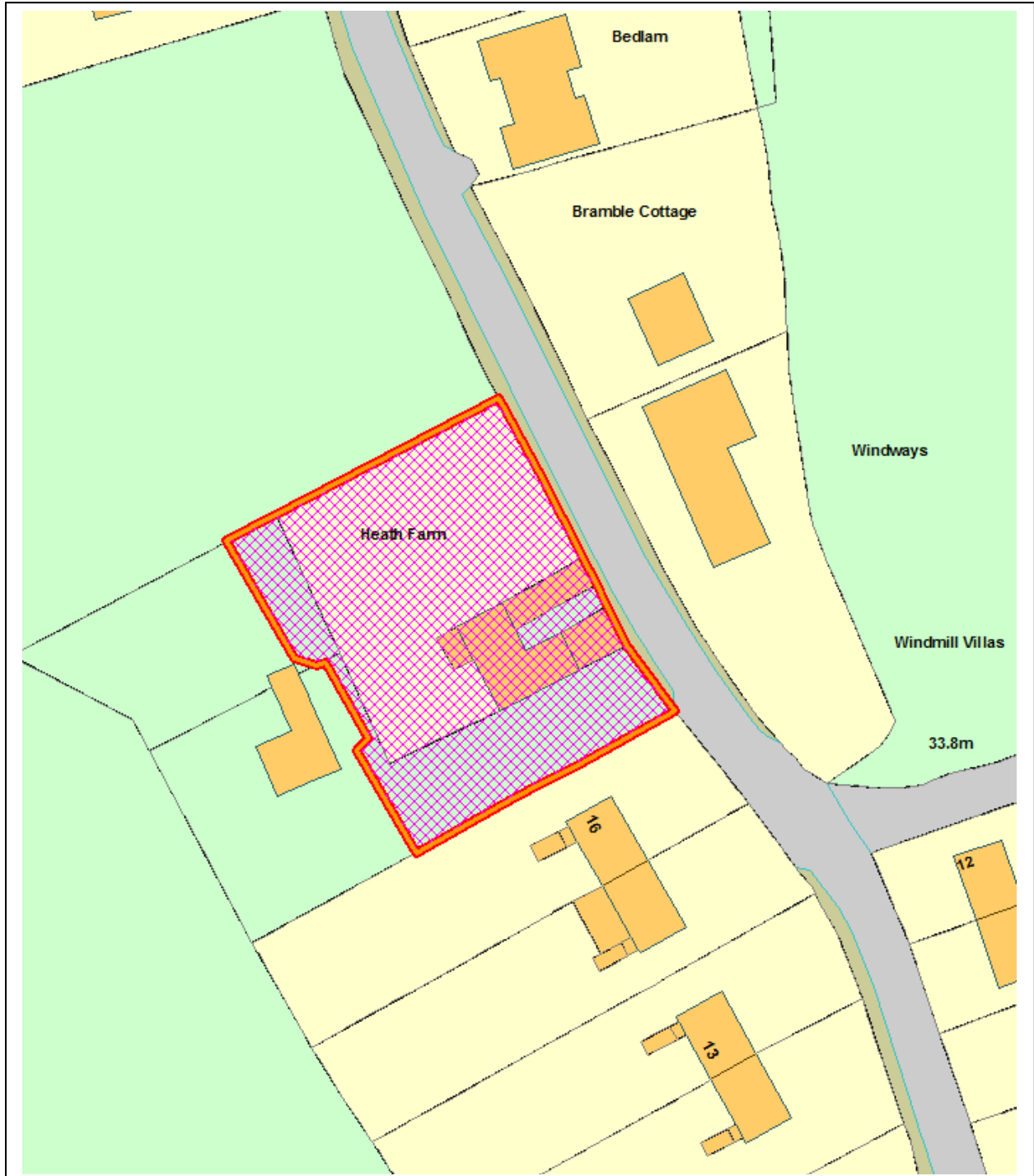


PLANNING COMMITTEE

4TH JANUARY 2017

REPORT OF THE HEAD OF PLANNING

A.9 PLANNING APPLICATION - 16/01688/FUL - HEATH FARM, WINDMILL ROAD, BRADFIELD, MANNINGTREE CO11 2QR



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Application:	16/01688/FUL	Town / Parish: Bradfield Parish Council
Applicant:	Mr Simon Patten - Patten Homes	
Address:	Heath Farm, Windmill Road, Bradfield, Manningtree, CO11 2QR	
Development:	Variation of condition 2 of Planning Permission 15/00285/FUL - to substitute approved plan no. '3074:001 Revision A' with '3074.100'.	

1. Executive Summary

- 1.1 The proposal relates to a request (under Section 73 of the Town and Country Planning Act 1990 [As Amended]), to vary a condition that lists the approved plans for an earlier approval – 15/00285/FUL relating to 2 dwellings at Heath Farm, Windmill Road, Bradfield.
- 1.2 Condition 2 of that permission includes plans which show by means of a red-line, the curtilage of the approved dwellings, which at the time related to 2 frontage plots.
- 1.3 The dwellings and garages are nearing completion.
- 1.4 Subsequent to the approval of 2 dwellings, the land to the rear received permission for 6 dwellings (with a later outline permission for 4 units) which would be served from a new access drive running between the 2 approved dwellings, and as a result they would not be constructed in accordance with the 'approved' plans – as required by the condition of their approval - as their curtilage has changed along with the access to them.
- 1.5 The application is therefore to regularise these changes, along with a further change to the rear boundary to facilitate the erection of 2 further bungalows (see earlier report).
- 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 officer's view that the character of the immediate area will be significantly changed by the approval of the surrounding estate development – within which the development is now be located – and therefore the development must be viewed against that character.
- 1.8 The change to the size of the curtilage of the frontage dwellings is appropriate, and as changed, 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 to vary the condition and list instead the new "approved" plans, subject to conditions as previously imposed on the previous permission (where applicable).

Recommendation: Approve

Conditions:

1. Dev in accordance with the approved plan No.s
2. The drive/turning and parking facilities to be retained

3. No loose materials within 6m of the highway

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan (2007)

QL1 Spatial Strategy

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
16/01699/FUL	Proposed erection of 2 no. detached 2 bedroom bungalows and associated garages.	Current	

4. Consultations

ECC Highways Dept The Highway Authority has assessed the details of this application and does not wish to submit a formal recommendation

5. Representations

5.1 Bradfield Parish Council objects to the application stating:

- Recommend Refusal – as this variation seeks to change the size of gardens and represents an over-development of land.

- The large gardens of the new build houses were a condition to ensure they matched the rural surroundings.

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 for the emerging plan
- 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
- Windmill Road cannot cope with the extra traffic
- Sets precedent for other development

6. **Assessment**

The main planning considerations are:

- Whether the changes to the 'approved' plans are acceptable or not, having regard to the approved and proposed development in the locality.

The Site

- 6.1 The site comprises part of the former Heath Farm at Windmill Road, Bradfield, where 2 detached houses are under construction, following an approval in 2015 – 15/00285/FUL.
- 6.2 The site has a frontage to Windmill Road, and the approved dwellings are nearing completion, the site currently having the appearance of a building site.
- 6.3 That development is nearing completion, and the 2 dwellings and garages are completed, and the site is presently being landscaped.
- 6.4 The land to the south and west of the dwellings also has planning permission for an estate road to serve 6 approved bungalows (and 4 further plots with outline planning permission), the estate road having been constructed in part, and it runs between the 2 frontage houses/garages.
- 6.5 The larger housing site to the rear is at present undeveloped.

The Proposal

- 6.6 The Planning Act has been amended to allow Non-material amendments and in addition, the 'approved' plans are now listed as a condition on permissions, which allows for the

making of Minor material Amendments, by submitting an application under Section 73 of the Act to “vary” the condition listing the plan numbers, and submitting new plan numbers instead, which shows the minor changes.

- 6.7 In this instance, the ‘approved’ plans for application 15/00285/FUL, shows the 2 dwellings served from a pair of private drives, with wide gardens between. The approved plans do not show the later access road, and therefore the dwellings under construction are not being built in accordance with their approved plans, as these do not show the new housing estate road, which has utilised some of the side gardens to those dwellings, which are technically a breach of control, albeit that the Council has sanctioned the change when the new road and 6 dwellings were approved, and the issue of the change to the ‘approved’ plans ought to have been the subject of an application at that time, however the development has progressed without such an application until now.
- 6.8 This application could be said to be a regularisation exercise - to show the narrowed plots to those dwellings allowing for the road to pass between them - and it would be perverse (having already approved the road) for the Council not to then approve the minor change, as it has already deemed such a change to be acceptable by virtue of the consents that it has been given.
- 6.9 An application to vary a condition can – under the Act – only consider the condition itself, and the implications arising from it.
- 6.10 Had the changes requested have related solely to the narrowing of the plots and the changes to the access arrangements (the 2 frontage dwellings are now served from the new access road, rather than from their own access drives on to Windmill Road), then the application would have been relatively straight-forward, as it would regularise the situation that the Council has already considered and deemed to be acceptable.
- 6.11 The current application however, not only looks at the narrowing of the plots, but also a change to the depth that they extend back from the public highway – Windmill Road.
- 6.12 The net effect of this is to release land to form 2 smaller plots, which would be sandwiched between the approved dwellings on the frontage, and the detailed consent for 6 bungalows at the rear (to the south and west).
- 6.13 This application therefore needs to assess whether the changes to the size of the plot boundaries (in depth from the public highway as well as the necessary narrowing to allow for the approved access road).
- 6.14 The previous application – 16/01699/FUL - considers the acceptability of the 2 proposed bungalows that would be situated on the 2 plots created from the reduced size of the frontage plots.
- 6.15 This application deals with the subsequent changes to the defined curtilage of the 2 frontage dwellings.

Consideration

- 6.16 The previous report considers the planning merits of the proposal to erect 2 modest bungalows on what is in effect, a modern housing estate, and the officers view is that those dwellings meet the usual standards for residential development and is recommended for approval.
- 6.17 The main planning consideration in relation to this application (which is in effect, to change the shape of the garden to the 2 approved houses) is:

“Whether the changes to the ‘approved’ plans are acceptable or not, having regard to the approved and proposed development”.

The Approved Development including the access road

- 6.18 As stated above, the implications for the narrowing of the plots (and therefore the gardens) to the 2 frontage dwellings, the subject of the 2015 consent has already been considered by the approval of the access road and 6 bungalows recently approved.
- 6.19 The approved access road serving the 6 bungalows, allowed for changes to the access arrangements for the 2 approved houses, as their garages were then sited adjacent to the approved access road.
- 6.20 It was clearly seen as desirable to have a single point access (rather than having 3 access drives close to each other) on to Windmill Road, and the approved housing estate road, allowed for the change access arrangements for the 2 frontage dwellings.
- 6.21 Those dwellings are now provided with a turning area within the front garden, which allows access to the single garage adjacent to the access road.
- 6.22 In order to be consistent with the other approved developments, the curtilage of the plots and the access arrangements needs to be changed in relation to the 2015 permission, and the change would merely regularise the permission in relation to the 2 houses, and list plans which show the changed/approved position of the garden and access road.
- 6.23 It is considered by officers that this ‘regularisation’ could not be realistically resisted, bearing in mind the approvals given for the development of the adjacent land, which shows – on their approved plans – the changes that have been undertaken, and it would be unrealistic to attempt to resist something that already has approval by virtue of another planning approval.
- 6.24 The requirement to vary the plans has arisen for the administrative changes to the issuing of planning permissions that now lists, and requires the development to be carried out in accordance with, the approved plans.

The Proposed Development for 2 additional plots

- 6.25 The section above deals with the matter of the ‘narrowing’ of the curtilage of the 2 frontage dwellings that has arisen from other ‘approved’ developments.
- 6.26 The change to the length of the plots i.e. the distance that the curtilage extends back in to the site from Windmill Road, is a matter related to the previous agenda item, for a proposal to provide 2 additional dwellings as ‘infill’ plots.
- 6.27 Obviously, if that application – 16/01699/FUL – is approved, then by necessity, the plans for the 2 frontage dwellings - showing the new rear boundary to the plots - would also have to be approved to be consistent with the other development.
- 6.28 The previous report concludes that the proposed detached bungalows are considered to be acceptable, as they now fall within the centre of an approved housing estate, and not within an open paddock area, that existed at the site before the new housing development was approved.

- 6.29 The proposed bungalows are considered to be a sustainable development, would add to the mix of dwelling types on the estate and in the locality, and would meet the usual standards for such development.
- 6.30 It is considered that the proposal would not appear cramped or out-of-character in the locality, as the open, rural linear character of the settlement has been changed somewhat by the recent residential approvals.
- 6.31 If the implications of the approval of the 2 bungalows [under the previous agenda item] are considered in relation to the 2 frontage houses, it can be seen that:-
- The frontage dwellings would remain the dominant features of the estate, being at the junction of the access road with Windmill Road
 - They would retain a significant sized rear garden amenity space at 172 and 206Sqm, which is well above the accepted standard for such properties as set by Local Plan Policy HG9.
 - They would retain adequate parking and turning
 - Whilst their rear gardens would not extend as far from Windmill Road as some of the existing and long-established rural properties along the road, they have to be considered in their context, which is not as individual houses fronting Windmill Road, but they would now appear as feature houses at the entrance to a modern housing estate, and as a result, they would not appear so out-of-character so as to warrant a refusal of permission.
- 6.32 It is noted that the former dwelling – a farmhouse and outbuildings – did not extend a long way in to the site with its domestic garden.
- 6.33 It is considered that in relation to the usual standards for distance between dwellings, parking provision and garden size, the 2 frontage houses, even with the proposed change, would still meet or exceed all policy expectations in terms of their design and setting within their own plot.
- 6.34 The surroundings of the 2 dwellings has also changed appreciably since they were approved in 2015, and whilst at that time, their gardens extended a significant distance back from the road – as do surrounding property – the change arising from the new residential development of which they will form an integral part, has changed their context.
- 6.35 As a result, it is considered that it would be unreasonable to expect modern dwellings situated directly adjacent to a modern housing estate development, to completely ‘mirror’ the garden arrangements of older property, and merely being “different” is not necessarily harmful.
- 6.36 It is therefore considered to remain an appropriate development in the amended form with a reduced length of garden, and the officer recommendation is that the change to the plans be approved by agreeing the variation of the condition.
- 6.37 Such an application – under Section 73 of the Planning Act – effectively issues a new planning approval, and therefore the previously imposed conditions (where applicable) would need to be re-imposed on the new consent, although as the development is nearing completion, most of the previously imposed conditions are superfluous.

Background Papers

None.