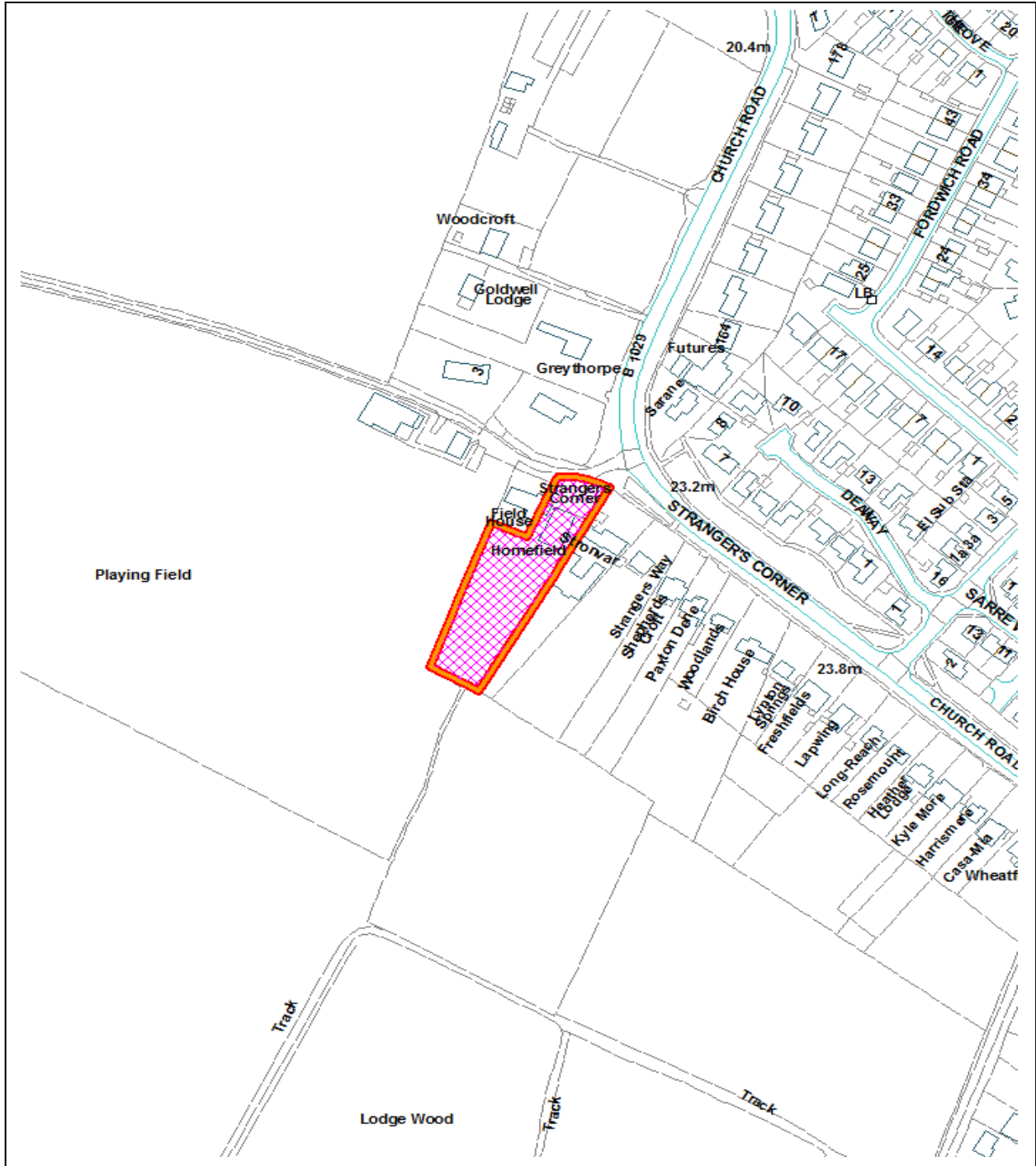


PLANNING COMMITTEE

1 NOVEMBER 2016

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 16/01385/FUL - HOMEFIELD, CHURCH ROAD, BRIGHTLINGSEA, CO7 0QT



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Application:	16/01385/FUL	Town / Parish: Brightlingsea Town Council
Applicant:	South East Developments	
Address:	Homefield Church Road Brightlingsea CO7 0QT	
Development:	Construction of 4 No. Bungalows and garages on land to rear of Homefield including a new garage to Homefield.	

1. Executive Summary

- 1.1 This application is referred to Planning Committee by Councillor Chapman on the grounds that the proposal will create a negative impact on the urban design/ street scene of the surrounding area, will have a highways impact, a negative impact on neighbours and that the site is situated outside of a Settlement Boundary, as agreed within the Tendring District Local Plan 2007.
- 1.2 The application seeks planning permission for the construction of four detached bungalows, with associated garages and parking.
- 1.3 The application site is located on Church Road, adjacent to, but outside of any defined Settlement Development Boundary. However, the site does lie in the Brightlingsea Settlement Boundary within 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 sustainable location, meeting the economic, social and environmental strands of sustainability. It is considered that the site can be developed without raising any objections in respect of; impact on surrounding area, layout/design, impact on neighbouring amenity, highway safety, ecology and impact on trees.

Recommendation: Approve

Conditions:

- 1) Time Limit
- 2) Approved Plans
- 3) Construction of vehicular turning facility
- 4) No unbound materials in first 6m of access
- 5) Vehicular hardstanding shall measure 5.5m x 2.9m per parking space

- 6) Single garages shall have a minimum internal measurement of 7m x 3m
- 7) Submission of a detailed transport mitigation package
- 8) Programme of trial trenching
- 9) Completion of archaeological fieldwork prior to groundwork
- 10) Post-excavation Assessment
- 11) Compliance with ecology appraisal
- 12) Soft landscaping scheme

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

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

EN29 Archaeology

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

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

15/30312/PREAPP	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

ECC Highways Dept	This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:
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1. Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Any single garages should have a minimum internal measurement of 7m x 3m and all garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

5. No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable

Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex County Council
Archaeology

A programme of Trial Trenching followed by Open Area Excavation is recommended due to a number of cropmark complexes in the surrounding area that attest to the archaeological potential of the area of the proposed development.

5. **Representations**

- 5.1 Brightlingsea Town Council has objected to the proposal on the grounds that it is backland development, will increase traffic dangers and is in proximity of a Site of Special Scientific Interest.
- 5.2 Three letters of objection have been received. The points raised have been summarised below:
- Over-development of the site
 - Will set a precedent for other adjoining gardens to be developed
 - Overlooking
 - Access between the properties is not acceptable
 - Impact to adjacent wood to the south of the site
 - Proposal is not sustainable
 - Site is located outside of a Settlement Boundary
 - Increased likelihood of car accidents
 - Impact on neighbours
 - Bungalows not of a good design
 - Previous permission for a car park adjacent to the site refused

6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;

- Impact on Surrounding Area;
- Layout/Design;
- Impact to Neighbours;
- Highway Safety; and,
- Trees/Ecology.

Site Context

- 6.2 The application site is located on Church Road, within the Parish of Brightlingsea. Having regard to the Saved Tendring District Local Plan (2007) the site lies adjacent to, but outside of any defined Settlement Development Boundary. However, the site does lie in the Brightlingsea Settlement Boundary within the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016), although it must be stressed this plan is given limited weight at this stage.
- 6.3 The site has an area of 0.35 hectares and forms part of existing garden land to the rear of 'Field House' and 'Homefield'. The character of the surrounding area is mainly that of residential properties, with a strong, linear building line running across Church Road south-eastwards. To the west of the site is a large, open playing field, with the adjacent neighbour to the east serving as a care home.

Proposal

- 6.4 The current application seeks planning permission for the construction of 4 no bungalows with associated garages and parking. The submitted plans show them to be sited to the southern side of the boundaries of 'Field House' and 'Homefield', with a shared access with existing properties to the north from 'Strangers Corner'.
- 6.5 The submitted plans show that the proposed dwellings are all to be single storey, detached bungalows, each with a separate garage.

Principle of Development

- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.

- 6.10 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.
- 6.11 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.
- 6.12 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:

- 6.13 It is considered that the proposal for 4 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:

- 6.14 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 Brightlingsea.
- 6.15 In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Brightlingsea is identified as a smaller rural settlement with no railway station, but does have a GP surgery, a good bus route, a primary and secondary school and a defined village centre with employment opportunities. Brightlingsea is therefore classed as one of the District's better scoring settlements in terms of its sustainability credentials. It is therefore considered that due to the site being located in close proximity to the mentioned services and facilities, the majority of journeys can be achieved without the use of a private vehicle and is therefore sited in a socially sustainable location.

Environmental:

- 6.16 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under Impact on Surrounding Area.

Impact on Surrounding Area

- 6.17 The proposal relates to the erection of four bungalows to be sited at the rear of the existing properties, accessed via a narrow drive which would run along the southern side of the boundaries of 'Field House' and 'Homefield' (which is in the applicant's ownership). The layout shown represents backland development. Policy HG13 of the Tendring District Local

Plan 2007 states that proposals for the residential development of 'backland' sites will be permitted where; amongst other things the following criteria are met:

- The proposal does not involve 'tandem' development using a shared access;
- The site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- The site is not on the edge of the defined settlement and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

6.18 The site is not an awkwardly shaped or fragmented parcel of land, the development of which would not prejudice a more comprehensive development solution. Furthermore, whilst the site is located on the edge of the defined settlement it would be located adjacent to an existing playing field with woodland to the south-east and given that the development would be single storey in nature and supplemented by a soft landscaping scheme, its impact upon the wider landscape character and in particular the coastal protection belt would not therefore be detrimental.

6.19 Although the character of this section of Church Road is largely linear in pattern, the adjacent property to the east is a care home and comprises of built form set back behind the existing frontage. The introduction of bungalows in this backland setting would not be in character but would also not be harmful given the low key nature of the development and its setting adjacent to a playing field to the west and woodland to the south. The dwellings would be served by a narrow access between existing dwellings, but again it is difficult to assume this would result in demonstrable harm. The dwellings to the north themselves front onto a private road, therefore the construction of an access drive between the properties would not be detrimental to visual amenity or be highly prominent.

6.20 Policy HG9 of the Tendring District Local Plan 2007 states that for a property of three bedrooms or more, there is a requirement of 100 square metres of private amenity space. The submitted plans indicate that this is comfortably achievable for all of the four new dwellings as well as the existing property 'Homefield'.

Layout/Design

6.21 The layout shown on the site plan is achievable and makes efficient use of the plot. The bungalows would be sited along the private road in an arrangement which allows for the inclusion of soft landscaping around the proposed turning head and in between the properties. The bungalows would retain ample space to their side boundaries and would all be served by private amenity space meeting the requirements of HG9, as stated above.

6.22 There is planting proposed to the site entrance/frontage to the private road that will soften the appearance of the proposed access/hardstanding area.

6.23 The character of the dwellings in the surrounding area is varied. The siting of 4 bungalows would not therefore appear out of place in this location and assists in reducing their prominence from the adjoining land. Furthermore, the bungalows are all of slightly different designs which will succeed in providing variety to the development.

Impact to Neighbours

6.24 The impact upon the residents at 'Field House' in respect of the use of the access would not be so adverse as to warrant a refusal of planning permission. The provision of four bungalows and the associated use of the access would not cause a sufficient intensification

to cause undue noise and disturbance to the residents. It is also evident that there is only a small obscure window and door present to the facing side elevation, which will reduce the potential adverse impact upon the residents.

- 6.25 The host property has numerous windows present within its facing side elevation. However, the inclusion of a brick wall to that side elevation and the fact the development relates only to four bungalows will reduce any potential impact, whilst the movement of traffic would be of a sufficiently low level to not result in a significantly detrimental impact to residents.
- 6.26 As the proposals are for bungalows, there is not any concern in respect of the impact upon local resident's privacy or outlook. Furthermore the development is located to ensure sufficient distance to surrounding properties, ensuring there will be no loss of light or shadowing issues.

Highway Safety

- 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. Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
 2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 3. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
 4. Any single garages should have a minimum internal measurement of 7m x 3m and all garages shall be retained for the purposes of vehicle parking in perpetuity.
 5. No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.
- 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 plans demonstrate this is achievable for both the proposed dwellings and for the existing dwelling 'Homefield'.

Ecology

- 6.29 A Phase 1 Habitat Survey has been provided which concludes the following;
- 6.30 The majority of the site comprises of buildings, hardstanding and semi-improved grassland. The proposed development will not adversely affect any statutory or non-statutory

designated sites. The scattered trees and defunct-species poor hedgerow provide suitable features for nesting birds. The south of the site boundary is adjacent to Wick's/Lodge Wood, Local Wildlife Site, (LWS). Despite the close proximity to this woodland there is limited habitat connectivity onto the site, due to the lack of trees and hedgerows within the site boundary. To ensure the new development does not impact this, lighting should be designed to avoid light overspill into the woodland. No habitats that occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. The habitats on site are of site significance only. The semi-improved grassland is not considered suitable habitat for reptiles, as it is maintained to a low sward height. The site is not considered suitable for Great Crested Newts, Water Voles, Otters, Badgers, Dormice or plants protected under schedule 8 of the WCA.

Trees

- 6.31 There are no protected trees on the site that would need to be felled or removed as part of this application, whilst the bungalows themselves are sited far enough away from the trees to the south of the site to ensure there will not be any significant harm.

Background Papers

None