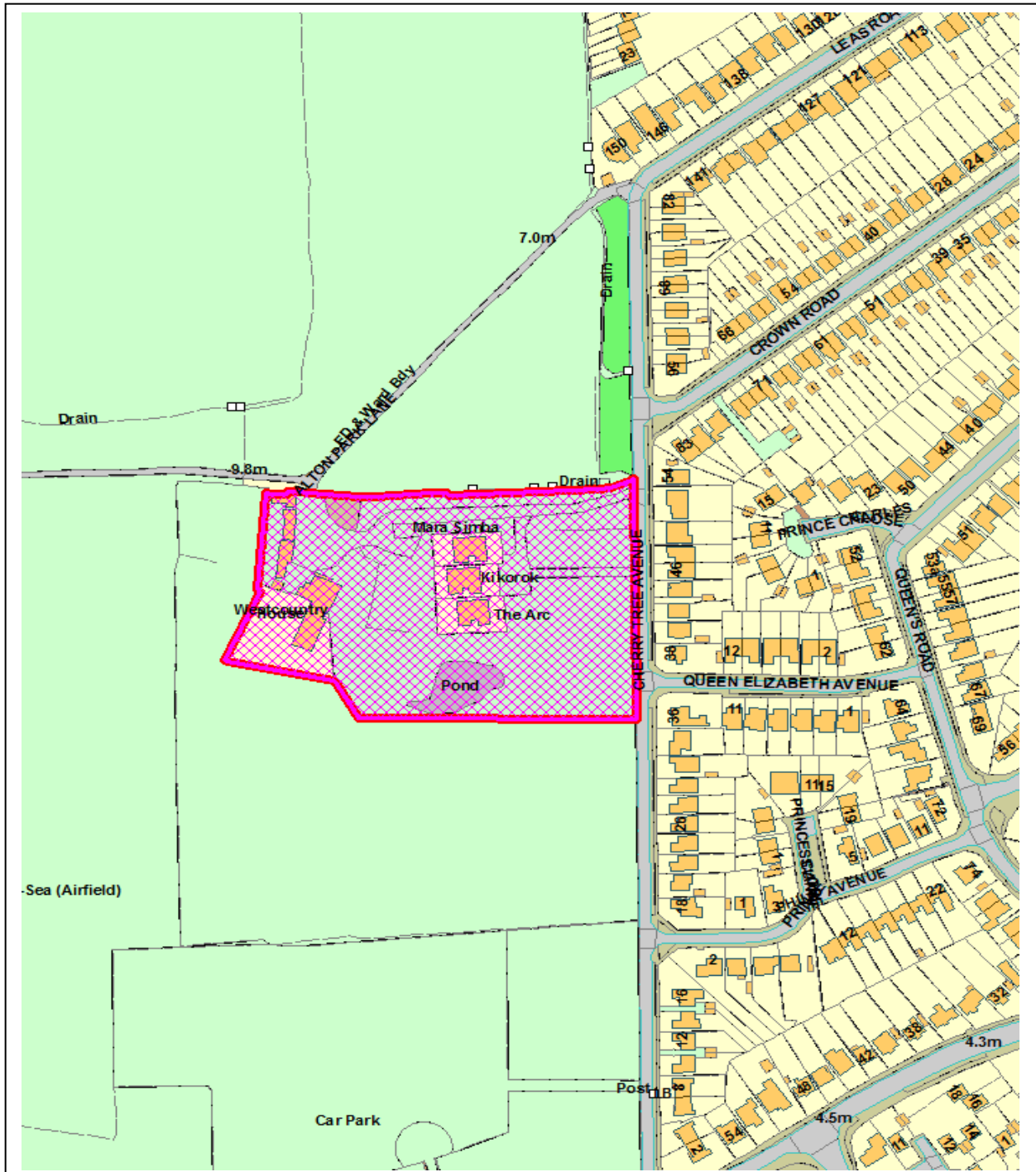


PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/00725/FUL - WEST COUNTRY HOUSE, CHERRY TREE AVENUE, CLACTON ON SEA, CO15 1AR



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| Application: | 17/00725/FUL | Town / Parish: Clacton Non Parished |
| Applicant: | Mr R Shah - Tiku Homes Ltd | |
| Address: | West Country House, Cherry Tree Avenue, Clacton On Sea, CO15 1AR | |
| Development: | Proposed new access road to serve new development approved under 16/00731/FUL. | |

1. Executive Summary

- 1.1 This application is brought before Planning Committee at the request of Cllr. C. Griffiths who objects to the application as it will have a damaging impact on privacy; an adverse impact on the character of the area and a materially damaging impact on the privacy of nearby properties.
- 1.2 West Country House is situated to the west of Cherry Tree Avenue; it surrounds three modern bungalows which are set back from the road. The site comprises of a large detached dwelling and outbuildings and is accessed via a long driveway which also serves the three modern bungalows.
- 1.3 This application seeks to amend the location of the proposed access from the rear, to the front of the 3 existing properties. It is proposed to utilise the existing access road which currently serves these properties and provide a link to part of the access approved under application 16/00731/FUL.
- 1.4 It is considered that the proposed access would not have a greater impact on the Local Green Gap than the approved proposal and that it will not erode the character of the area as the majority of the access is already in place to serve the existing bungalows. The large area of space in front of the existing dwellings is retained, to keep the open character of the area and the Coastal Protection Belt.
- 1.5 The proposal will have some impact on the amenities in terms of noise and disturbance of these residents however, given that all three properties have a parking area to the front which provides separation from the access and the windows to the front of the properties, it is considered that any impact would not be sufficient to warrant a reason for refusal.
- 1.6 The proposal would not generate any increase in traffic using the access or the public highway (Cherry Tree Avenue) and therefore would not result in any highway safety issues.

Recommendation: Approve

Conditions:

- Standard time limit for implementation
- In accordance with approved plans
- If this consent is implemented the access road as approved by 16/00731/FUL shall not be constructed.

2. Planning Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN2 Local Green Gaps

EN3 Coastal Protection Belt

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

LP4 Housing Layout

PPL3 The Rural Landscape

PPL6 Strategic Green Gaps

Supplementary Planning Guidance

Parking Standards Design and Good Practice Guide (2009)

Essex Design Guide (2005)

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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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

| | | | |
|------------------|--|-------------------------------|------------|
| 93/01450/OUT | Proposed demolition of 3 dwellings, re-siting and replacement of same with 2 bungalows | Refused | 22.02.1994 |
| 96/00317/FUL | Proposed demolition and replacement of three bungalows together with garages | Approved | 23.04.1996 |
| 97/00176/FUL | Proposed demolition and replacement of three bungalows and garages at variance to approval TEN/96/317 | Approved | 11.03.1997 |
| 99/01470/FUL | 3 bungalows | Refused | 24.11.1999 |
| 95/00005/TEL COM | Erection of telecommunications mast and associated equipment cabins | Determination | 10.03.1995 |
| 00/02094/FUL | Proposed dwellings | Approved | 09.02.2001 |
| 11/01003/OUT | Demolition of existing house and outbuildings and the construction of eight single storey houses in a courtyard setting. | Refused - Dismissed at Appeal | 25.10.2011 |
| 13/00598/OUT | Outline planning application for eight dwellings. | Refused – Dismissed at Appeal | 25.07.2013 |
| 13/00956/OUT | Outline planning permission for 7 aspirational type dwellings. | Refused – Dismissed at Appeal | 17.10.2013 |
| 14/01500/OUT | Erection of 5 new dwellings. | Refused – Dismissed at Appeal | 22.12.2014 |
| 16/00731/FUL | Proposed 4 No. detached bungalows and garages. | Approved | 09.09.2016 |
| 16/01605/DIS CON | Discharge of conditions 3 (Access roads), 4 (Materials) and 5 (Hard and Soft Landscaping) of approved planning application 16/00731/FUL. | Approved | 28.11.2016 |
| 17/00725/FUL | Proposed new access road to serve new development approved under 16/00731/FUL. | Current | |
| 17/00948/FUL | Proposed new access road to replace existing. | Current | |

4. Consultations

ECC Highways Dept

The Highway Authority has assessed the details of this application and does not consider the road would be suitable for adoption as

highway and therefore does not wish to submit a formal recommendation.

5. Representations

5.1 The application was requested to be determined by Cllr. C. Griffiths who objects to the application for the following reasons:

- The proposal will have a damaging impact on privacy of existing residents.
- The application will not enhance the local character or distinctiveness of the location, as it will remove the distinctiveness of three dwellings set back from the road, and by the addition of an access road connecting existing properties with other new dwellings it will change the character, distinctive and unique quality of this location.
- The creation of an access road in a Strategic Green Gap will not relate well to existing surroundings, and it is difficult to see how it will enhance the existing street scene pattern and the open space at the front of the development.
- The proposal will not maintain or enhance important existing features of landscape.
- The application will have a materially damaging impact on the privacy of nearby properties.

5.2 10 letters of objection have been received which raise the following concerns:

- The proposal opens up the Strategic Green Gap assisting in the joining of settlements or neighbourhoods and undermines the remaining undeveloped gaps.
- This is part of a plan to get planning approval by a piecemeal approach for future building in the Green Gap.
- The proposal would change the character of a rural area into an estate then lose the physical separation between settlements.
- The applicant has been forced by the Council to remove a road previously in this area which was constructed without planning permission.
- The main drive into the site has been broken up by heavy lorries delivering building materials. By moving the road into the front of the homes, this will cause the break-up of the area immediately to the front of the existing properties.
- Two accesses to the new development are not necessary.
- Impact on residential amenity; noise of traffic and lights plus dust and dirt.
- Loss of view
- Lower the value of existing properties.
- Construction in the Coastal Protection Belt is not permitted.
- This application shows the existing driveway as a road and has been drawn incorrectly on the plan.
- Proposed new access road will give access to both the new approved development and to numerous other bungalows (subject to planning) and will destroy the whole frontage to the existing bungalows together with a risk to children and adults from added traffic.
- The proposal will result in a material damaging impact on the privacy of the occupiers of the existing bungalows.
- Screening of the area has been reduced by the removal of bushes and trees on the site of this new access.
- Loss of all privacy and seclusion and peace to existing properties.
- When there are events on the seafront like the carnival, air show etc. there is a large increase in traffic and parking on the surrounding roads and West Road is closed meaning Cherry Tree Avenue takes the brunt of the traffic and it is impossible for residents to get in and out of their driveways.
- Increase in speeding traffic along Cherry Tree Avenue is dangerous.

6. Assessment

Site Location

- 6.1 West Country House is situated to the west of Cherry Tree Avenue; it surrounds three modern bungalows which are set back from the road. The site comprises of a large detached dwelling and outbuildings and is accessed via a long driveway which also serves the three modern bungalows.
- 6.2 The area to the east of Cherry Tree Avenue has been comprehensively developed with housing. However, the area to the west is largely undeveloped and rural in character. The site and adjoining bungalows represent an isolated exception to this rural character.

Planning Background

- 6.3 The site has been subject to a number of previous applications in recent years. Application 11/01003/OUT sought outline planning permission, with all matters reserved for the demolition of the existing house and outbuilding and the construction of 8 dwellings. This indicative layout showed 8 dwellings in a horse shoe shape to the rear of the site. This application was refused and dismissed at appeal in April 2012. The Inspector concluded that the proposal would not comply with the development plan policies on the location of development (within a Green Gap and Coastal Protection Belt) and would have a harmful effect on the character and appearance of the area.
- 6.4 Application 13/00598/OUT was a resubmission of the above application and sought outline planning permission with all matters reserved for 8 dwellings; this was refused in July 2013. Shortly after this, in October 2013 outline planning permission was refused for 7 no. detached dwellings to the rear of the site behind the existing bungalows (13/00956/OUT), which also involved the demolition of the existing dwelling (West Country House). Both of these decisions were appealed and in the decision dated February 2014 the Inspector dismissed both appeals. In the decision the Inspector found the evidence before him inconclusive regarding the housing supply. However, nonetheless, he considered that even if there is not such a supply, harm from both proposals would significantly and demonstrably outweigh the provision of an additional 7 or 8 dwellings. It was also considered that:
- 6.5 ‘...the policy approach to conserve Green Gaps forms an important part of the Council’s spatial strategy to restrict development in the main to settlements and sites identified through the Development Plan. This is consistent with the Framework which states in paragraph 7 that part of the environmental role is to protect and enhance the natural, built and historic environment’.
- 6.6 Within this appeal the appellant argued that Policy EN2 of the Local Plan allows for minor development within the Local Green Gap if it does not harm its open character and that the proposals would be single storey only, would be well screened by boundary tree and hedge planting and would not be prominent in public views. However, the Inspector considered that:
- 6.7 ‘...both sites are clearly visible from several public vantage points. These include travelling north along Cherry Tree Avenue, from West Road to the south in views across open land and across similar open land from Clacton Airfield which is to the south of the site. Additionally a public footpath passes in close proximity to the north, and extending to the west across the airfield. Both sites would be clearly visible in both directions from users of the footpath. Both proposals would involve a significant increase in built development which would be apparent from the public vantage points referred to despite the single storey nature of the proposed dwellings. The cumulative effect of that together with other domestic paraphernalia associated with residential development would create an urbanising

effect which would be out of character with the surrounding open landscape and cause harm to the area. Such harm would be the same for both proposals’.

- 6.8 Following the appeal decision a further application was submitted 14/01500/OUT. This sought planning permission for the erection of 5 new dwellings on land surrounding West Country House and the existing bungalows. The application was in outline form with only access being considered as part of the application. The indicative layout showed two dwellings to the front of the existing bungalows and two dwellings to the rear of the existing bungalows and to the front of West Country House and one dwelling to the side of West Country House. This application was refused and dismissed at appeal. This appeal decision dated July 2015 referred to the fact that the Council could not demonstrate a 5 year housing supply. It also stated that because Policy EN2:
- 6.9 ‘... aims to keep the Green Gap open and related to development generally it is not specifically a policy for housing supply and is not out of date on the basis of the lack of a five year housing land supply’.
- 6.10 In dismissing the appeal the Inspector stated:
- 6.11 ‘... the frontage of the site is more open and the existing bungalows are set back from the road. Additional planting could be provided but it is nevertheless likely that parts of the development would be visible across the landscape, including the upper parts of any two storey houses. The development would also be visible from Cherry Tree Avenue including through the access point. The character of the site itself would be altered to a more intensive and urban form of development that currently exists. The character of the proposed development would be at odds with the open quality of the landscape. This has an important role in separating the settlements and thereby maintaining their separate character’.
- 6.12 The most recent determined application is 16/00731/FUL which sought planning permission for the erection of 4 detached bungalows and garages to the south of the three existing bungalows. This application was granted on the basis that the Council could not demonstrate a 5 year housing supply and that the proposal unlike the previous appeal decisions would not undermine the function of the Local Green Gap.

Proposal

- 6.13 This application seeks permission for a proposed new access road to serve the new development of 4 detached bungalows, approved under application 16/00731/FUL (currently under construction). The application approved showed the proposed access road located behind the 3 existing bungalows; 6.5 metres from the rear boundaries.
- 6.14 This current application seeks to amend the location of the proposed access to the front of the 3 existing properties. It is proposed to utilise the existing access road which currently serves these properties and provide a link to part of the access approved under application 16/00731/FUL. The existing access point onto Cherry Tree Road remains unaltered (although a recently submitted application 17/00948/FUL proposes the relocation this access. This will be considered separately).

Planning Considerations

- 6.15 The main planning considerations are:
- Principle of Development
 - Impact on Green Gap and Character of the Area
 - Impact on Neighbours
 - Highway Safety

Principle of Development

- 6.16 The principle of 4 no. detached bungalows with an access on the site has been established by the granting of planning permission 16/00731/FUL. Therefore there can be no principle objection to the provision of an alternative access, subject to the detailed considerations discussed below.

Impact on Green Gap and Character of the Area

- 6.17 The proposed development is located within an area designated as a 'Local Green Gap' within the Tendring District Local Plan 2007 and as a 'Strategic Green Gap' in the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.18 Policy EN2 of the Saved Local Plan states that Local Green Gaps will be kept open, and essentially free of development. 'This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character'.
- 6.19 Policy PPL6 of the Emerging Plan states that within Strategic Green Gaps 'the Council will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity. Planning permission may be granted where:
- a. The applicant can demonstrate that there is a functional need for the development to be in that specific location and that is cannot be delivered on an alternative piece of land outside of the Strategic Green Gap;
 - b. The development would not compromise the opening setting between settlements or neighbourhoods; and,
 - c. The development would involve the creation of Green Infrastructure which would support the continuing function of the Strategic Green Gap.
- 6.20 At the time of the previous application 16/00731/FUL because the Council could not demonstrate a 5 year housing supply there was a need to weigh up the impact of the needs of housing against the impact on the Green Gap. It was considered that the proposal for 4 detached bungalows would not undermine the function of the Local Green Gap.
- 6.21 In this case it is considered that the proposed access would not have a greater impact on the Local Green Gap than the approved proposal. It is accepted that being situated to the front of the existing properties means that it will be more visible in the surrounding area. However, it is not considered that it will erode the character of the area as the majority of the access is already in place to serve the existing bungalows. The large area of space in front of the existing dwellings is retained, to keep the open character of the area and the Coastal Protection Belt.

Impact on Neighbours

- 6.22 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Emerging Plan states that amongst other criteria 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

- 6.23 There is an existing access situated to the front two of the existing bungalows, the proposal would extend the access 6.5 metres from the front boundary of the third bungalow (The Arc) the link with part of the access road approved by the previous application. The proposal means that all traffic generated by the 4 bungalows previously approved will be travelling to the front of the existing properties, rather to the rear as approved.
- 6.24 The existing properties benefit from a very peaceful environment and the proposal will result in an increase in movement to the front of these properties, rather that to the rear. This will have some impact on the amenities in terms of noise and disturbance of these residents however, given that all three properties have a parking area to the front which provides separation from the access and to the windows in the front of the properties, it is considered that any impact would not be sufficient to warrant a reason for refusal.
- 6.25 Furthermore, it is considered that the proposal would not result in any loss of privacy again, due to the existing parking areas providing separation between the windows in the front of the properties and the fact that the access is to the front where there is no private space as this is already overlooked by those using the existing access.

Highway Safety

- 6.26 The proposal would not generate any increase in traffic using the access to the public highway (Cherry Tree Avenue). The Highway Authority has assessed the details of this application and does not consider the road would be suitable for adoption as a public highway and therefore does not wish to submit a formal recommendation. On this basis, it is considered that the proposal would not result in any highway safety issues.

Conclusion

- 6.27 For the reasons set out above, it is considered that the proposed access would not have a greater impact on the Local Green Gap than the approved proposal and would not result in any highway safety issues. It is accepted that the proposal will have some impact on the amenities in terms of noise and disturbance of these residents however; it is considered that the impact would not be sufficient to warrant a reason for refusal. Accordingly, the application is recommended for approval.

Background papers

None.