

PLANNING COMMITTEE

4TH JANUARY 2017

REPORT OF THE HEAD OF PLANNING

A.8 PLANNING APPLICATION - 16/01699/FUL - HEATH FARM, WINDMILL ROAD, BRADFIELD, MANNINGTREE CO11 2QR



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Application:	16/01699/FUL	Town / Parish: Bradfield Parish Council
Applicant:	Mr Simon Patten - Patten Homes Ltd	
Address:	Heath Farm, Windmill Road, Bradfield, Manningtree, CO11 2QR	
Development:	Proposed erection of 2 no. detached 2 bedroom bungalows and associated garages.	

1. Executive Summary

- 1.1 The application site relates to 2 modest sized plots within an approved housing estate development, created by the sub-division of the gardens to 2 recently approved frontage dwellings (see following report relating to the reduced curtilage size).
- 1.2 The proposal is to create 2 detached bungalows (2 bedroomed units) with detached single garages, with direct road access to the housing estate road serving the new housing development to the south and west.
- 1.3 The bungalows would add to the mix of dwelling types on the adjacent development, and the proposal complies with the usual standards for distances between dwellings, private amenity areas, and parking/access.
- 1.4 It is a logical development within an already approved housing area, and complies with the requirement within the N.P.P.F to significantly boost housing supply.
- 1.5 It is a sustainable location and the development meets the 3 arms of sustainable development as noted within the N.P.P.F.
- 1.6 The application has been called to Committee by Cllr Zoe Fairley, on the basis that the development is contrary to the development plan, that it is out-of-character with surrounding dwellings with long gardens, that it would urbanise the rural village setting, impacts negatively on character, and when considered in relation to other applications, this needs to be assessed together as a whole.
- 1.7 It is officers' view that the character of the immediate area has already been significantly changed by the approval of the surrounding estate development – within which the development would be located – and therefore the development must be viewed against that character.
- 1.8 The proposal would create an attractive development that raises no policy concerns and would not look out-of-place in the street scene, and it is therefore recommended that permission be granted subject to conditions.

Recommendation: Approve

Conditions:

1. Time limit for commencement – 3 years
2. Development in accordance with submitted plans
3. Materials
4. Hard and Soft Landscaping

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| <ol style="list-style-type: none">5. Landscaping Implementation6. Visibility splays at access prior to occupation – 2.4m x 43m7. Parking/turning – provide prior to occupation8. No unbound materials within 6m of highway boundary9. Retention of parking spaces – 2.9m x 5.5m10. Sustainable transport mitigation package11. Drainage details to be approved prior to commencement |
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2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

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

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)

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SP5 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP8 Backland Residential Development
- 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

15/00285/FUL	Demolition of farmhouse and outbuildings and erection of 2 No. detached dwellings and garages.	Approved	01.05.2015
15/01387/DISCON	Discharge of conditions 05 (Construction Method Statement) and 06 (Design Size 3 Turning Head) of planning permission 15/00285/FUL.	Approved	21.09.2015
16/30196/PREAPP	Erection of 2 dwellings.		27.10.2016
16/01688/FUL	Variation of condition 2 of Planning Permission 15/00285/FUL - to substitute approved plan no. '3074:001 Revision A' with '3074.100'.	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:

- DM1 Vehicular visibility splays
- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the North and South, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway 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.

- 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.

- 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.

- 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.

- 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.

5. Representations

5.1 The comments of Bradfield parish Council are awaited.

5.2 2 Letters of objection have been received, which can be summarised below:

- Object on the basis of backland development.
- Small bungalows are proposed on what was the gardens of 2 recently completed houses.
- The 2 frontage dwellings facing on to Windmill Road were in keeping with the surrounding street scene, the new bungalows will not.
- Piecemeal development of the former Heath Farm.
- The once open rural space is being turned in to an urban estate akin to Chelmsford or Colchester.
- Would result in a total of 16 dwellings on this land, with a further un-developed space to add to that total.
- Significant development in Bradfield in recent years, and with other developments, fills in the space between Steam Mill Road, Windmill Road and Straight Road.
- This level of development was not envisaged by the Local Plan or village boundary.

- With other development in Manningtree, Mistley and Lawford, without extra investment in roads, rail health and education, the local area does not have the capacity to absorb this growth – the railway car-park is full every day and traffic backs up to the railway bridge and up Cox's Hill and Windmill Road cannot cope with additional traffic.
- Sets precedent for other development.

5.3 2 letters of support submitted by the agent indicate the following points:-

- I find the call-in to Committee perplexing as other developments have been approved without referral – 2 frontage dwellings in 2015; and 6 with a further 4 in 2016.
- The proposed bungalows will fit in to the enclave formed by other approved bungalows.
- The position on the plots follows those of other dwellings and the prevailing pattern of development.
- It 'borrows' land from the 2 frontage plots, but retains sufficient garden for those and the new dwellings – each would exceed 100sqm garden sizes.
- The development meets all policies and standards, with sufficient land, parking and circulation.
- It will not appear contrived or out-of-place.
- All the immediate neighbours are the new dwellings and the development provides adequate space between to avoid overlooking and loss of light/privacy.
- The original plan gave particularly generous back-gardens to the frontage houses – the proposal represents a more efficient use of land within a built-up area.
- It will not be cramped or shoe-horned in as suggested.
- The development is amidst other development which sets the policy situation, although in the absence of a 5-year housing land supply, the presumption in favour of development applies – this is a sustainable development.
- The Planning Committee Chairman should be contacted to allow the development to proceed under delegated powers – the call in does not follow protocol and para 14 of the NPPF states that sustainable development should be approved without delay.
- The Council's last housing report shows that there is a local need for more housing.
- It is logical to concentrate housing in an area such as this rather than building on other greenfield sites or open fields.

6. **Assessment**

The main planning considerations are:

- Principle of development
- Policy issues
- Character and form of the development
- Overall planning balance

The Site

- 6.1 The site comprises 2 small parcels of land that are sandwiched between 2 frontage dwellings (currently nearing completion/sale) which face on to Windmill Road, and a larger housing development served from a new housing estate road, running between the 2 houses.
- 6.2 The 2 plots are formed from the substantial rear gardens of the 2 frontage plots, and the following application – 16/01688/FUL – relates to a minor material amendment to change the 'red-line' of the curtilage of those dwellings to allow for the changes arising from the access road, in addition to the current proposal.

- 6.3 The land is currently un-developed open land to the west of the 2 dwellings, which are presently being landscaped.

The Proposal

- 6.4 The proposal is to erect 2 two-bedroomed bungalows on 2 square-shaped plots (formerly part of the rear gardens of the 2 frontage houses) each side of the estate road that is being built to serve the new residential development (10 dwellings in total) to the south and west.
- 6.5 The bungalows are of an appropriate design that are 'L' shape in plan, with a front door facing the new street, with a feature bay-window, a single garage to the side, and with the lounge facing the other side, looking in to the garden/amenity area – which is enclosed by fencing.. There are 2 double bedrooms and a separate kitchen/diner.
- 6.6 The bungalows are of brick and tile construction with feature rendered panel to the bay window elevation of one unit, and feature timber-work above the bay on the other.
- 6.7 To the front of the garage is a side drive with a further parking space.

Consideration

Principle of development

- 6.8 The surrounding residential development either approved or under construction, establishes the principle of development, and the Heath Farm location is no longer one of frontage development, the approved development has changed the character of the area.
- 6.9 Although a form of 'backland' development when considered in relation to the houses under construction on Windmill Road, the 2 new dwellings would take their access from the new housing estate road that now runs between the 2 frontage dwellings, and which will ultimately serve 10 new dwellings to the south and west.
- 6.10 The dwellings would not therefore be a 'new' development introduced in to an open area of the land to the rear of frontage dwellings, but is instead, to be considered as part of the approved housing estate development that surrounds it.
- 6.11 In officers view, the surrounding residential development sets the tone for any new development, and the issue is whether the development is acceptable in relation to this surrounding residential development.

Policy issues

- 6.12 N.P.P.F indicates that Council's should not only have a 5-year Housing Land Supply, and that development Plan policy is considered to be out-of-date in the absence of such an identified supply, but it also requires that they 'significantly boost' such supply.
- 6.13 The current proposal relates to logical "infill" plots within an approved housing estate.
- 6.14 The development meets the usual standards for amenity area size, distance between dwellings and car-parking, and therefore raises no particular policy concerns, although it is accepted that the site falls outside of the village development limits of the 2007 Local Plan and that shown within the 2013-2033 Preferred Options Consultation Document, and is therefore technically contrary to the development plan, however the surrounding 'approved' estate and the lack of a 5-year housing land supply are compelling.

- 6.15 In the light of the above it is considered that a refusal based on the outdated development plan policy could not be substantiated, particularly as the surrounding development amply demonstrates that the Council consider the site to be a sustainable location.
- 6.16 The overall housing development has been approved in phases, by differing land-owners and different sites/landholding, albeit that they are all served by the same access arrangements. In view of this, it is considered that the different developments could not be considered as one parcel of land, and would not therefore generate a requirement for affordable housing.
- 6.17 Taken in conjunction with the two houses on the frontage and the six bungalows approved at the rear of the site, the two new dwellings would take the development up to ten units, and therefore no affordable units could be requested under Policy HG4 based on the new Government Policy.

Character and form of the development

- 6.18 Bradfield is an attractive rural village, originally with a linear form and a central core, however the recently approved modern developments – which includes a substantial “in-depth” housing scheme at the Heath Farm site – has fundamentally changed the character of the village, and the village form, particularly at this location is no longer a simple linear form.
- 6.19 As a result, the development would not appear to be out-of-character with its surroundings, and with 2 houses to the front, and 6 (with a further 4 units) already approved to the south and west, all served from a new housing estate road, the proposed bungalows would constitute logical infill plots on the new housing development.
- 6.20 The development proposed could not therefore be said to be out-of-character, and the density and layout is considered appropriate for its location within a housing estate.

Overall planning balance

- 6.21 In the absence of a 5-year housing land supply, the housing supply policies are considered to be out-of-date, and in any event, the proposed development meets all other policy considerations.
- 6.22 The land is currently in the process of being developed, and considered to be a sustainable location, and where the addition of 2 modest units, would not be unacceptable, and would add to the mix of dwelling types as advocated by the N.P.P.F and local policy.
- 6.23 On balance, the development would not cause any demonstrable harm, and is considered to be a sustainable one, where the benefits of the scheme are not significantly and demonstrably out-weighted by any harmful impacts.
- 6.24 The development is therefore an appropriate one and recommended for approval.

Background Papers

None.