

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	12 th September
Planning Development Manager authorisation:	AN	16/09/2019
Admin checks / despatch completed	SB	17/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	17/09/2019

Application: 19/01047/PIP **Town / Parish:** Great Bentley Parish Council

Applicant: Mr & Mrs Rose

Address: Land off Sturrick Lane Great Bentley

Development: Proposed dwelling and associated office/storage complex.

1. Town / Parish Council

Mrs Parish Clerk On 5th September 2019 Great Bentley Parish Council Planning Committee resolved to object to this application. The site is both situated in and accessed through a residential area. It would be inappropriate to erect business premises in this location.

2. Consultation Responses

UU Open Spaces No contribution is being requested from Public Realm on this occasion.

3. Planning History

17/00456/FUL	Erection of eight two-storey dwellings following demolition of and alteration to existing buildings.	Approved	14.08.2017
19/01047/PIP	Proposed dwelling and associated office/storage complex.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of new Development

QL10 Designing New Development

QL11 Environmental Impact

HG1 Housing Provision

HG7 Residential Densities

EN6 Biodiversity

EN11a Protection of International Sites Europe

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 48 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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested

at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

The scope of Permission in Principle is restricted to location, land use and amount of development. Other matters should be considered at the technical details consent stage.

Location

The application site lies outside (around 95 metres north of) the settlement development boundary for Great Bentley of the 2007 adopted plan but wholly within the settlement development boundary in the emerging plan. The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental. The proposal is considered to represent sustainable development in terms of the NPPF's 'presumption in favour of sustainable development' and the principle of residential development is therefore accepted.

The emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Bentley is identified as a 'Village' within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a 'Rural Service Centre' within emerging Policy SPL1.

It is accepted that these settlements can achieve smaller-scale growth with accommodating a modest increase in housing stock, where appropriate, within the plan period. Proposed housing allocations are at level that is fair, achievable and sustainable. These will make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.

Land Use

The site currently features a structure which forms a range of buildings on the northern boundary. The site formerly hosted an open corrugated shed structure, however this collapsed following wind damage in 2017. The current use of the site can be defined as an underused industrial site for storage and workshop use, therefore classified as brownfield land. In light of applications 14/00431/FUL and 17/00456/FUL it is deemed entirely appropriate that this parcel of land is appropriate for residential development.

Amount of Development

Plot sizes vary in the immediate locale, ample space exists for required minimum levels of private amenity space parking and turning etc. The siting of one dwelling would not result in a cramped form of development nor would it conversely make insufficient use of the land available.

Other Considerations

Three contributions have been received which object to the proposal. The objections cover matters such as:-

- Effect on the setting of the Listed Building
- The proposed building should not exceed the height of the original storm damaged barn
- The proposal lacks clarification as to the usage of the existing barn conversion
- Tree protection orders
- Loss of privacy and reduction in light levels
- The planning statement does not also sufficiently state whether the occupiers will be required to contribute to the upkeep of the private road
- noise and/or odour issues dependant on the type of business

As stated previously, the scope of a Permission in Principle is restricted to location, land use and amount of development. Other matters should be considered at the technical details consent stage.

As such, it is concluded that the location, proposed land use and amount of development are acceptable.

6. Recommendation

Approval Permission in Principle

7. Conditions / Reasons for Refusal

1 No conditions.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO