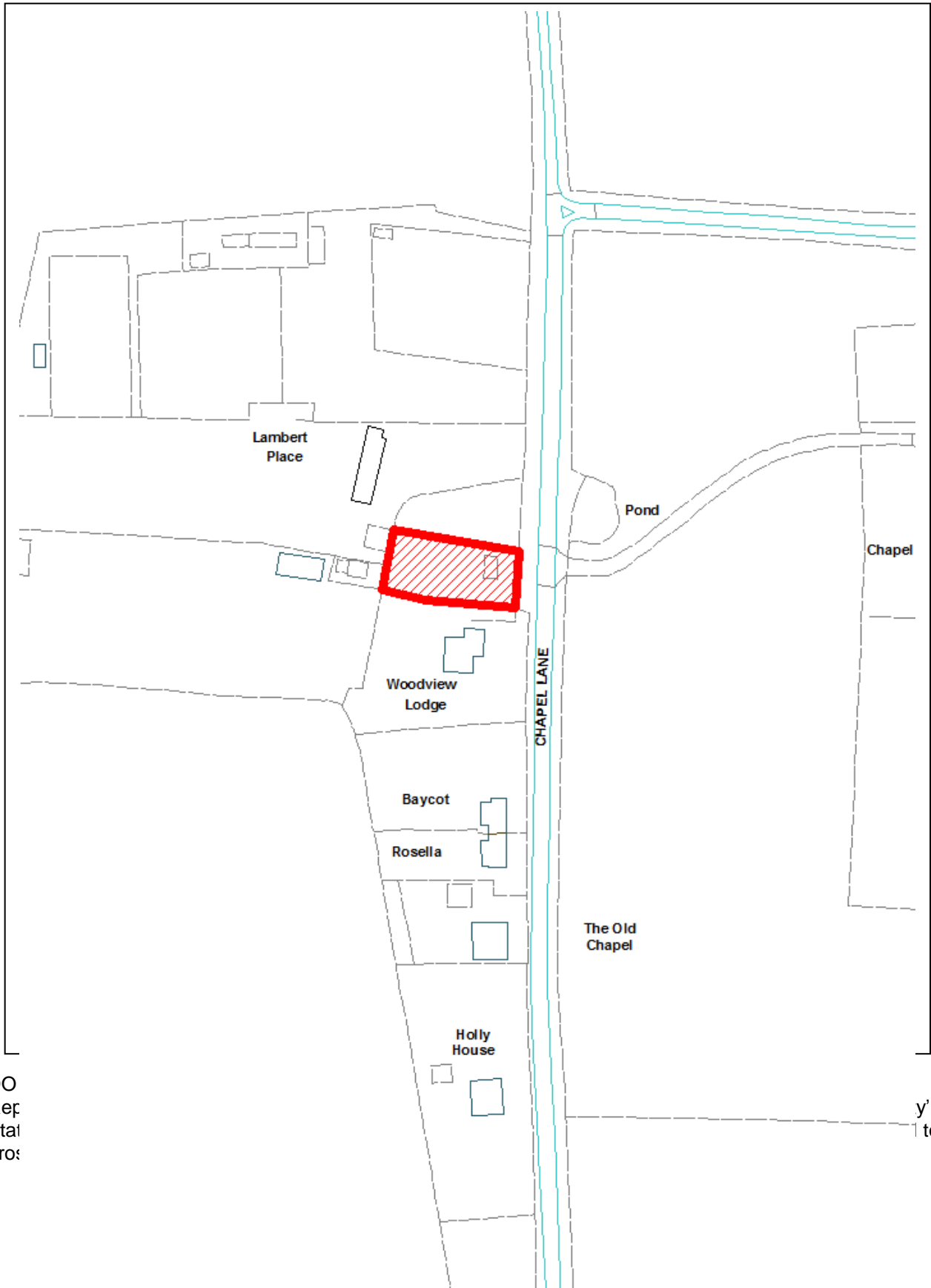


PLANNING COMMITTEE

15TH DECEMBER 2015

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATIONS - 15/01285/FUL - WOODVIEW LODGE CHAPEL LANE, CROCKLEFORD HEATH, ARDLEIGH, CO7 6BJ



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Application:	15/01285/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Mr Simon Limb	
Address:	Woodview Lodge Chapel Lane Crockleford Heath CO7 6BJ	
Development:	Erection of 1 no. 3 bed detached dwelling.	

1. **Executive Summary**

- 1.1 This application is referred back to the Planning Committee following deferral by Members at the 20th October 2015 committee meeting. The application was originally presented with a recommendation for refusal and the original Officer's report is reproduced below for information.
- 1.2 Following discussion by the Committee, it was resolved that consideration of this application be deferred to enable the Officers to hold discussions with the applicant to produce a scheme showing the property having a reduced height with a view to satisfactorily resolving the Committee's concerns in relation to:
- The impact of the proposed dwelling upon the historic setting of the Grade II listed property to the north known as 'Lamberts'.
- 1.3 Officers have been in discussion with the Applicant and with Essex County Council Highways, and as a result The Applicant has submitted amended plans which show the substitution of the previously proposed two-storey property with a bungalow of a larger footprint. The bungalow would have a ridge height of 4.7m which is 2m lower than previously proposed.
- 1.4 Officers are of the view that whilst the proposed property has been reduced in height by 2m, the significant footprint of the proposed bungalow and its proximity to Lambert's to the north would still erode the setting of that listed building to the detriment of its historic significance. The bungalow's ridge height of 4.7m, whilst being significantly lower than previously proposed, would still limit views of the listed building from Chapel Lane. Whilst the site benefits from an extant planning permission for a triple bay garage, it was located parallel with the side boundary of the plot and of a significantly smaller footprint. Consequently it is concluded that the proposed bungalow would have a significantly detrimental impact upon the setting of the adjacent listed building.
- 1.5 Officers therefore consider that the revisions to the proposed development do not overcome the reasons for refusal provided below within the original report to the Planning Committee on the 20th October 2015.

Additional Representations Received

- 1.6 8 additional letters of objection have now been received. The objectors concerns are as follows;
- development would compromise the rural nature of the lane;
 - adverse impact upon the setting of adjacent Grade II listed property 'Lamberts';
 - Chapel Lane has few passing places/impact on pedestrian's safety;
 - proximity to roadside nature reserve;
 - lack of suitable drainage;

- over-development of the site/cramped siting of proposed bungalow;
- development would set an undesirable precedent for more housing along rural lane; and
- increased on high water table.

Original Report to 20th October 2015 Planning Committee

- 1.1 This application has been referred to Planning Committee at the request of Cllr. N Stock.
- 1.2 The application seeks full planning permission for the erection of a single detached dwelling.
- 1.3 The application site is situated on the western side of Chapel Lane, Crockleford Heath and currently forms the side garden of 'Woodview Cottage'. The site lies outside of the Settlement Development Boundary of the Saved Local Plan but within the Settlement Development Boundary within the Draft Local Plan. However, the draft plan has not been adopted by the Council and only has limited 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 would lead to residential development outside of the defined settlement boundary in the saved local plan in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.
- 1.5 The development would also significantly impact upon the setting of the adjacent Grade II Listed property known as 'Lamberts'. The proposed dwelling due to its siting and size would block important views along Chapel Lane of the listed property, to the detriment of its historic setting.

Recommendation: Refuse

Reasons for Refusal

1). The application site is located outside of the defined settlement limit as defined by the Saved Tendring District Local Plan 2007 but within the Crockleford Heath Settlement Development Boundary as defined by the Draft Tendring District Local Plan: Proposed Submission Draft 2012 as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014). The draft plan has not been adopted by the Council and only has limited weight.

The nearest established settlements in the saved local plan are Colchester (2 miles), Elmstead Market (2.5 miles) and Ardleigh (3 miles). Crockleford Heath itself has no public services, such as schools or convenience shopping and has no public footpath, which will further discourage walking. Whilst this bus route provides access into Colchester, the lack of a lit public pavement means that it is quite likely that these social destinations would be accessed by private car. On this basis, the proposal would not be considered sustainable in terms of its social impact.

The dwelling would be sited in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.

2). To the north-west of the site is the Grade II Listed property known as 'Lamberts'. 'Lambert's' extensive thatched roof can be seen in views from the south along Chapel Lane and across the application site. Views of the listed building contribute significantly to rural

character of the locality. The siting of a substantial bungalow on the application site would limit important views of the listed building from the south within Chapel Lane and diminish its historic setting. Consequently, the construction of a substantial property on the plot would erode the setting of the listed building to its significant detriment.

3). Saved Policy COM6 and Draft Policy PEO22 require that for residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development shall be provided. A completed Unilateral Undertaking to provide the required financial contribution towards play provision has not been provided and the proposal is therefore contrary to Saved Policy COM6 and Draft Policy PEO22.

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

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN23 Development within the Proximity of a Listed Building

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

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

PLA6 The Historic Environment

PLA8 Listed Buildings

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

3. **Relevant Planning History**

12/00953/FUL	Erection of single storey side extension. Alterations to existing roof. Erection of triple bay garage. (Following demolition of existing en-suite, wc and garage store).	Approved	18.10.2012
15/01285/FUL	Erection of 1 no. 3 bed detached dwelling.	Current	

4. **Consultations**

ECC Highways Dept	No objections subject to the following conditions/mitigation; <ul style="list-style-type: none">- no unbound materials being used in first 6m of vehicular access- details of a vehicular turning facility being provided prior to commencement- parking spaces being constructed to a minimum of 5.5m x 2.9m- bicycle storage being provided within the site- details of a construction method statement being provided prior to commencement of development.
Public Open Space	Due to the significant lack of provision in the area it is felt that a public open space contribution and justified and relevant to the application. The contribution would be spent on the closest play area which is Recreation Ground, Station Road, Ardleigh.

5. **Representations**

- 5.1 The proposal has been referred by Cllr. Stock. The material considerations he raises relate to the need for housing in the district and the lack of any objection from the Essex County Council Highways and the local community.

- 5.2 Ardleigh Parish Council strongly objects to the application because of the impact that the proposed development would have on the nearby Listed Building.
- 5.3 One letter of objection has been received concerning (officer response in brackets);
- Over shadowing to garden areas (covered in report below)
 - Loss of outlook (covered in report below)
 - Sewerage Concerns (Proposed to use Package Treatment Plant)
 - Loss of Oak Tree (Oak Tree has already been removed and was not protected)
 - Impact upon well (Not a material planning consideration)

6. Assessment

The main planning considerations are:

- Context;
- Proposal;
- Policy Context/Principle of Development;
- Impact Upon Surroundings and Listed Building;
- Residential Amenity;
- Highway Safety;
- Planning Obligation

Context

- 6.1 The application site is located on the western side of Chapel Lane in Crockleford Heath. The application site is located outside of the defined settlement boundary within the saved Tendring District Local Plan (2007) and within in the Draft Tendring District Local Plan: Proposed Submission Draft 2012 as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014). The site forms part of the existing side garden of 'Woodview Lodge', which is located directly to the south. 'Woodview Lodge' is a recently extended three bedroom detached bungalow with access to a large paddock area to the west. The site currently accommodates a timber garage/shed and a polytunnel and is enclosed on its northern boundary by 1.8m high close boarded timber fencing. The site has its own vehicular access from Chapel Lane. 'Woodview Lodge' is served by a further access located to the south. To the north-west of the site is 'Lamberts' a Grade II Listed property with a substantial thatched roof.

Proposal

- 6.2 This application proposes the construction of a detached dwelling served by the existing vehicular access. The dwelling is traditional in design, measuring 11.2m wide by 14.2m metres deep and 6.7m to the ridge. A 1.8m high close boarded fence is proposed to divide off the plot. Parking and turning is proposed to the front of the proposed dwelling
- 6.3 The proposed construction materials are facing brickwork, smoothcast render and clay plain tiles to the roof.

Policy Context/Principle of Development

- 6.4 The Tendring District Local Plan (2007) is referred to as the saved plan and the Tendring District Local Plan: Proposed Submission Draft (2012) as amended by The Tendring District Local Plan: Pre-Submission Focussed Changes (2014) is referred to as the draft plan. The 2012 and 2014 plans have not yet been formally adopted and therefore carry limited weight. More weight must be given to National Planning Policy Framework ('the Framework') and the saved policies where in accordance with 'the Framework'.

- 6.5 Whilst the site is located within the Settlement Development Boundary for Crockleford Heath in the draft plan, this plan has not been adopted by the Council and only has limited weight. In relation to the saved plan, the site is located outside of any of the established Settlement Development Boundaries and is therefore subject to the Council's policies on the countryside. Such sites are not normally considered suitable for new housing, but given that the Council does not have an up-to-date supply of housing, such proposals are being considered in accordance with the provisions of the National Planning Policy Framework and if they are to be acceptable in principle, should represent sustainable development.
- 6.6 Sustainable development is composed of three key elements; namely economic, social and environmental. In this instance the provision of one dwelling would provide some, albeit relatively minor, economic benefit.
- 6.7 In terms of its social impact, Crockleford Heath is defined as a "smaller rural settlement" in the Draft Tendring District Local Plan (2012). This settlement is not defined within the Saved Tendring District Local Plan (2007). The nearest established settlements in the saved local plan are Colchester (2 miles), Elmstead Market (2.5 miles) and Ardleigh (3 miles). Given recent case law, the settlements established only in the draft local plan only have limited weight. Crockleford Heath itself has no public services, such as schools or convenience shopping and has no public footpath, which will further discourage walking. Therefore, the nearest social provisions for the site are provided by Colchester, Elmstead Market and Ardleigh. There is a bus route along Bromley Road to the north, with bus stops approximately 0.4 miles from the application site. Whilst this bus route provides access into Colchester, the lack of a lit public pavement means that it is quite likely that these social destinations would be accessed by private car. On this basis, the proposal would not be considered sustainable in terms of its social impact.
- 6.8 The environmental role is about contributing to protecting and enhancing the natural, built and historic environment which is considered below under Impact on Surroundings and Listed Building.

Impact Upon Surroundings and Listed Building

- 6.9 Paragraph 132 of 'the Framework' states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 adds where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Saved policy EN23 and draft policy PLA8 state that proposals for development that would adversely affect the setting of a Listed Building including long distance views will not be permitted.
- 6.10 In terms of the effect of the proposal on the environment, it is necessary to assess the impact on the character and appearance of the countryside and the historic environment. The surrounding area is characterised by fields and wooded areas with extensive perimeter landscaping. The plans show that a similar arrangement would be continued on site. The siting of the dwelling set in between two existing properties and supplemented by an appropriate landscaping scheme for the site would not be overtly visible within the wider landscape.
- 6.11 The traditional style design of the dwelling with the use of rendered walls, a raised brick plinth, plain clay tiles to the roof and timber joinery would relate appropriately to the rural character of the locality. The site could therefore accommodate the proposed dwelling without there being a detrimental impact upon the rural character of the locality.

- 6.12 To the north-west of the site is the Grade II Listed property known as 'Lamberts'. The property is set back further from the highway than 'Woodview Lodge' within soft landscaped grounds. 'Lambert's' extensive thatched roof can be seen in views from the south along Chapel Lane and across the application site. Views of the listed building contribute significantly to rural character of the locality. The siting of a substantial dwelling on the application site would block important views of the listed building from the south of Chapel Lane and diminish the historic setting of the listed building. Whilst it is noted that a triple bay cart lodge has previously been approved on the site, the cart lodge was significant smaller in foot print and height. The construction of a much larger detached dwelling on the plot would certainly have a much greater impact and erode the setting of the listed building to its significant detriment.
- 6.13 Consequently, due to the harm identified upon the setting of the listed building to the north-west of the site, the application is not considered to meet the environmental dimension of sustainable development.

Residential Amenity

- 6.14 The proposed dwelling would retain appropriate space to 'Woodview Lodge' to the south to prevent any material harm in terms of loss of light, privacy or outlook. Whilst a dormer is proposed to the first floor of the south facing elevation of the dwelling, the main private amenity areas serving 'Woodview Lodge' would not be affected by any overlooking as they are located on the opposite side of the property. A rooflight is proposed to the northern elevation, however this serves an en-suite and would be located above eye-level removing the potential for any overlooking to the private areas serving 'Lamberts'. The property is located sufficient distance from 'Lamberts' not too cause loss of light or outlook.

Highway Safety

- 6.15 The proposed dwelling would make use of the existing access serving the site. Essex County Council Highways have no objections to the development providing;
- no unbound materials being used in the first 6m of the vehicular access;
 - details of a size 3 dimension turning head being provided;
 - parking spaces being constructed to 5.5m x 2.9m in size;
 - the submission of a construction method statement prior to commencement.
- 6.16 These requirements are considered reasonable and would be secured via conditions. In respect of parking provision it is evident that there is ample space to the front of the dwelling to provide parking for two vehicles and the necessary turning head.

Legal Obligation

- 6.17 In November 2014 a Written Ministerial Statement confirmed Local Planning Authorities should not seek tariff style financial contributions on developments of 10-units or less, and which have a maximum combined gross floor space of 1000 square metres since that date. Tendring District Council was following this approach in relation to public open space and affordable housing contributions.
- 6.18 However, following the judgment in R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government on 31st July 2015 confirming that "the policies in the Written Ministerial Statement must not be treated as a material consideration in development management and development plan procedures and decisions or in the exercise of powers and duties under the Planning Acts more generally" we have reverted back to the Saved Local Plan

position of requesting public open space contributions in accordance with Saved Policy COM6 and emerging policy PEO22.

- 6.19 The proposal would create a new unit of residential accommodation. Saved Policy COM6 and draft Policy PEO22 state that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. There is an identified deficit in both equipped play and formal open space in the Parish and a contribution is therefore justified.
- 6.20 At the time of writing this report a completed unilateral undertaking has not been received. Failure to receive a unilateral undertaking would represent an additional reason for refusal in accordance with saved Policy COM6 and draft Policy PEO22. Members will be updated on this matter at the Planning Committee.

Conclusion

- 6.21 In summarising the three elements of sustainability, it is considered that the proposal would conflict with the social and environmental aims of sustainability to an extent that is not sufficiently outweighed by the economic element, and would therefore not constitute sustainable development. Furthermore, the provision of one dwelling would not significantly contribute towards the Council's housing targets. Therefore, whilst the Council does not have an up-to-date supply of housing, the principle of development would not be supported as it would not constitute sustainable development.

Background Papers

None.