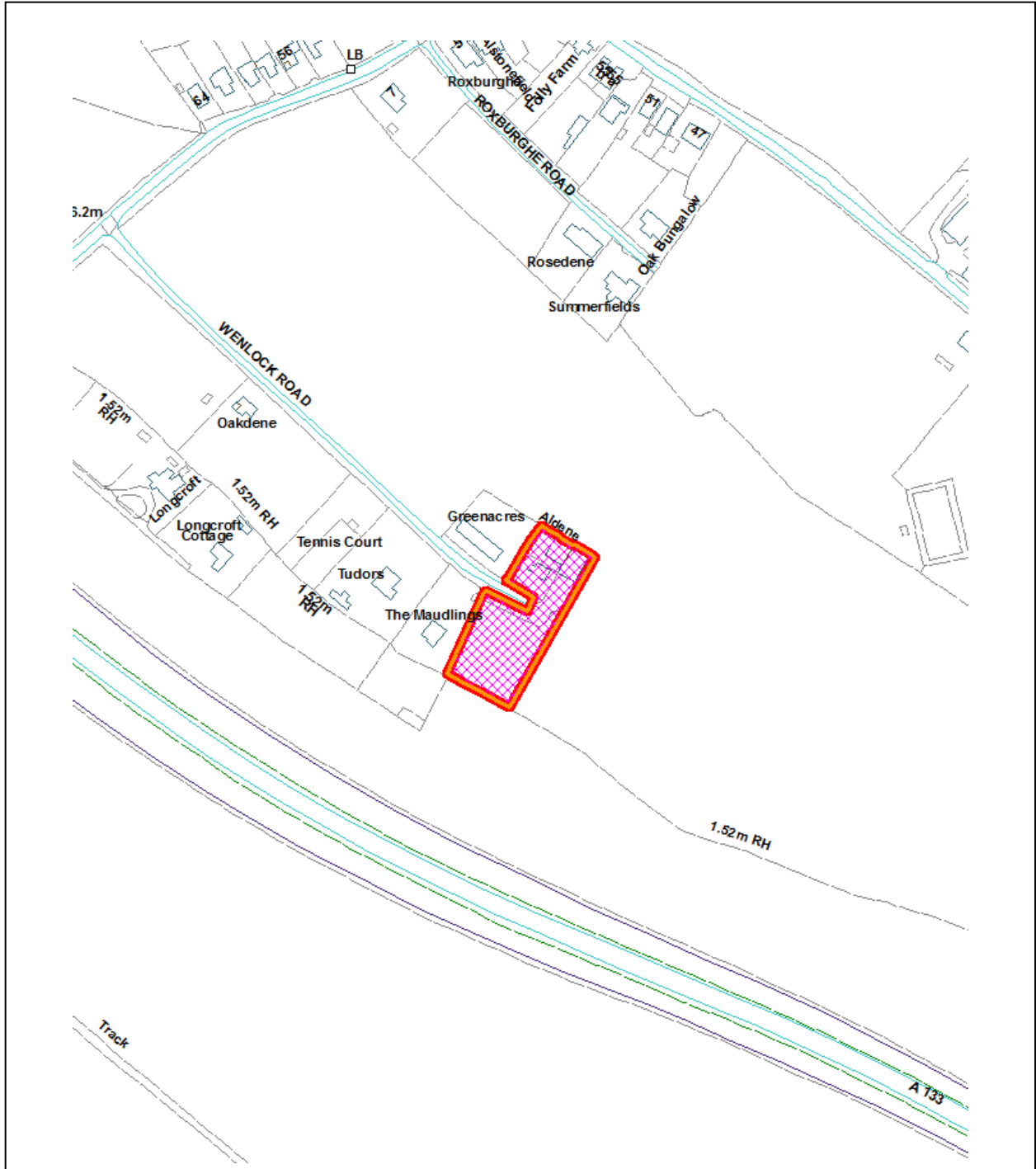


PLANNING COMMITTEE

16 MAY 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/00381/OUT - GREEN SPEED, WENLOCK ROAD, WEELEY, CO16 9DX



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Application:	17/00381/OUT	Town / Parish: Weeley Parish Council
Applicant:	Mr Alan Green - Greenspeed Autostylists	
Address:	Green Speed Wenlock Road Weeley CO16 9DX	
Development:	Erection of 3 No. detached houses and garages (Following demolition of one house and vehicle body repair workshops).	

1. Executive Summary

- 1.1 This application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of any defined settlement development boundary. The application is referred alongside application 17/00377/FUL for change of use of B8 storage unit to vehicle body repairs and paint spraying (use class B2) to enable the applicant's existing business to relocate to that site enabling it to expand, and providing justification for the residential redevelopment of the Green Speed site in terms of retaining the employment use within the District.
- 1.2 The application proposes the erection of three dwellings following the demolition of an existing vehicle body repair workshop and one existing dwelling. The application is in outline form with all matters reserved so only the principle of development is under consideration. However, an indicative layout has been provided to show two detached dwellings with garages on the site of the existing buildings and a single detached dwelling with detached double garage to the south on an area of grass partially used by the applicant to store vehicles.
- 1.3 The site lies outside of any Settlement Development Boundary in both the saved and draft Local Plans in the village of Weeley Heath. The draft local plan extends the Settlement Development Boundary to include Roxburghe Road 100 metres to the north of the site and Members will be familiar with recent approvals for three dwellings in that road. The site is therefore classed as countryside and there is an objection in principle to residential development.
- 1.4 As an existing employment use Saved Policy ER3 (protection of employment land) requires proof that the site is no longer suitable for alternative employment use. Marketing has been undertaken since June 2015 with no success. Unfortunately this marketing was undertaken on residential websites and estate agents, rather than commercial sites which would have been much more appropriate. However, application 17/00377/FUL also on the agenda proposes relocation within the District enabling the applicant to expand to larger premises. The existing premises have been in use for 40 years and are in need of substantial modernisation/rebuild. They are also located at the end of a residential road and only 21 metres from a neighbouring dwelling.
- 1.5 It is therefore considered that the principle for residential redevelopment of one replacement dwelling and two additional dwellings is acceptable given the justification in terms of supporting an existing rural business to relocate and expand to more suitable premises. A condition is recommended to ensure that the relocation occurs prior to occupation of any of the dwellings as this is the justification for approving two dwellings outside of any defined Settlement Development Boundary.

Recommendation: Approve

Conditions:

1. Outline time limits
2. Reserved matters submission
3. No occupation of any of the dwellings until relocation of the business to that approved under 17/00377/FUL has been completed
4. Contamination condition
5. Demolition method statement
6. Tree survey
7. Remove permitted development rights for boundary treatments and outbuildings

2. Planning Policy

NPPF National Planning Policy Framework

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings

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

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings outside Settlement Development Boundaries

ER3 Protection of Employment Land

EN1 Landscape Character

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

SP3 Providing for Employment

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

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:

None

4. Consultations

Environmental Health Due to previous use of the site (vehicle body repair workshops), prior to the commencement of the proposed development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. Therefore standard contaminated land condition is to be applied.

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the ground clearance and construction processes

to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action.

Regeneration

Having worked with the company assisting them in finding an alternate site for them to relocate to, The Regeneration Team supports this application as not only will it facilitate the opportunity for the business to grow, it could also provide a number of new jobs.

Tree & Landscape Officer

The application site is divided into two parts. To the north of Wenlock Road the existing dwelling and workshops occupy most of the land. To the south the application site is open grassland with established hedgerow trees, mainly Oaks, on the western and southern boundaries.

The only vegetation of any significance on the northern section of the site is a row of established conifers that are on, or close to the western boundary. These are of no real visual amenity value.

With regard to the Oaks on the boundary of the southern part of the application site it appears that there is adequate space for the construction of a dwelling outside the likely Root Protection Areas (RPA's) of the trees.

Whilst it may not be necessary for the applicant to submit a full tree survey and report, at this stage, they will need to provide information, at some stage, to show that the proposed development will not cause harm to the boundary trees ' this could be limited to the production of a site plan showing the extent of the trees RPA's. The information should be in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

Should planning permission be likely to be granted then, in addition to measure to deal with the protection of trees as described above, then details of soft landscaping should be secured, by condition, to screen and enhance the appearance of the development. The treatment of site boundaries will be a key element of soft landscaping and demarcation of boundaries with 2m tall close board or panel fences will not be appropriate in this location. Boundaries should be demarcated with low post and rail or chain-link fences with new hedges

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:

' 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.

' No unbound material shall be used in the surface treatment of the

vehicular access within 6 metres of the highway boundary.

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

' Any single garages should have a minimum internal measurement of 7m x 3m

' Any double garages should have a minimum internal measurement of 7m x 6m

' Any tandem garages should have minimum internal measurements of 12m x 3m

All garages shall be retained for the purposes of vehicle parking in perpetuity

' 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.

5. Representations

- 5.1 Parish Council: Weeley Parish Council does not object to this application, however, it should be noted that the site is on an un-adopted road with accompanying maintenance obligations for residents. Protocols should be put in place to ensure that existing residents are not disadvantaged by this development.
- 5.2 One neighbour letter of support summarised as follows:
- In support providing there is an agreement from developers that they will fully repair and/or resurface Wenlock Road once building works are complete.
 - The road is unadopted and therefore the cost of road maintenance is borne by the small number of residents who live on Wenlock road. The size and weight of construction traffic will cause wear to the road surface.
- 5.3 In response to the concerns regarding the private road this would be subject to maintenance by the existing residents. Unfortunately this is the case for private roads and it would be unreasonable in planning terms to require the applicant to fund repair and resurfacing for this road which is around 300 metres long. The proposal will result in the removal of the business which will result in an overall reduction in vehicle movements to the site which long term will result in less intensive use of Wenlock Road.

6. Assessment

The main planning considerations are: Principle of development; landscape and visual impact, Impact on residential amenity, highway safety

Site location

- 6.1 Wenlock Road is a private road located around 80 metres south west of the edge of the Settlement Development Boundary on Bentley Road in both the saved and draft local plans. The road serves horse paddocks and four existing dwellings plus the existing dwelling and business on the application site.
- 6.2 To the immediate west lies the dwelling Greenacres, with open agricultural land to the north, east and south. To the west of the lower section of the site lies the dwelling Mauldings.

Principle of development

- 6.3 The application site is located outside of any defined Development Boundary within the existing and the emerging Local Plan. Settlement development boundaries aim to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.4 The one for one replacement of the existing dwelling is permitted in principle under saved policy HG12 (Extensions to or Replacement of Dwellings outside Settlement Development Boundaries).
- 6.5 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, the two additional dwellings proposed are contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of residential proposals being approved either by the Council or following an appeal.
- 6.6 With this in mind, 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. Weeley Heath is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Weeley Heath and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. In this respect we would consider the site to fail the social sustainability test and the principle for residential development would not be accepted.
- 6.7 However, as the site is in employment use Saved Policy ER3 (protection of employment land) applies. This policy requires proof that the site is no longer suitable for alternative employment use. Marketing has been undertaken since June 2015 with no success. Unfortunately this marketing was undertaken on residential websites and estate agents, rather than commercial sites which would have been much more appropriate. However, application 17/00377/FUL also on the agenda proposes relocation within the District enabling the applicant to expand to larger premises. The existing premises have been in use for 40 years and are in need of substantial modernisation/rebuild. They are also located at the end of a residential road and only 21 metres from a neighbouring dwelling.
- 6.8 The new building comprises around 331 sq m (existing workshop is around 298 sq m) and is a more usable single space rather than the collection of smaller spaces at the existing site. The new building is taller which will allow for new equipment to be installed which will

allow faster drying and a quicker turn around of vehicles with more than one booth able to operate at a time. This will enable more turnover and greater efficiency for the business.

- 6.9 It is therefore considered that the principle for residential redevelopment of one replacement dwelling and two additional dwellings is acceptable given the justification in terms of supporting an existing rural business to relocate and expand to more suitable premises. A condition is recommended to ensure that the relocation occurs prior to occupation of any of the dwellings as this is the justification for approving two dwellings outside of any defined Settlement Development Boundary.

Landscape and visual impact

- 6.10 The site is surrounded by open countryside to three boundaries but other dwellings in Weeley Heath are clearly visible from the site. The existing buildings are in a poor condition and their replacement would enable the site to be tidied up and a comprehensive landscaping scheme to be provided along the northern and eastern boundaries which are currently open. The southern and western boundaries benefit from mature tree and hedgerow screening. The introduction of three dwellings on this site, subject to their detailed design, scale and siting which would be considered at reserved matters stage, would result in no material harm to visual or residential amenity.
- 6.11 The southern and south western boundaries of the site have many mature trees which greatly contribute to the landscape quality of the area. Some of these are within the boundary of the neighbour at The Maudlings. A tree survey will be required by condition to demonstrate that the siting and construction of the dwelling on the southern part of the site would not result in any harm to these trees. The generous plot size means that a dwelling could easily be located with no harm to any of the trees so it was not necessary to require a tree survey at this stage.
- 6.12 In the interests of preserving the rural character of the surrounding area, permitted development rights will be removed for fencing and other boundary treatments and outbuildings to enable the Local Planning Authority to retain control over these features.

Residential amenity

- 6.13 The existing business results in a level of noise and vehicular movements which is usually considered inappropriate in a residential area, particularly such a rural residential area. The applicant states there are currently up to 30 vehicle movements per day associated with the business. The replacement of the business with two additional dwellings is therefore likely to result in a positive impact upon the amenities of existing neighbours in terms of reduction of noise and comings and goings.
- 6.14 Given the size of the site the 3 dwellings will be set within generous plots and their detailed design and siting will therefore result in no harm in terms of loss of light or privacy. Ample private garden can be provided to each plot in accordance with saved Policy HG9. A contaminated land condition will be imposed given the previous use of the site to ensure that the land is made safe for residential occupation. A demolition method statement is also recommended via condition to minimise the impact to neighbouring dwellings during demolition of the existing buildings.

Highway Safety

- 6.15 Wenlock Road is a private road. The Highway Authority have no objection subject to conditions as detailed in their comments above. However as the proposal shown is purely indicative at this stage and subject to change these matters with ample space for the required parking and turning this can all be addressed within the reserved matters

application. The request for residential travel packs is not considered reasonable for a development of this scale.

Conclusion

- 6.16 The application proposes the acceptable one for one replacement of an existing dwelling outside of any defined settlement boundary. The application also proposes the replacement of an existing employment use with two dwellings which is acceptable in this socially unsustainable location only in association with the relocation of the business as proposed under application 17/00377/FUL. A condition has therefore been imposed to ensure that the proposed dwellings cannot be occupied until the business has relocated as without this condition the proposal would not be acceptable. In all other respects the proposal is considered acceptable with no material harm to visual or residential amenity or highway safety.

Background Papers

None