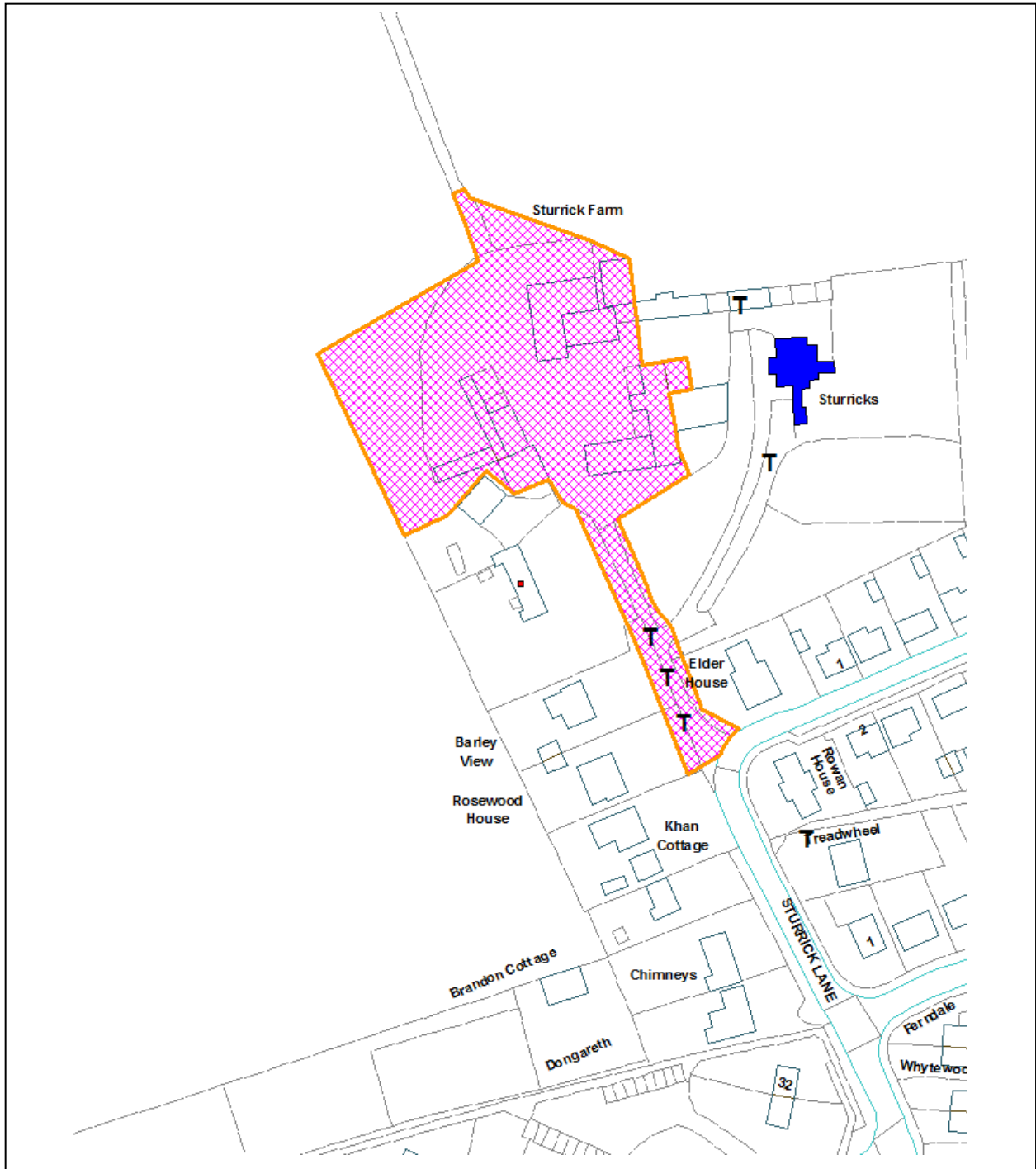


PLANNING COMMITTEE

8 August 2017

REPORT OF THE HEAD OF PLANNING

**A.9 PLANNING APPLICATION - 17/00456/FUL - STURRICKS FARM, STURRICK LANE, GREAT BENTLEY, CO7 8PT**



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<b>Application:</b>	17/00456/FUL	<b>Town / Parish:</b> Great Bentley Parish Council
<b>Applicant:</b>	Mr G Bradfield	
<b>Address:</b>	Sturricks Farm Sturrick Lane Great Bentley CO7 8PT	
<b>Development:</b>	Erection of eight two-storey dwellings following demolition of and alteration to existing buildings.	

## 1. Executive Summary

- 1.1 This application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of the settlement development boundary in the 2007 adopted plan.
- 1.2 The application was originally submitted for demolition of all buildings on site and erection of eight houses and two bungalows. Concerns were raised by the case officer regarding the impact upon the setting of the neighbouring listed building, historic buildings proposed for demolition, loss of employment land and absence of a barn owl survey. The application has been amended and has been subject to full reconsultation which expire before the Planning Committee meeting. Comments received in relation to the original application from ECC Suds Team, TDC Open Space, Anglian Water and TDC Housing have not been included within the report because the reduction in numbers from 10 to 8 means the application is no longer a 'major' application so they are no longer statutory consultees/there is no requirement for affordable housing/public open space contributions.
- 1.3 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 loss of the employment use is considered justified as the site benefitted from temporary permissions which expired around 15 years ago; the units require substantial investment to bring them up to modern standards; and two small units are retained for potential employment use.
- 1.4 The application proposes the erection of eight houses following demolition of a number of existing buildings. Two of these buildings will be retained and made good where adjoining buildings are demolished and a listed building consent application 17/01088/LBC has been submitted for these works as they adjoin the curtilage listed buildings and wall of the neighbouring Grade II Listed Building Sturricks.
- 1.5 The detailed design and scale of the proposed development is considered acceptable and would moderately enhance the setting of the neighbouring Grade II listed building with no material harm to residential amenity, biodiversity or highway safety.

**Recommendation: Approve**

**Conditions:**

1. Standard 3 year time limit for commencement

2. Accordance with approved plans
3. Details of construction materials
4. Vehicular parking and turning as shown to be provided prior to occupation
5. No unbound materials to be used within 6 metres of highway boundary
6. Hard and soft landscaping plan/implementation
7. Construction method statement
8. Details of boundary treatments
9. Retained buildings to be made good as shown prior to occupation of dwellings
10. Tree protection as detailed in tree report
11. Submission of Arboricultural Method Statement
12. Phase 2 contamination assessment
13. Demolition and construction restricted to 07:00 - 19.00hrs Monday to Friday, 08.00 - 13.00hrs Saturdays and no permitted works on Sundays and Bank Holidays.

Note regarding need to apply for planning permission/lawful development certificate to confirm use of the two remaining buildings; and as requested by the Highway Authority.

## 2. Planning Policy

### **National Planning Policy Framework (NPPF)**

- 2.1 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

### **Local Plan**

#### **Tendring District Local Plan (2007)**

QL1: Spatial Strategy

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

ER3: Protection of Employment Land

HG9: Private Amenity Space

ER3 Protection of Employment Land

EN1: Landscape Character

EN6: Biodiversity

EN6a: Protected Species

EN23: Development within the Proximity of a Listed Building

TR1a: Development Affecting Highways

TR7: Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP3	Providing for Employment
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL4	Biodiversity and Geodiversity
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

### **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 16<sup>th</sup> 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**

98/00044/FUL	Building to be used for making garden slabs and one building for storage of the necessary materials	Approved Expired 30/04/2000	28.04.1998
98/00047/FUL	Part A of site for use as a store for parts, tools, etc Part B of site for use as a workshop for the purpose of vehicle fitting and maintenance	Approved Expired 30/04/2000	28.04.1998
00/00670/FUL	Storage of building materials and equipment (Renewal of planning permission TEN/98/0046)	Approved Expired 18/07/2003	07.07.2000
00/00671/FUL	For use as a workshop and store for making/refitting caravans and camper vans (Renewal of TEN/98/0045)	Approved Expired 18/07/2003	07.07.2000
00/00672/FUL	Use of building for storage of	Approved	07.07.2000

	building materials and double glazing (Renewal of planning permission TEN/98/0038)	Expired 18/07/2003	
00/00673/FUL	Use of building by vehicle fitter for storing vehicles, equipment and machinery as well as the use of one building as a workshop (Renewal of planning permission TEN/98/0048)	Approved Expired 18/07/2003	07.07.2000
01/02168/FUL	Part C of site, for use as a store for parts, tools etc and as a workshop for the purposes of vehicle fitting and maintenance (Renewal of planning permission 00/00674/FUL)	Approved Expired 18/07/2003	06.02.2002
02/00215/FUL	Workshop/store for double glazing (Dutch Barn)	Approved Expired 18/7/2003	08.03.2002
14/00244/FUL	Erection of two 1.5 storey cottages with associated access and shared garage.	Approved	17.04.2014
14/00431/FUL	Erection of 32 dwellings with associated outbuildings and landscaping, with a new access from Sturrick Lane.	Allowed at Non Determination Appeal	21.08.2014
14/01415/TPO	T1 - Oak - reduce crown on southern side by 1.5m removing sub-laterals only. Remove 2 sub-laterals. T2 - Oak -remove dead wood. Remove 1 sub-lateral	Approved	28.10.2014
17/01088/LBC	Proposal to detach the supportive buildings which border Sturricks listed building from the underused industrial units and undergo repair and minor modification to the buildings as necessary.	Current	

#### 4. Consultations

TDC Tree & Landscape Officer	<p>The main body of the application site is occupied by redundant commercial buildings and hard standing. Several trees on land forming part of Sturricks are formally protected by a Tree Preservation Order (TPO/92/55).</p> <p>The Existing Site Plan shows the trees to be removed and those to be retained along with the Root Protection Areas (RPA's) of the retained trees. The information provided, in relation to the trees on the application site and adjacent land provides an accurate description of their health and condition. The tree survey and report has been carried out in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations and</p>
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adequately demonstrates that the development of the land could take place without causing harm to the protected trees.

In the north western corner of the application site there is a line of poor quality Poplar trees and single early mature Oak on a low bund running north to south. The Poplars do not merit retention and although the Oak is a good quality tree, in isolation, it has only moderate visual amenity value which could be relatively easily replicated and improved upon by replacement planting.

The site layout plan also shows the retention of trees on the northern boundary. Whilst the Sycamore, in this location, seem to be reasonable specimens some of the trees are Poplar; which were probably planted as a windbreak and are not good specimen trees. Should planning permission be granted then details of soft landscaping should be secured, by condition, to screen and enhance the appearance of the development.

The tree report makes reference to the poor condition of the Poplars and although some are shown as retained the amenity of the locality and the appearance of the development would probably be best served by their removal and replacement with new trees.

Should planning permission be granted then a condition should be attached to secure the provision of an Arboricultural Method Statement (AMS) to show how the recommendations contained in the tree report will be implemented during the construction phase of the development.

No additional comments on amended plans.

#### ECC Highways

Comments on original proposal for 10 dwellings: This Authority has assessed the highway and transportation impact of the proposal and has taken regard to the following information;

- 1) The industrial and commercial units could already realise vehicles associated with staff, customers, servicing and deliveries.
- 2) The level of vehicular activity associated with the site is likely to reduce under the proposal.
- 3) The reduction in vehicular traffic is beneficial to users of the Bridleway (Bridleway 2, Great Bentley)

This Authority therefore does not wish to raise an objection to the above application subject to the following:

- 1) Prior to occupation of the development the vehicular parking and turning facilities, 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.
- 2) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 3) Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- 4) Any single garages should have a minimum internal measurement of 7m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity
- 5) Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Natural England	No comments to make. Impact on protected species should be assessed using Standing Advice.
TDC Pollution	Prior to the commencement of the development proposals, a phase 2 site investigation shall be carried out, as outlined in the desk study contamination report already submitted (compiled by Provectus Remediation Limited, report number 100994/001/DS). Investigations shall be carried out to establish whether any remedial works are required. If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

The following should be implemented in regards to the site management and would suggest the condition be applied which restricts construction times whilst works are being carried to: 07:00 - 19.00hrs Monday to Friday, 08.00 - 13.00hrs Saturdays and no permitted works on Sundays and Bank Holidays.

## 5. Representations

- 5.1 Great Bentley Parish Council objected to the original proposal for ten dwellings based on the impact of traffic on Sturrick Lane (a road that already has increased traffic use as a result of the recent development of 32 dwellings) and also the cumulative impact on the village. The Parish Council's comments on the amended plans will be updated via the update sheet/at the meeting.
- 5.2 1 letter of objection to original proposal for ten dwellings has been received summarised as follows: (with response in brackets where not addressed in the report)
- Outside the Local Plan and adds to 400 plus dwellings already approved in the village (each case must be assessed on its merits).
  - Roads, schools, and doctors cannot take any more residents (the impact on highway safety has been addressed in the report. The development is below the number where financial contributions towards education and health can be required).
  - Commercial units have not been in full-time use for some time and traffic has been slight.
  - Abrey Close objection to traffic increase stands because people have to walk in the lane (a Public Right of Way passes through the centre of the site and traffic is light leading to only farm land beyond).
- 5.3 1 letter of objection to amended proposal has been received summarised as follows: (with response in brackets where not addressed in the report)
- Although reduced will still add to the strain in the village.
  - All 3 and 4 bedroom dwellings which will not help people start on the property ladder.

## 6. Assessment

The main planning considerations are: The principle of development, design and visual impact, heritage impact, impact on residential amenity, and highway safety.

### Site location

- 6.1 The application site lies outside (around 95 metres north of) the settlement development boundary of the 2007 adopted plan. The site lies wholly within the settlement development boundary in the emerging plan which includes the recent Abrey Close development to the south east which was allowed at appeal under reference 14/00431/FUL.
- 6.2 To the north and west lies agricultural land, to the south lies dwellings including two approved under 14/00244/FUL and Abrey Close to the south east, to the east lies the Grade II listed Sturricks which also contains protected trees. A Public Right of Way runs through the centre of the site along the existing farm road.
- 6.3 The site contains former agricultural buildings which have been converted to employment uses and are now vacant.

### Principle of development

- 6.4 The application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of any defined settlement development boundary in the 2007 saved plan. However, the site lies within the settlement development boundary of the emerging local plan which includes the recent residential development of 32 dwellings at Abrey Close.
- 6.5 The Council can now identify a five year supply of deliverable housing sites so is no longer automatically expected to approve planning applications for housing that run contrary to the Local Plan, as per the government's 'presumption in favour of sustainable development'.
- 6.6 Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental and these are assessed below:

### Economic

- 6.7 Saved Policy ER3 (protection of employment land) requires proof that existing employment sites are no longer suitable for alternative employment use before they will be considered for other uses. The proposal includes demolition of some existing buildings on the site. These buildings have been converted to workshop/storage uses for double glazing, building materials, vehicle fitting, and garden slabs. These uses were granted temporary planning permissions which have all long since expired as shown in the planning history. The employment uses therefore appear to have ceased in terms of their lawful planning uses and the site is now vacant. It is therefore difficult to argue that the proposal represents a loss of employment land. The existing buildings are also in a poor state of repair, with no wcs and requiring substantial investment to bring them up to modern standards. The proposal retains two buildings at the rear of the site which abut the boundary to the listed building Sturricks. These buildings could therefore be used for a low key storage or B1 use subject to a separate application to confirm their lawful use.
- 6.8 The proposal will provide employment through construction of the properties and through future residents supporting local businesses. It is therefore considered that the economic dimension of sustainability is met.



## Social

- 6.9 The site is located on the edge of Great Bentley which is classed as a Rural Service Centre under emerging policy SPL1 providing opportunities for smaller-scale growth. The settlement has a reasonable range of public transport links, services and facilities and the site is therefore considered to be socially sustainable.

## Environmental

- 6.10 The draft settlement development boundary includes the application site and existing houses to the south plus the new residential development at Abrey Close. Redevelopment of the site as proposed would be in keeping with the pattern of surrounding development and would not protrude into the open countryside.
- 6.11 The site is not subject to any landscape designations. There are trees subject to a Tree Preservation Order within the curtilage of the neighbouring Listed Building Sturricks. A Tree Survey has been provided to demonstrate that the proposal will not harm the existing trees. The plans show front gardens with soft landscaping and the appearance of the development is considered acceptable.
- 6.12 The heritage impact is assessed separately below and considered to be acceptable.
- 6.13 A habitat assessment has been carried out which found the site, which is almost entirely hard surfaced, to be of low ecological value. No bat roosts were found in the buildings. A barn owl survey and Great Crested Newt presence/absence survey (neighbouring small pond) has also been carried out and no evidence of either barn owls or Great Crested Newts was found.
- 6.14 A contamination assessment has been submitted given the previous uses of the site and the presence of asbestos cladding to the buildings proposed for removal. There is a low to moderate potential for contamination at the site. Environmental Health have commented on the proposal and confirmed that a phase 2 contamination assessment is required to ensure the site is appropriate for residential use, a condition has been recommended.
- 6.15 Subject to conditions relating to provision of an Arboricultural Method Statement and details of new soft landscaping it is considered that the proposal would be environmentally sustainable.
- 6.16 The proposal is therefore considered to represent sustainable development and the principle for residential development is accepted subject to the detailed considerations below.

## Design and visual impact

- 6.17 The application proposes eight detached houses which are all set back 9-16 metres from the lane creating a spacious development with generous soft landscaping areas to the front. There are four three bedroom dwellings and four four bedroom dwellings proposed all providing at least the minimum 100 square metres of private amenity space ranging from 103 square metres to 380 square metres.
- 6.18 The dwellings are of four different designs with attractive detailing incorporating chimneys, porches, plinths, brick banding, front verandas, glazing bars, and roof finials. Materials are to be agreed by condition but are shown to be brick, black weatherboarding and tile. The maximum ridge heights are 7.5-7.6 metres creating a more rural, cottage design in keeping with surrounding development. The detailed design of the development is therefore considered acceptable.

### Heritage Impact

- 6.19 Sturricks, a Grade II listed building, lies to the immediate east of the application site. The listed building is not currently prominent in public views due to its significant set back from the highway and the screening provided by mature vegetation within its grounds. From within the existing complex of buildings the listed building is clearly visible and overlooks the courtyard to the two existing buildings proposed for retention. The two buildings to be retained adjoin the boundary wall and existing outbuildings to Sturricks and are seen on maps dating back before the building was listed. The smaller of the two buildings to be retained is located to the north of the site and appears as a continuous building with the outbuilding in the garden of Sturricks. It is constructed of brick and timber frame and is considered to be curtilage listed and although significantly altered in terms of sheet roofing and modern doors it is still a building of character. A separate listed building consent has been submitted for works to make good the end walls of the remaining buildings. The second building is larger and its eastern wall is built directly up from the boundary wall to Sturricks. The remainder of the building is of no historic merit and is constructed of modern materials.
- 6.20 A large building currently blocks views of the listed building from the public right of way through the site. Demolishing this building provides a 14 metre wide gap within the centre of the site providing views through to the listed building and the 18 metre tall protected Lime tree in its grounds. This will significantly enhance views of the listed building to the public and would therefore provide some enhancement to its setting.

### Impact on residential amenity

- 6.21 The retention of the two closest existing buildings to the listed building Sturricks means that there is a minimum 36 metre separation between the new dwellings on Plots 7 and 8 and the listed building and around 17 metre separation between the garden boundaries. Plots 5 and 6 are sited to the north so would not have views towards Sturricks. There would therefore be no loss of amenity in terms of loss of privacy, light or outlook. The retention of the two small commercial units would enable a small scale employment or storage use to operate from the remaining site, subject to separate planning permission/lawful development certificate given the absence of a lawful use for these buildings. The scale of the buildings would significantly limit the intensity of the use and this is unlikely to result in any material harm in terms of noise or other disturbance to the occupiers of Sturricks or the proposed dwellings on plots 6, 7 and 8. A note would be added to any planning permission to confirm the need to gain planning approval prior to use of the two remaining buildings.
- 6.22 Sturrick Farm is owned by the applicant's and is located to the south of Plot 1 with its outbuildings along the boundary. There is 22 metre separation between the two dwellings so there would be no harm in terms of loss of light, outlook or privacy. Plot 8 lies opposite their access drive but the separation distance ensures no loss of amenity.
- 6.23 It is not considered that the provision of eight additional dwellings would result in any material harm to other neighbouring dwellings in terms of increased noise or vehicular movements on this brownfield site. A condition restricting demolition and construction hours has been recommended in the interests of neighbouring amenity.

### Highway Safety

- 6.24 Six of the eight dwellings are provided with garages however they are all undersized in relation to the adopted parking standards. However each dwelling has at least two off street parking spaces on their driveway therefore meeting the needs of future occupiers and their visitors.

6.25 The Highway Authority commented on the proposal for ten units as detailed in full above confirming no objection subject to five conditions. The reduced proposal does not affect these comments. Recommended conditions 3 and 4 relate to garage and parking space dimensions and will not be imposed as the garages are undersized as stated above but ample off street parking to the specified dimensions is already shown on the submitted plans. Condition 5 requests Residential Travel Information Packs which is not considered reasonable for a development of only 8 dwellings so has not been imposed. Conditions 1 and 2 are included within the recommendation in the interests of highway safety. The Highway Authority also provide advice in relation to the need to protect users of the Public Right of Way which will also be included within the decision notice as informatives.

Background Papers

None