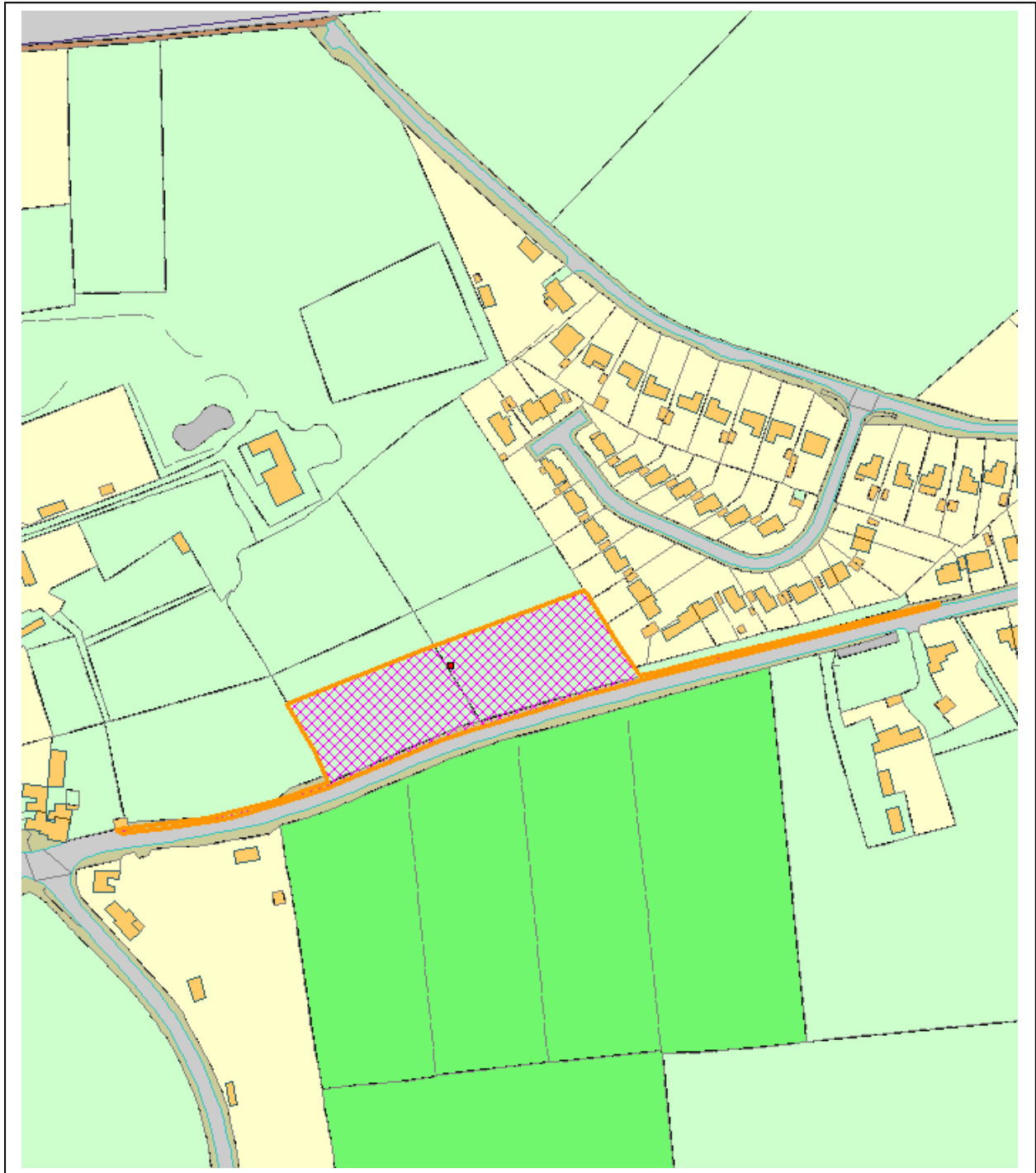


PLANNING COMMITTEE

03 OCTOBER 2017

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATION - 16/01927/OUT - LAND NORTH OF HARWICH ROAD, GREAT BROMLEY, CO7 7UH**



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<b>Application:</b>	16/01927/OUT	<b>Town / Parish:</b> Great Bromley Parish Council
<b>Applicant:</b>	Mrs Stennett	
<b>Address:</b>	Land North Of Harwich Road, Great Bromley, CO7 7UH	
<b>Development:</b>	Construction of 7 no. dwellings.	

## 1. Executive Summary

- 1.1 This application is before the Planning Committee at the request of Councillor Fred Nicholls.
- 1.2 The application seeks outline permission with all matters reserved for the construction of 7 dwellings. The application site has been amended to include a new footpath across the full site frontage and beyond in either direction to help provide a pedestrian link from Hare Green to Great Bromley Village.
- 1.3 The application site is located on the northern side of Harwich Road almost equidistance from the Settlement Development Boundary of Frating to the south and Great Bromley to the north. The site therefore lies outside of any Settlement Development Boundary as defined in both the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).
- 1.4 The Council is in a position where it can now identify a 5 year housing supply and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged. Furthermore, with the emerging Local Plan progressing well, officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth.
- 1.5 The erection of dwellings in this location is considered detrimental to the semi-rural character of the area and would result in harmful urbanisation of the locality. Furthermore, the development would set an undesirable precedent for harmful piecemeal development of surrounding fields representing an intrusion into the countryside and further eroding the semi-rural character of the locality.
- 1.6 Having regard to the distance from the defined settlement boundaries of Frating and Great Bromley and very limited range of services in close proximity to the development site, the occupants of the new dwellings would be car dependant and the site is therefore considered socially unsustainable.
- 1.7 The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its relatively isolated location, lack of services and siting outside of any defined development boundary, is not considered sustainable. The adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach together with the harmful environmental impacts and poor socially sustainable characteristics of the site are not outweighed by the benefits. Officers therefore recommend refusal of the application.

**Recommendation: Refuse**

**Reasons for Refusal:**

- Outside development boundary/extended development boundary and the Council are now able to demonstrate a 5 year housing supply - contrary to plan-led approach.
- Environmentally unsustainable due to the harmful urbanisation and erosion of the semi-rural character.
- Socially unsustainable location with a lack of services.

**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

HG6 Dwelling Size and Type

HG9 Private Amenity Space

EN1 Landscape Character

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Tendring District Landscape Character Assessment

## **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**

3.1 None relevant.

### **4. Consultations**

#### **ECC Highways Dept (ORIGINAL COMMENTS)**

The Highway Authority has assessed the details of this application and does not in principle raise any objections.

However, any reserved matters application should show the following details;

- 1) The new access road to be constructed as a 6m wide shared surface route
- 2) Visibility splays measuring 2.4x120m shall be provided in both directions
- 3) No loose or unbound materials shall be used in the surface treatment of any access within 6m of the highway
- 4) All parking facilities shall be provided in accordance with current policy standards
- 5) All new units shall be provided with transport information marketing packs

#### **ECC Highways Dept (AMENDED COMMENTS)**

The Highway Authority has assessed the details of the amended application and does not raise any objections.

#### **Building Control and Access Officer**

The shared access road will need to be suitable for Fire tender access.

#### **Landscaping Officer**

At the present time the site forms part of the open countryside and the boundary hedgerow and trees contribute to the rural character of the area.

It is not clear from the information provided to what extent the development, including the creation of the proposed footway, will affect the trees on the boundary or the hedgerow itself. It would be desirable to retain the boundary hedgerow for its screening value and the trees are of such quality that they merit retention for their visual amenity.

In order to show the potential impact of the development proposal on the trees the applicant will need to provide a Tree Survey and Report in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

In terms of the impact of the development on the local landscape character the application site is situated within the Bromley Heaths Landscape Character Area (LCA) as defined in the Tendring District Landscape Character Assessment.

The Bromley Heaths LCA is an elevated plateau that extends from Colchester to Wix in the east and Thorrington in the south. It corresponds to the highest part of the district and has high grade agricultural land. The large scale, open plateau is dominated by large scale, geometric fields indicative of late enclosure that provide a strong pattern in field layout. The relatively intimate character of the immediate area within which the application site is set is not typical of the LCA type.

Notwithstanding the way that the application site relates to the LCA within which it sits it retains an intrinsic value with strongly rural features that are typical of its setting.

The Landscape Character Area Guidance Document states in paragraph 3 that the aim is to: 'maintain the dispersed historic settlement pattern of hamlets, scattered farmsteads, and distinct villages. Further incremental linear development along roads would disrupt this pattern. The identity of individual villages should be retained.'

The development proposal would if approved contribute to the linear spread of ribbon development in a location that would cause harm to the character and appearance of the area and set a precedent for similar applications both in the immediate vicinity and in the wider area. The proposed footway would contribute to the urbanisation of the countryside.

## **5. Representations**

5.1 Great Bromley Parish Council supports this application with the following conditions:

- The field floods and needs a drainage solution.
- Suggest a pond or swale.
- Request that Essex County Council Flood Water Management Team be invited to submit a consultation response.
- A footpath/pavement be included in the legal agreement along Harwich Road to the crossroads which will link the village.
- Provide an area for wildlife within the plans.

5.2 Councillor Fred Nicholls supports the application for the following reasons:

- Can provide a footpath to link the whole village between Hare Green and the centre, including the village hall, school and church.
- Essex County Council Highways have no objection to the footpath.

- Great Bromley Parish Council also supports this application for the same reasons.

5.3 5 individual letters of objection have been received which can be summarised and addressed as follows (officer response shown in italics):

- Overdevelopment.
- Unsuitable for housing.
- Two storey dwellings would result in overlooking and loss privacy.
- Very poor bus service.
- Lack of services.
- Strain on already overstretched school.
- Highway safety.
- Adverse impact on undeveloped and important gap.
- Out of character with pattern of development either end.
- Harmful encroachment into the countryside.
- Loss of hedgerow to widen access.
- Will set a harmful precedent.

*The above concerns have been addressed in the main assessment below.*

- Surface water flooding.

*The site is not within a designated flood zone. Any permission would be subject to a permeable surfacing condition minimising surface water flooding. Due to the minor scale of the application there is no statutory requirement to consult with the water authority or Essex County Council SuDs Team.*

5.4 1 letter of representation has been received from Longmead Riding Centre stating that the use of the land to graze and ride horses has been successful and flooding has never been a problem.

5.5 1 letter of support has been received for the following reasons:

- Well screened by mature hedgerow.
- Pleasing design and low density.
- Natural infill.
- No flood issues.
- New footpath welcomed.
- New footpath will reduce short journeys by car.
- Positive contribution to the Parish and District economy.

## **6. Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character, Appearance and Landscape Impact;
- Neighbouring Amenity;
- Landscaping and Biodiversity; and
- Highways and Parking Considerations.

### **Site Context**

- 6.2 Situated in open countryside, outside of any defined settlement limits, the site has a frontage with Harwich Road that is bounded with an established hedgerow and a grass verge. The site is within a 40 mph speed restricted area.
- 6.3 The application site comprises an area of land and approximately 0.71 hectares in size and forms part of a larger field currently used for grazing horses and incorporates the grass verge 100 metres to the west and 140 metres to the east.
- 6.4 The eastern boundary of the application site abuts the rear boundaries of the adjacent residential properties within Meadow Close which extends to the north with further dwellings to the east. Directly to the rear of the site and opposite are open fields. Approximately 145 metres to the west is the junction with Frating Road where there is a grouping of buildings comprising a used car dealership, The Old Courthouse Inn with further dwellings beyond and to the north.
- 6.5 The site is approximately 900 metres from the edge of the Settlement Development boundary of Frating to the south and 1.5km from the edge of the Settlement Boundary with Great Bromley to the north as defined in both the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

### **Proposal**

- 6.6 The application seeks outline permission with all matters reserved for the construction of 7 dwellings. The application site and proposal has been amended to include a new footpath across the full site frontage and beyond in either direction approximately 100 metres to the west and 140 metres to the east in order to provide a pedestrian link from Hare Green to Great Bromley Village.
- 6.7 Whilst the application is in outline form with all matters reserved there is an existing vehicular access to the site which is shown on the indicative layout plan as the proposed access to serve the development.
- 6.8 The indicative layout plan shows 7 detached dwellings, being a mix of 3 and 4 bed, served by an internal private road accessed via the existing access with a turning area at its western end. Access between the properties to the remainder of the field to the north is shown as being retained. Each dwelling is shown to be served by a detached garage.

### **Principle of Development**

- 6.9 The site lies outside of the Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.10 The Council is in a position where it can now identify a 5 year housing supply and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged. Furthermore, with the emerging Local Plan progressing well, officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth.

- 6.11 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. Frating and Great Bromley are both categorised as Smaller Rural Settlements in recognition of the limited job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant upon neighbouring towns and villages for work, shopping and other services and frequently need to travel distance by private care. Because of this, these smaller villages are considered to be the least sustainable locations for growth.
- 6.12 As stated above, the application site is approximately 900 metres from the edge of the Settlement Development boundary of Frating to the south and 1.5km from the edge of the Settlement Boundary with Great Bromley to the north as defined in both the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is a considerable distance from these villages which already have very limited services, severely diminishing any socially sustainable merits of the application site. Those areas with much fewer services are excluded from any settlement boundary as is the case with Hare Green and the application site.
- 6.13 Consideration has been given to the development approved at Little Paddocks to the west of this application site on the junction with Frating Road under application 16/01040/OUT for 6 No. detached dwellings and garages, and the change of use of the existing barn into a village shop with associated parking for visitors. The application was granted at a time when the Council were unable to demonstrate a 5 year housing supply and the countryside nature of the plot was diminished by the former commercial uses of the site and the presence of buildings and caravans meaning that the environmental impacts cannot be considered comparable. This development is still in its early stages with no reserved matters application submitted to date. Should the development come forward and a village shop be provided, this is not considered sufficient to render the site socially sustainable. Moreover, there is no mechanism in place to secure the shop in perpetuity.
- 6.14 The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its relatively isolated location, lack of services and siting outside of any defined development boundary, is not considered sustainable. Whilst it is recognised that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services and makes provision for a footpath, in applying the NPPF's presumption in favour of sustainable development the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach and impact on the undeveloped character of the area, are not outweighed by the benefits. The provision of the footpath is not considered to warrant the proposal being considered in an exceptional light.

### **Character, Appearance and Landscape Impact**

- 6.15 Paragraph 58 of the National Planning Policy Framework requires that development should "respond to local character and history, and reflect the identity of local surroundings and materials". Paragraph 60 adds that it is "proper to seek to promote or reinforce local distinctiveness". Saved Policy QL9 and EN1 of the Tendring District Local Plan 2007 and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Furthermore, the application site is situated within the Bromley Heaths Landscape Character Area (LCA) as defined in the Tendring District Landscape Character Assessment. The Landscape Character Area Guidance Document states in paragraph 3 that the aim is to: 'maintain the dispersed historic settlement pattern of hamlets, scattered farmsteads, and distinct villages. Further



incremental linear development along roads would disrupt this pattern. The identity of individual villages should be retained.'

- 6.16 The geography of the site would result in a linear pattern of development, as shown on the indicative layout plan. This plan shows 7 detached dwellings fronting Harwich Road but sited behind the internal private access road the existing front boundary hedge to be retained. The indicative design of the dwellings shows detached family homes of 3 or 4 bedrooms. This pattern of development would damage the open and dispersed character cited within the Landscape Character Assessment.
- 6.17 The main cluster of dwellings closest to the application site are those within Meadow Close to the east accessed via Back Lane East over 300 metres away. These single storey dwellings front Meadow Close and not Harwich Road. This part of Harwich Road is characterised by roadside hedging and grass verges and appears as open countryside. There are some glimpses of the rear elevations of the bungalows within Meadow Close but these are well screened by existing vegetation and do not appear prominent. Road frontage development starts at The Elms approximately 140 metres to the east where the proposed footpath would adjoin.
- 6.18 The indicative layout plan satisfactorily demonstrates that the site can accommodate 7 dwellings with the required parking, garden and turning areas. The plot sizes and spacing around the dwellings are similar or more spacious to those within the locality. Therefore the density of the development cannot be considered as cramped or over-development.
- 6.19 However, the erection of 2 storey detached dwellings in this location fronting Harwich Road (as suggested by the indicative plans) would be wholly out of character with the immediate settlement pattern. Whilst a condition could be secured to ensure the single storey scale of the dwellings, it is considered that the introduction of built form in this location would be significantly detrimental to the semi-rural character of the area and would result in harmful urbanisation of the locality. The proposed footway would also contribute to the urbanisation of the countryside. Furthermore, the development would set an undesirable precedent for harmful piecemeal development of surrounding fields representing the further erosion of countryside and semi-rural character of the locality.

### **Neighbouring Amenity**

- 6.20 The application is in outline form with all matters reserved. The scale and detailed design of the proposed dwellings will therefore form part of the considerations of the reserved matters application.
- 6.21 However, it is considered that the development does have the potential to result in a harmful impact upon residential amenities of the neighbouring bungalows in Meadow Close to the east due to the 2 storey height and siting in relation to the rear gardens as shown within the indicative plans. Subject to a condition securing that the dwellings are single storey, it is considered that the development could be achieved without a harmful impact upon neighbouring amenities.
- 6.22 The gardens sizes of the dwellings are all in excess of that required by Saved Policy HG9 of the saved plan.

### **Landscaping and Biodiversity**

- 6.23 At the present time the site forms part of the open countryside and the boundary hedgerow and trees contribute to the rural character of the area. The application site is predominately laid to grass with no protected trees or vegetation. The site is used for horse grazing. The existing field entrance is to be used to access the development with the remaining

hedgerows and trees shown to be retained. The boundary hedgerow provides screening value and the trees are of such quality that they merit retention for their visual amenity.

- 6.24 Additional plans submitted alongside the Stage 1 Road Safety Audit satisfactorily demonstrate that the development, including the creation of the proposed footway, will not result in any loss or harm to the boundary trees or hedgerows. Any reserved matters application would require a Tree Report and Landscaping Scheme to secure the retention, protection and enhancement through soft landscaping.
- 6.25 Having regard to the characteristics of the site together with the plans demonstrating that the existing trees and hedgerows are to be retained and enhanced, Officers are satisfied that a preliminary ecology survey is not required in this instance.

### **Highways and Parking Considerations**

- 6.26 Whilst access details are a reserved matter, Essex County Council Highways have confirmed no objections subject to the following requirements being secured at the reserved matters stage:
- 1) The new access road to be constructed as a 6m wide shared surface route
  - 2) Visibility splays measuring 2.4 x 120m shall be provided in both directions
  - 3) No loose or unbound materials shall be used in the surface treatment of any access within 6m of the highway
  - 4) All parking facilities shall be provided in accordance with current policy standards
  - 5) All new units shall be provided with transport information marketing packs
  - 6) Road signs should be raised to be no lower than 2.1m above the footway
  - 7) The footway will be constructed under a suitable agreement with the Highway Authority using powers contained in s278 of the Highways Act 1980.
- 6.27 These will be secured at reserved matters stage aside from the transport information marketing packs, which as this is not a major development and there is no policy mechanism in place to secure them is not considered reasonable to request.
- 6.28 The footway would be secured via a legal agreement with The Highway Authority.
- 6.29 The indicative layout plan shows the dwellings to be served by detached garages with space for parking in front which sufficiently meets the requirements set out within the current parking standards.

### **Background Papers**

None.