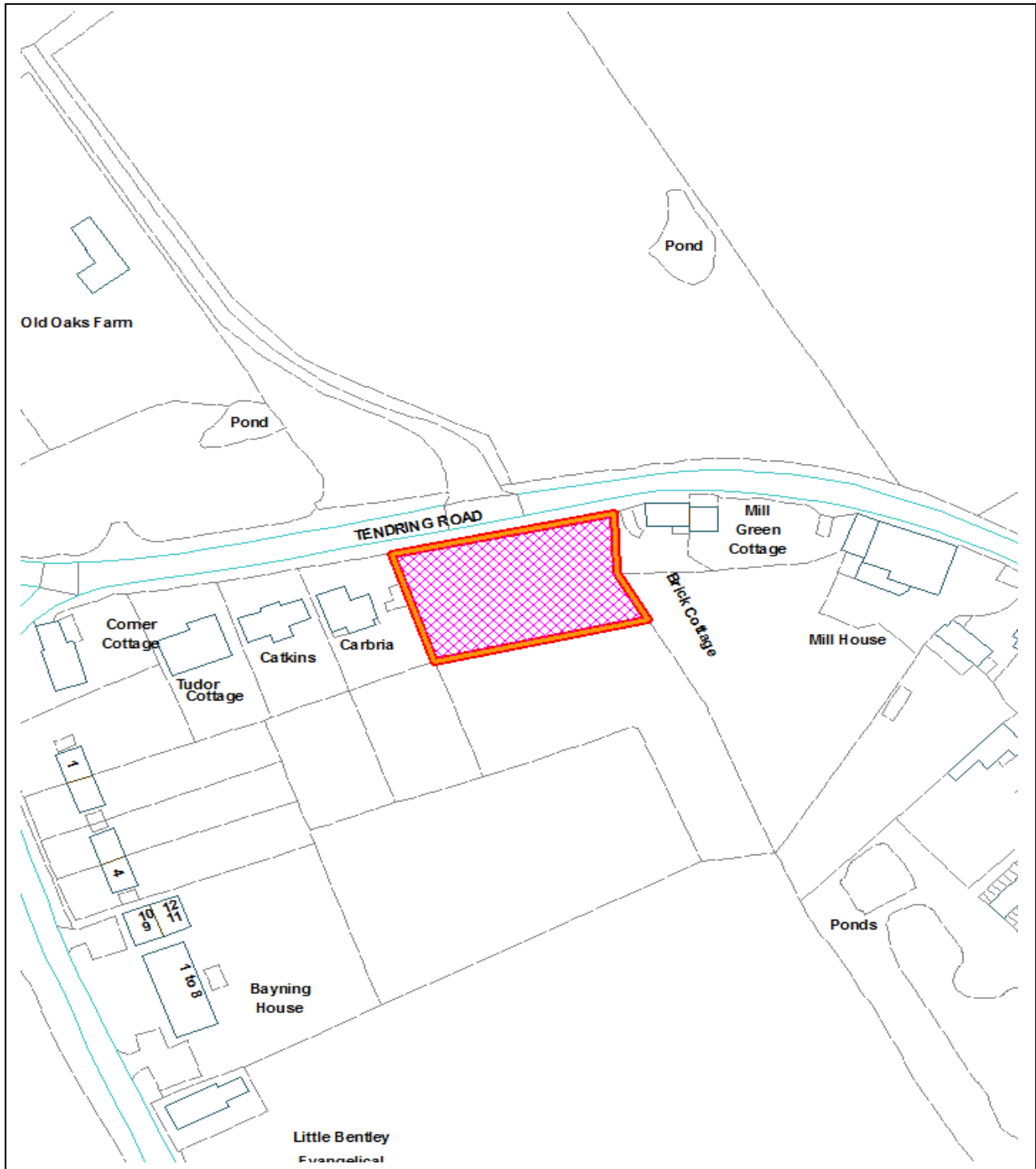


PLANNING COMMITTEE

1 NOVEMBER 2016

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 16/01373/OUT – CARBRIA, TENDRING ROAD, LITTLE BENTLEY, CO7 8SH



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	16/01373/OUT	Town / Parish: Little Bentley Parish Council
Applicant:	Rose Builders	
Address:	Carbria, Tendring Road, Little Bentley, CO7 8SH	
Development:	Outline permission for the construction of two detached dwellings.	

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee by Councillor Giancarlo Guglielmi on the grounds that it will make a positive contribution to the location and local economy, whilst there has been no objection from the Highways Authority.
- 1.2 The application seeks outline planning permission for the construction of two detached dwellings, with all matters reserved.
- 1.3 The application site is situated on the southern side of Tendring Road outside of the defined settlement development boundary of Little Bentley as set out in the Tendring District Local Plan (2007) and 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 not considered to be located in a socially sustainable location, but 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: Refusal.

Reason for Refusal:

The application site is located outside of the defined settlement limit as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).

Little Bentley itself has no public services, such as schools or convenience shopping and has no public footpath, which will further discourage walking. Whilst it is acknowledged there is a nearby bus stop, the nearest train station is approximately 3.5 miles away at Great Bentley

and on balance it is anticipated that most journeys will be used through the use of a private vehicle to access essentials services and facilities. 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. **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

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

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)

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

3. **Relevant Planning History**

15/30312/PRE APP	Erection of four bungalows, demolition of existing garage to provide new access road to site.	11.01.2015
16/01385/FUL	Construction of 4 No. Bungalows and garages on land to rear of Homefield including a new garage to Homefield.	Current

4. **Consultations**

Highways comments - No objection to the principle of the development but any reserved matters application should show the following details:

1. A centrally positioned shared access providing vehicle visibility splays measuring 2.4mx43m in both directions;
2. No loose or unbound materials used as surface treatment for the access;
3. A parking and turning facility in accordance with current policy standards; and
4. Transport Information Marketing Packs for the two dwellings.

5. **Representations**

5.1 Little Bentley Parish Council have made no comment.

5.2 Two letters of objection have been received. The points raised have been summarised below:

- Loss of privacy if windows are included in future side elevations;
- Loss of value of existing property;
- Increase of traffic on a narrow road that could lead to increased risk of accidents;
- The site is not economically, socially or environmentally sustainable.

6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;

- Local Plan Status;
- Principal of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highways; and,
- Biodiversity.

Site Context

- 6.2 The application site is located on the southern side of Tendring Road within the Parish of Little Bentley. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016), the site lies outside of any defined Settlement Development Boundary.
- 6.3 The site has an area of 0.15 hectares and forms part of an arable field that fronts onto Tendring Road marked by a mature hedgerow and grass verge. Either side of the application site is existing residential development in linear form that extends around the corner into Church Road. Most of the dwellings are set back from the road, behind front gardens and vary in design and scale.
- 6.4 To the west 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 The current application seeks outline consent with all matters reserved for the construction of two properties on the plot with associated parking. The indicative plan shows the provision of two detached dwellings to the south of Tendring Road.
- 6.6 The applicant has indicated that whilst all matters are reserved for later consideration, an indicative drawing has been submitted to show how development could be achieved within the application site. The indicative drawing shows two vehicular accesses serving the two properties from Tendring Road.

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 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.
- 6.10 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.
- 6.11 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.
- 6.12 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.
- 6.13 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 three dimensions of 'sustainable development',
- economic,
 - social and
 - environmental roles.
- 6.14 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:

- 6.15 It is considered that the proposal for 2 no. dwellings would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby public house, and so meets the economic strain of sustainable development.

Social:

- 6.16 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.

- 6.17 In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Little Bentley, the SDB of which lies to the south of the application site, is identified as a smaller rural settlement with no primary school, no GP surgery, 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, although it is acknowledged that there is a bus stop present within the village at The Bricklayers Arms. However, 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 two 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 of sustainability. 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.

Environmental:

- 6.19 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

- 6.20 Either side of the application site is existing residential development in linear form that extends around the corner into Church Road. The site is therefore enclosed at both ends by built development and to its frontage by a mature roadside hedge.
- 6.21 The development proposed of 2 no. dwellings fronting onto Tendring Road in a linear arrangement therefore represents an appropriate response to the pattern of built development in the vicinity. The presence of built form either side of the site and residential development to the west 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.
- 6.22 Whilst scale is a reserved matter, the 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 2 no. dwellings on the site would not appear out of character or prominent in this location.
- 6.23 The indicative layout provided shows that the dwellings would be served by their own access points off Tendring Road with the existing hedgerow retained where possible. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality.
- 6.24 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 environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

Neighbouring Amenity

- 6.25 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 Proposed Submission Draft (2012) 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'.
- 6.26 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 east and west as to not cause any harm.

Highways

- 6.27 Essex County Council as the Highway Authority has been consulted on the application. They raise no objection to the principle of the development and vehicular accesses from Tendring Road in this location subject to;
1. A centrally positioned shared access providing vehicle visibility splays measuring 2.4mx43m in both directions;
 2. No loose or unbound materials used as surface treatment for the access;
 3. A parking and turning facility in accordance with current policy standards; and
 4. Transport Information Marketing Packs for the two dwellings.
- 6.28 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are 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

- 6.29 A Phase 1 Habitat Survey has been provided which concludes the following;

The site predominantly comprises of semi-improved grassland which is grazed to a low sward height, with an intact species-rich hedgerow along the northern boundary. No habitats which occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. There are suitable features, within the area to be affected by the proposed development, which may provide foraging and nesting habitat for breeding birds, in particular the hedgerow along the northern boundary. There are no signs of Water Voles, Otters and Dormice, and the site was not found to be suitable for these species. No signs of Badgers were noted on site at

the time of the survey. The grassland is used for grazing and is maintained to a low sward height; therefore it is considered unlikely reptiles are present on site. There are no features on site considered suitable for roosting bats; however a small number of bats may use the site for limited foraging. Given the size of the site and availability for foraging bats in the wider area, it is unlikely the removal of habitat from site would result in a negative impact on the species. The desk study identified nine ponds within 500m of the site, most of which were not accessible at the time of the survey, due to their location on private property. Two were assessed as having average suitability to support Great Crested Newt. Given Tendring Road and Church Road act as a barrier between the site and most of the ponds in the wider area as well as the lack of suitable habitat for this species onsite, the proposed development will not have a negative impact on this species.

Background Papers

None.