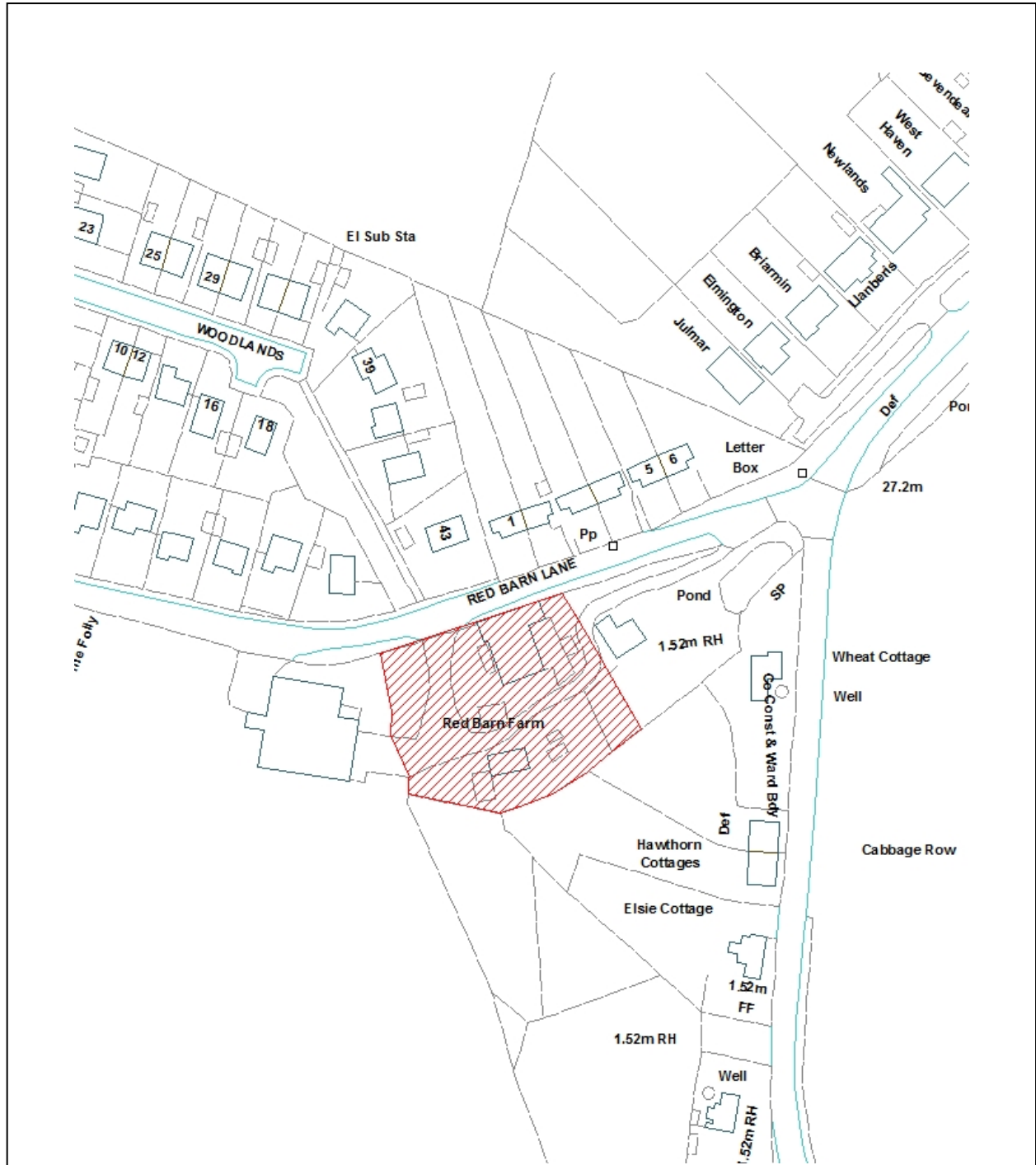


PLANNING COMMITTEE

9 AUGUST 2016

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATIONS - 16/00546/OUT - RED BARN FARM, RED BARN LANE, GREAT OAKLEY, HARWICH, CO12 5BE**



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| <b>Application:</b> | 16/00546/OUT   | <b>Town / Parish:</b> Great Oakley Parish Council |
| <b>Applicant:</b>   | Mr Rose - Rose Builders Ltd  |   |
| <b>Address:</b>     | Red Barn Farm, Red Barn Lane, Great Oakley   |   |
| <b>Development:</b> | Construction of 4 no. dwellings following the demolition of existing barns and outbuildings. |   |

## 1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Cllr Howard.
- 1.2 This application seeks outline planning permission with all matters reserved for the construction of 4 no. dwellings with associated parking and garaging following the demolition of the existing barns and outbuildings.
- 1.3 The application site is situated on the southern side of Red Barn Lane outside of, but opposite to, the defined settlement development boundary of Great Oakley as set out in the Tendring District Local Plan (2007); but wholly within the boundary in the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).
- 1.4 The National Planning Policy Framework however sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.6 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.7 The site is considered to be located in a socially sustainable location and would meet the economic strand of sustainability. In respect of the environmental impact, subject to the detailed design being acceptable, it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations.

## **Recommendation: Approve**

### **Conditions:**

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) are submitted
- 4) Materials
- 5) Boundary treatments
- 6) One all purpose access to a width of 5.5m with appropriate crossing
- 7) No unbound materials in first 6m of access
- 8) Vehicular visibility splays of 43m by 2.4m by 43m to access

- 9) Vehicular turning head of size 3 dimensions provided within the site
- 10) Communal bin/refuse collection point provision
- 11) All off-street parking in accord with current parking standards
- 12) Lighting Scheme details
- 13) Compliance with bat mitigation plan and biodiversity enhancement provision
- 14) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site
- 15) Removal of PD rights for extensions/outbuildings

## 2. Planning Policy

### National Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

### Local Plan Policy

*Tendring District Local Plan 2007*

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN6a Protected Species

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)*

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

HP4 Open Space, Sports and Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

|              |  |         |
|--------------|--|---------|
| 16/00546/OUT | Construction of 4 no. dwellings following the demolition of existing barns and outbuildings. | Current |
|--------------|--|---------|

### 4. **Consultations**

|                   |  |
|-------------------|--|
| ECC Highways Dept | <p>From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:</p> <p>1 Prior to the first occupation of the proposed dwellings, one all purpose vehicular access for all the dwellings shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.</p> <p>2 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.</p> <p>3 Prior to the proposed access being brought into use, vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.</p> <p>4 Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.</p> <p>5 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.</p> <p>6 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.</p> |
|-------------------|--|

7 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Essex Wildlife Trust

No comments received

Natural England

No comments to make upon the application.

## **5. Representations**

5.1 This planning application has been referred to the Planning Committee on the request of Cllr Tom Howard. Cllr Howard objects to the development for the following reasons;

- The development would generate a significant increase in vehicle movements to and from the site along a single track part of Red Barn Lane and also via The Avenue and the Stones Green Road. The development would generate additional traffic at a complex junction which includes a blind single track corner which already has regular accidents amplified by flooding on the corner;
- Over-development of the site. If development is to proceed should be limited to two dwellings at the roadside. The backland element creates over-development;
- Development is contrary to rural nature of this location and detracts from open nature of that side of Red Barn Lane;
- Risk of adverse impact to bats within the existing barns and the potential for the presence of Great Crested Newts due to proximity of nearby water sources;
- Site not identified in emerging local plan. Site not within the housing sites identified in the emerging local plan and as such there is evidence to suggest that the application site is not required to meet the District's objectively assessed housing need;
- Great Oakley is identified in the emerging local plan as a smaller rural settlement and therefore should only take 10 dwellings in the lifetime of the emerging local plan. Great Oakley has already had a significant site approved of over 50 dwellings. Any further development is over-development of a smaller rural settlement and inappropriate and unsustainable;
- Bus services are infrequent and have limited weight to justify sustainability.

5.2 Great Oakley Parish Council objects;

- Site was not included in the local plan consultation, in excess of properties required in the village, poor access on a dangerous corner and over-development of the site.

5.3 2 letters of objection have been received. The points raised are summarised below:

- Increase of traffic on busy narrow lane with no pedestrian pavement. Increasing the risk of accidents;
- Lane has speed limit of 40mph which is regularly exceeded. More houses and building work would make living conditions intolerable and dangerous;
- Application running in tandem with other housing developments in Great Oakley, which combined make a total of 74 houses. The environmental impact through additional car traffic and noise pollution, loss of trees/hedges and wildlife habitats would be substantial;
- Lack of local infrastructure in terms of school and doctor's surgery places;
- Lack of demand due to lack of commuting links.

## **6. Assessment**

The main planning considerations are:

- Site Context
- Proposal
- Local Plan Status
- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highway Considerations
- Biodiversity
- Legal Obligations

### **Site Context**

- 6.1 The application site is located on the southern side of Red Barn Lane within the settlement of Great Oakley. The site currently comprises of a barn and other general storage buildings previously used for agricultural purposes. The barn is located adjacent to the highway with various storage buildings in various state of repair set behind. The site benefits from an existing vehicular access onto Red Barn Lane at its western end. The site has a frontage of 47m to Red Barn Lane and a depth of 48m. The site frontage is largely open and the site rises slightly towards its rear.
- 6.2 Opposite the site is a row of semi-detached properties dating from the post war period. Further to the west is more modern development comprising of bungalows and houses that form part of a more comprehensive development on the northern side of Red Barn Lane. Directly to the west of the site is a large agricultural building and to the east is a detached dwelling.
- 6.3 The application site lies outside of, but opposite to, the defined settlement development boundary of Great Oakley as set out in the Tendring District Local Plan (2007); but within in the Emerging Plan (Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)).

### **Proposal**

- 6.4 The current application seeks outline consent with all matters reserved for the construction of 4 properties on the plot with associated garaging and parking. The indicative plan shows the provision of 2 no. chalet style cottages to the front with 2 no. bungalow to the rear.
- 6.5 The applicant has indicated that whilst all matters are reserved for later consideration, an indicative drawing has been submitted to indicate how development could be achieved within the application site. The indicative drawing shows one central vehicular access serving the two properties to the rear with the frontage cottages retaining their own access from Red Barn Lane.
- 6.6 These properties are indicated as accommodating a minimum of 100 square metres of private amenity space.

### **Local Plan Status**

- 6.7 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan

is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### **Principle of Development**

- 6.8 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan, 2007 which aims to direct new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.9 Great Oakley is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.10 Great Oakley is identified within Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) as a Smaller Rural Settlement, where some small scale development which is sympathetic to the rural character may assist younger people to continue to live in the area and keep local shops and services viable.
- 6.11 Given the limited weight that can be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.12 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.13 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.14 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.15 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- economic,
  - social and
  - environmental roles.

- 6.16 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

### **Economic**

- 6.17 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

### **Social**

- 6.18 In terms of the social role, the site is within close proximity of the local amenities within Great Oakley village such as a village convenience store, primary school and GP. These services are located approximately 1km to the north-east of the site along a pedestrian footpath accessed from Beaumont Road 80m to the east of the site. A bus stop is also located a short distance from the application site approximately 140m to the east on Beaumont Road. The bus stop is served by an hourly bus service that operates between the larger settlements of Harwich and Clacton. These facilities go some way to illustrate the sustainability credentials for the village.
- 6.19 The Framework, at paragraph 29, acknowledges that sustainable transport solutions will vary between urban and rural areas. Furthermore, the PPG notes that all settlements can play a role in delivering sustainable development in rural areas and that blanket policies restricting housing development in some settlements should be avoided unless supported by robust evidence. In this case, the proposal would result in a net gain of 4 dwellings and, as such, any increase in car generated trips would be modest. Furthermore, the village benefits from a bus service and the facilities mentioned above. Consequently, by rural standards, a range of transport options and facilities are available. Where residents do use the car, larger towns and villages, such as Harwich, and the services available within them are a short distance away such that residents would not be reliant upon lengthy car journeys.
- 6.20 Therefore, the limited range of services within the village does not dictate that the development should be resisted, taking account of saved policy HG3 and the requirements of the Framework and PPG. A range of transport options would be available for future residents, commensurate with the location of the site. In terms of the three dimensions of sustainable development, identified at paragraph 7 of the Framework, the proposal would not lead to any significant environmental harm as a result of future travel patterns.
- 6.21 Overall therefore officers consider that the application site performs reasonably well in terms of the social role within the definition of sustainability.

### **Environmental**

- 6.22 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site is located immediately opposite the settlement development boundary as defined in the saved Tendring District Local Plan (2007) and within the settlement development boundary in the draft local plan, with a number of residential dwellings sited to the east, north and south of the site.
- 6.23 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under the heading Character and Appearance.

### **Character and Appearance**

- 6.24 The site is located opposite to consolidated residential development that runs along the northern side of Red Barn Lane a further 200m to the west of the application site. Directly opposite the site are several semi-detached post war dwellings and to the west are 1980's style detached bungalows and houses. The site itself is enclosed at both ends by built development, namely a large agricultural building to the west and a two storey dwelling to the east. As stated above the site itself currently contains several large storage buildings and a barn to its frontage.
- 6.25 The development proposed of 4 no. properties arranged with 2 no. chalet cottage style dwellings fronting onto Red Barn Lane with 2 no. bungalows to the rear is considered to represent an appropriate response to the pattern of built development in the vicinity. The presence of built form at either end of the site and residential development on the opposite side of Red Barn Lane ensures that the re-development of this site would not adversely impact upon the character and appearance of the locality. The built form would not extend out beyond that currently existing on the plot and would not project further into open countryside than the large agricultural building to the west. As such the development would not materially harm the semi-rural character of the area. The inclusion of planting to the perimeters of the site will assist in softening its appearance and help to assimilate it into its surroundings.
- 6.26 Whilst scale is a reserved matter the details submitted show that the dwellings would be between 1 and half and 1 storey in height served by single storey garages. As confirmed above the area comprises of a mixture of bungalows, chalet style dwellings and two-storey properties. Against this backdrop the siting of 4.no properties of the chalet cottage style and bungalow variety on the site would not appear out of character or prominent in this location.
- 6.27 Therefore taking into consideration the current buildings on the site, the residential character of the surrounding area and the vegetation present on and around the site, it is considered that the proposed development would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

### **Neighbouring Amenity**

- 6.28 The NPPF, in 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 Tendring District Local Plan (2007) 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 SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.29 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings. The indicative layout shows that sufficient space could be left to the existing residential property to the east not to cause any adverse impact on the resident's amenity. Furthermore, the siting of bungalows to the rear assists in preserving the privacy of the future residents residing to the frontage plots.

### **Highway Considerations**

- 6.30 Essex County Council as the Highway Authority has been consulted on the application (see above for details). They raise no objection to the principle of the development and the

alterations proposed to the vehicular access from Red Barn Lane in this location. It is noted that objections have been received with regards to highway safety concerns, however as stated the Highway Authority have not raised any concerns from a highway safety aspect, and therefore Officers consider a refusal on this issue could not be substantiated.

- 6.31 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. It is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

### **Biodiversity**

- 6.32 A Phase One Habitat Survey has been carried out which confirms there are suitable features, within the area to be affected by the proposed development, which may provide foraging, nesting, breeding and roosting habitat for Bats, Great Crested Newts, Reptiles and Birds. In particular:

- Roosting Bats: Bats were confirmed to be present in Building 1, with live bats being found during the scoping survey, giving it High potential to support a permanent roost. Buildings 2 and 3 have Moderate and Low potential respectively;
- Birds: The areas of scrub and hedgerows, as well as the buildings within the site, provide suitable nesting habitat for breeding birds during the breeding season;
- Reptiles: The site and the surrounding habitat appear highly suitable for reptiles;
- Foraging/Communing Bats: The hedgerows provide suitable foraging and commuting habitat;
- Great Crested Newts: Pond 1 located immediately adjacent to the site has a HIS score of average. Given the score and suitable terrestrial habitat for this species on site, further surveys are required to confirm presence.

- 6.33 Due to the findings of the Phase One Habitat Survey specie specific surveys have been carried out in respect of Bats, Great Crested Newts and Amphibians and Reptiles. The surveys conclude the following;

### **Bat Survey**

- 6.34 In respect of the frontage barn and attached store buildings to rear Common Pipistrelles were seen to be entering the building on all three surveys. Brown Long-eared bats were visible in the rafters of the barn and were seen during the activity survey, however these were not picked up on the detectors.
- 6.35 No bats were seen entering or egressing from the other store buildings on site.
- 6.36 Due to the presence of bats within the barn, the survey concludes that a mitigation strategy should include the following;
- Temporary roost structures, (bat boxes), will be put in place elsewhere on site prior to works commencing;
  - The demolition works will need to be undertaken when bats are unlikely to be present, (November to January inclusive);
  - It is recommended that a 'soft strip' of roof tiles, cladding and ivy be undertaken under the supervision of a licenced ecologist;
  - A permanent roost structure will be incorporated into the proposed buildings including a bat loft and bat bricks to provide suitable roosting for both Brown Long-eared and Pipistrelle species.
- 6.37 These mitigation measures will be secured via condition. It must also be noted that the applicant will need to obtain A Bat Mitigation Licence from Natural England prior to works taking place to the barn due to it being active roost site. Subject to these details being

secured the development would not adversely harm the bats currently utilising the buildings for roosting activities.

### **Reptile Survey**

- 6.38 No reptiles were encountered on site during the survey. As such, there will be no negative impact on the local population status of reptiles in the area. Reptiles will not be a material constraint to development.

### **Great Crested Newts Survey**

- 6.39 No Great Crested Newts were confirmed present during the survey works. As a result no mitigation licenses are required for the development.

### **Legal Obligations**

- 6.40 Following the decision by the Court of Appeal in West Berkshire District Council and Reading Borough Council v. Secretary of State for Communities and Local Government [2016] EWCA Civ 441 the National Planning Practice Guidance (NPPG) has now been amended so as to prohibit LPA's from enforcing levies on certain development schemes.

This amendment now means that affordable housing or tariff contributions will no longer be imposed on development schemes of 10 or less dwellings.

### **Background papers**

None.