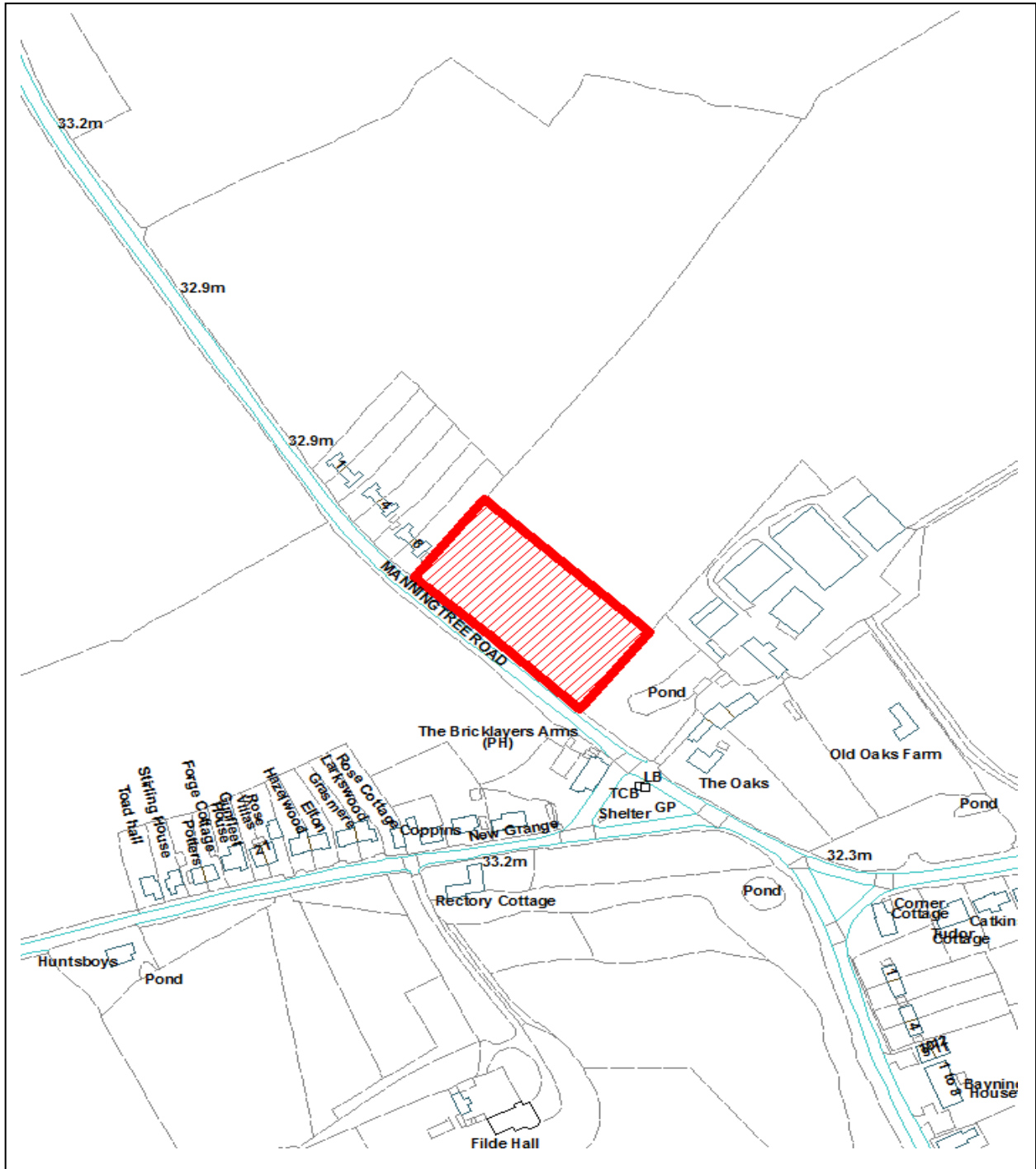


PLANNING COMMITTEE

1 NOVEMBER 2016

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATIONS - 16/01370/OUT - LAND ADJACENT 6 MANNINGTREE ROAD, LITTLE BENTLEY, CO7 8SP



DO NOT SCALE

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Application:	16/01370/OUT	Town / Parish: Little Bentley Parish Council
Applicant:	Rose Builders	
Address:	Land adjacent 6 Manningtree Road, Little Bentley, CO7 8SP	
Development:	Outline application for the construction of 6.No detached dwellings.	

1. Executive Summary

- 1.1 This application has been referred to committee at the request of Councillor Guglielmi as he considers that the development of 6 dwellings would make a positive contribution to the location and the wider area of Little Bentley. It is however the Officers' opinion that the proposed development should be refused as it would be contrary to National Policy in regards to Sustainable Development.
- 1.2 The application site is outside the development boundary of Little Bentley on the north-eastern side of Manningtree Road, surrounding properties are a mixture of scales and designs. The properties are predominantly semi-detached properties within spacious curtilages. Little Bentley does not offer services and facilities to sustain a residential development of six dwellings in line with the social element of Sustainable Development as highlighted within paragraphs 14 and 49 of the National Planning Policy Framework.

Recommendation: Refusal

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services. The site is located within the settlement of Little Bentley. Due to the lack of facilities/services present in the village, in the saved Tendring District Local Plan (2007) Little Bentley does not have a Settlement Development Boundary, however in the draft local plan (2013-2033) it does have a Settlement Development Boundary. The boundary is located to the south of the site ceasing at the boundary of The Bricklayers Arms public house. Therefore the site is outside the development boundary in both the adopted 2007 Local Plan as well as the emerging Draft Local Plan.

In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Little Bentley, the Settlement Development Boundary of which lies to the south of the application site, is identified as a smaller rural settlement with no primary school, no GP, no defined village centre or employment opportunities. Little Bentley is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. Whilst there is a bus stop present within the village it is a hail and ride service and a two hourly service. Furthermore, the nearest rail station is at Great Bentley about 3.5 miles away. Consequently, due to the limited choice of transport modes future occupiers would be likely to rely on the use of private cars to access services.

The provision of six dwellings would make a modest contribution to the provision of housing in the district. Nonetheless, whilst it is recognised that levels of accessibility may vary from urban to rural areas, the lack of access to day to day facilities means that the site would not be in a sustainable location, and on balance it is considered that the proposal would not meet the social role. These adverse impacts would significantly and demonstrably outweigh the benefits of the

scheme. Overall the scheme would not be a sustainable form of development, and would not comply with the National Planning Policy Framework within its social element.

2. Planning Policy

NPPF National Planning Policy Framework

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

HG6 Dwelling Size and Type

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

TR1A Development Affecting Highways

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

Status of the Local Plan

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.

3. **Relevant Planning History**

16/00533/OUT Construction of 8 No. detached dwellings. Refused 07.06.2016

4. **Consultations**

4.1 The Highway Authority has no objections to the principle of the development but any reserved matters application should show the following details;

- 1) A suitably constructed shared access measuring no less than 5.5m in width and providing vehicle visibility splays measuring 2.4x90m in both directions,
- 2) No loose or unbound materials used in the surface treatment of the new access,
- 3) All parking and turning facilities in accordance with current policy standards,
- 4) Transport Information Marketing Packs for all the new dwellings

4.2 Tree and Landscape Officer has commented in regards to the potential removal of the hedgerow on the site, the comments are as follows:

The development proposal shows the removal of the boundary hedgerow adjacent to the highway. Whilst, in principle, this is unacceptable if planning permission is likely to be granted a condition should be attached to secure replacement planting that is set back from the highway to retain the rural character of the area.

The condition should also secure further details of the indicative soft landscaping shown on the site layout plan.

5. **Representations**

5.1 No representations including Parish Comments have been received

6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Planning History;
- Principle of development;
- Ecology, Character and Appearance;
- Impact on neighbour amenities;
- Highways; and,
- Conclusion.

Site description

6.2 The application site is located on the north-eastern side of Manningtree Road in the Parish of Little Bentley. Having regard to both the Saved Tendring District Local Plan (2007) and the Draft Tendring District Local Plan: Preferred Options Consultations Document 2013 – 2033, the site lies outside of any defined Settlement Development Boundary.

6.3 The site has an area of 0.53 hectares and forms part of an agricultural field that fronts onto Manningtree Road. The site frontage is marked by a mature hedgerow and grass verge. To the north-west of the site are 3 pairs of semi-detached properties within of rendered finishes under clay tiled roofs. To the south-east is a pond and trees which forms part of Oak Farm.

This holding contains a number of large agricultural buildings that extend to the north-east of the farm buildings.

- 6.4 To the south of the site is a public house known as 'The Bricklayers Arms'. A bus service runs through the village of Little Bentley which stops at the public house.

Proposal

- 6.5 This outline application with all matters reserved is for the erection of 6 no. detached dwellings. The application form indicates a housing mix of 3 and 4 + bedroom dwellings.

Planning History

- 6.6 A previous application was submitted for 8 dwellings on the site under 16/00533/OUT and this was refused on 07.06.2016. The reason for refusal was on the grounds that the application did not comply with Local Plan Policy QL1 however this in itself lacked weight due to the absence of a 5 year land supply therefore the principle of development was referred to the NPPF under 'Sustainable Development'. It was found that the development failed to accord with the Social strand of Sustainable Development due to the isolated nature of the site and Little Bentley as whole and subsequently refused.

Principle

- 6.7 The application site is located outside of the 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.
- 6.8 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. However, 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.
- 6.9 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 says 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.
- 6.10 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.
- 6.11 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.
- 6.12 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.

6.13 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:

6.14 It is considered that the proposal for 6 no. dwellings would make a modest contribution to the economy of the area, for example by providing employment during the construction of the development and from future occupants using the nearby public house.

Social:

6.15 The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

6.16 The site is located within the settlement of Little Bentley. Due to the lack of facilities/services present in the village, in the saved Tendring District Local Plan (2007) Little Bentley does not have a Settlement Development Boundary, however in the draft local plan (2013-2033) it does have a Settlement Development Boundary. The boundary is located to the south of the site ceasing at the boundary of The Bricklayers Arms public house. Therefore the site is outside the development boundary in both the adopted 2007 Local Plan as well as the emerging Draft Local Plan.

6.17 In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Little Bentley is identified as a smaller rural settlement with no primary school, no GP, no defined village centre or employment opportunities. Little Bentley is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. Whilst there is a bus stop present within the village it is a hail and ride service and a two hourly service. Furthermore, the nearest rail station is at Great Bentley about 3.5 miles away. Consequently, due to the limited choice of transport modes future occupiers would be likely to rely on the use of private cars to access services.

6.18 The provision of 6 dwellings would make a modest contribution to the provision of housing in the district. Nonetheless, whilst recognising that levels of accessibility may vary from urban to rural areas, the lack of access to day to day facilities means that the site would not be in a sustainable location, and on balance it is considered that the proposal would not meet the social strand of sustainability. These adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.

Environmental:

6.19 The environmental role is about contributing to protecting and enhancing the ecological, built and historic environment which is considered below under the heading Ecology, Character and Appearance.

Ecology, Character and Appearance

- 6.20 The Tree and Landscape Officer has commented in regards to the potential removal of the hedgerow on the site, the comments are as follows:

The development proposal shows the removal of the boundary hedgerow adjacent to the highway. Whilst, in principle, this is unacceptable if planning permission is likely to be granted a condition should be attached to secure replacement planting that is set back from the highway to retain the rural character of the area.

The condition should also secure further details of the indicative soft landscaping shown on the site layout plan.

- 6.21 The officer notes that the removal of the boundary hedge will be required to achieve visibility splays on the site; it should not impact upon the ecology. The species present within the hedge includes a mixture of Hawthorn and Blackthorn, the removal of these to provide a visibility splay should not be a major impact upon the ecology of the site, the hedgerow is not significant in age and does not play a major role in the character of the wider area if a section were to be removed. Mitigation in the form of replacement planting achieved through a controlling condition as mentioned above should be sufficient to offset impact upon the hedge.
- 6.22 The applicant has submitted an ecological appraisal with the previous application 16/00533/OUT which noted no matters of particular concern but did mention that the hedgerows on site may provide suitable habitats for birds and foraging bats with reptiles and newts possibly present within the field margins and hedgerows as this would provide a suitable habitat. The survey concluded that additional detailed surveys are required in respect of Great Crested Newts/Reptiles, no other surveys were recommended.
- 6.23 A detailed reptile survey and mitigation strategy has been provided with this current application, it concludes the following;
- 6.24 No adult reptiles were recorded on site during the survey however; a single juvenile Grass Snake was noted during a single visit. No other reptile species was noted on site during the survey.
- 6.25 The arable field is planted with sweetcorn crop and is considered unsuitable for reptiles. It is considered likely that the field is used for rotational planting and is considered unsuitable to support a permanent population of reptiles; however the field boundaries are suitable for transient Grass Snake to move around the site and into the wider area.
- 6.26 Although no adult Grass Snakes were identified on site, the presence of a very low juvenile population means that we cannot discount the presence of a low adult population in the local area. Good working practices should be employed to avoid killing or injuring reptiles during the development works.
- 6.27 It will be necessary to take precautions before site clearance begins to prevent reptiles from being harmed.
- 6.28 The site is located adjacent to residential development to the north-west of the site and an established farm holding to the south-east. Open fields surround the site to its west and east. The Bricklayers Arms is nearby and beyond this is ribbon development that extends along Rectory Road. The site is therefore enclosed at both ends by built development and to its frontage by a mature roadside hedge.
- 6.29 The development proposed consists of 6 no. dwellings fronting onto Manningtree Road in a linear arrangement; this has been reduced from 8 under the previous application

16/00533/OUT. The current number of dwellings would lessen its visual impact over the area and would also 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 to the south adjacent to the public house ensures that the infill of this site would not adversely impact upon the character of this part of Little Bentley.

- 6.30 Whilst scale of the buildings is a reserved matter the indicative details submitted show that the dwellings would be two-storey in height. The area comprises of predominantly two-storey properties. Against this backdrop the siting of 6.no dwellings on the site would not appear out of character or prominent in this location.
- 6.31 The indicative layout provided shows that the dwellings would be served by two access points off Manningtree Road set behind an internal access road and the existing hedgerow. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality.
- 6.32 Therefore taking into consideration the current use of 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 landscape and would also satisfy the ecological impacts within the environmental strand of sustainability as defined within the NPPF.

Impact on Neighbours Amenities

- 6.33 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 Preferred Options Consultation (2013-2033) 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'.
- 6.34 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 adjoining properties to the north-west as to not cause any harm.

Highways

- 6.35 The Highway Authority has no objections to the principle of the development but any reserved matters application should show the following details;
- 1) A suitably constructed shared access measuring no less than 5.5m in width and providing vehicle visibility splays measuring 2.4x90m in both directions,
 - 2) No loose or unbound materials used in the surface treatment of the new access,
 - 3) All parking and turning facilities in accordance with current policy standards,
 - 4) Transport Information Marketing Packs for all the new dwellings
- 6.36 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. It is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

Conclusion

- 6.37 Considered against Local and National Policy the proposal fails to satisfy the social strand of 'Sustainable Development'. It is therefore recommended that planning permission be refused.

Background Papers

None.