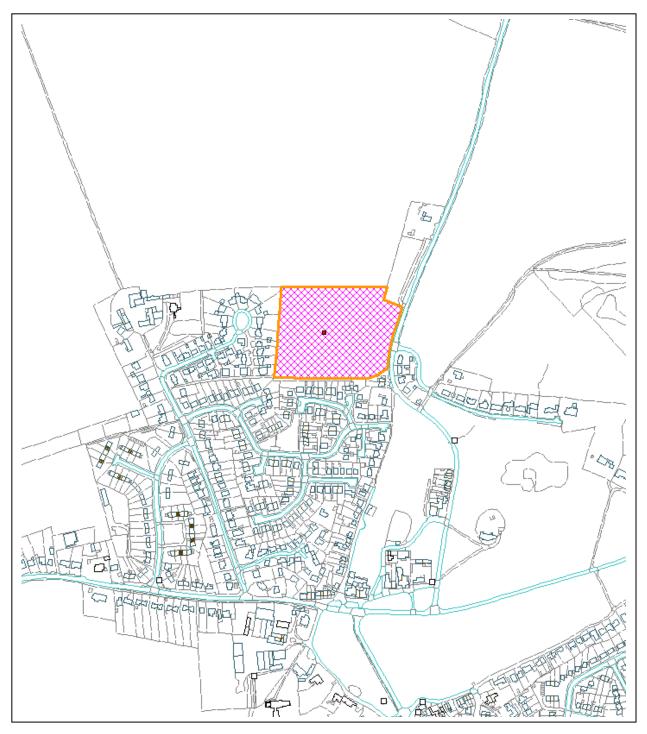
PLANNING COMMITTEE

30 January 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATIONS - 17/01759/DETAIL - LAND WEST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 17/01759/DETAIL **Town / Parish**: Great Bentley Parish Council

Applicant: Mr Oliver Hookway - Go Homes Ltd

Address: Land West of Heckfords Road, Great Bentley, CO7 8RR

Development: Erection of 49 dwellings together with open space, landscaping,

sustainable drainage and vehicular/pedestrian accesses from Heckfords

Road.

1. Executive Summary

1.1 Outline application 15/01820/OUT for up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road was refused by Planning Committee on 16th April 2016 but allowed at appeal on 23rd December 2016. At the time of the decision of the Planning Committee it was requested that the reserved matters application be brought back to Committee for determination.

- 1.2 This application seeks approval of the reserved matters application for the erection 49 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road. It includes details of appearance, landscape, layout and scale which were not included as part of the outline application. Details of access, including a proposed footpath, were approved as part of the outline application.
- 1.3 The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site forms part of a larger arable agricultural field and possesses strong eastern, southern and western boundaries. The western boundary is a combination of fence and hedging beyond which is Sturrick Farm where a residential development of 32 dwellings (known as Bentley Grange) has been constructed. The southern boundary is delineated by a mature hedge beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.
- 1.4 As established through the granting of outline application 15/01820/OUT, at appeal, the principle of residential development for up to 50 dwellings on this site is acceptable.
- 1.5 The detailed design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is recommended for approval.

Recommendation: Approval

Conditions:

- 1. Development to be carried out in accordance with the approved plans
- 2. Details of external lighting to be submitted and agreed in writing by the Local Planning Authority
- 3. Details of external materials to be submitted and agreed in writing by the Local Planning Authority
- 4. Details of means of enclosures to be submitted and agreed in writing by the Local

- **Planning Authority**
- 5. Removal of Permitted Development Rights for dormer windows

2. Planning Policy

National Policy:

National Planning Policy Framework National Planning Policy Guidance

Local Plan Policy:

Tendring District Local Plan (2007)

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- **HG1** Housing Provision
- HG3 Residential Development Within Defined Settlements
- **HG3A Mixed Communities**
- HG4 Affordable Housing in New Developments
- HG6 Dwelling Size and Type
- **HG7** Residential Densities
- HG9 Private Amenity Space
- COM2 Community Safety
- COM6 Provision of Recreational Open Space for New Residential Development
- COM21 Light Pollution COM23 General Pollution
- COM26 Contributions to Education Provision
- COM29 Utilities
- EN1 Landscape Character
- EN4 Protection of the Best and Most Versatile Agricultural Land
- EN6 Biodiversity
- **EN6A Protected Species**
- **EN6B** Habitat Creation
- EN12 Design and Access Statements
- EN13 Sustainable Drainage Systems
- **EN17** Conservation Areas
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

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

15/01820/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused then Allowed At Appeal	24.05.2016
16/00870/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused	23.09.2016
17/01621/DISCON	Discharge of conditions 15 (Programme of Archaeological Trial Trenching) and 16 (Completion of Archaeological) of planning permission 15/01820/OUT (allowed at appeal APP/P1560/W/16/3151169).	Approved	18.10.2017
17/01759/DETAIL	Erection of 49 dwellings together with open space, landscaping, sustainable drainage and	Current	

vehicular/pedestrian accesses from

Heckfords Road.

4. Consultations

Building Control and Access Officer

Fire brigade access to be provided to all dwellings in accordance with

B5.

Environmental Protection

No comments received

Tree & Landscape Officer

The site layout is such that the position of the public open space will create a good buffer between the development and the highway.

In terms of soft landscaping the plans provided shows a good level of soft landscaping that will both soften and enhance the appearance of the development.

Anglian Water Services Ltd

No comments received

Essex Bridleways Association

No comments received

Essex County Council Archaeology

This application is for the approval of details of approved planning application 15/01820/OUT for which an archaeological evaluation and excavation has been carried out. There will be no further requirement for any archaeological investigation and no further conditions will be required.

ECC Highways Dept

Having regard to the fact that access was covered under the initial application and suitable conditions were included in the subsequent Appeal decision, the Highway Authority has no further comments to make.

Essex Wildlife Trust

No comments received

Natural England

Have no comments to make on this application. Although have not assessed this application for impacts on protected species.

Arch. Liaison Off, Essex Police

No comments received

The Ramblers Association

No objection providing existing PROW remains open and usable whilst work is carried out.

ECC Schools Service

No comments received any relevant issues would have been dealt

with at outline stage.

ECC SuDS Consultee

No comments received.

NHS Property Services Ltd

No comments received any relevant issues would have been dealt with at outline stage.

5. Representations

- 5.1 Great Bentley Parish Council considers that the reasons for objection already sent to TDC regarding previous application (15/01820/OUT and 16/00870/OUT) remain valid. These were as follows:
 - The site is no allocated for development and fall outside of the settlement development boundary in both the Saved and Emerging Plan.
 - In respect of both the primary school and the doctors surgery, the adverse social impact caused by the development would significantly and demonstrably outweigh any social, economic or environmental benefits of the proposal.
 - Great Bentley's frequency of bus and rail services is limited and they do not therefore provide a viable alternative to the private car for everyday travel.
 - The site requires pedestrians to walk to the village facilities and public transport links via a particularly dangerous corner on Heckfords Road. This footpath will create an unacceptable 'pinch-point' which would endanger the safety of residents. Furthermore, the ongoing route in to the village comprises large sections which are subject to surface water (along The Path) and unlit (along the central Green).
 - The development would have a considerable urbanising impact on the northern entrance to the village and conservation area.
 - The Great Bentley Conservation Area will suffer significant detriment in respect of the long view impact from its Northern edge, an area specifically mentioned in the Conservation Area Review as requiring protecting.
 - The proposal would raise considerable issues in respect of the traffic impact from this development on the surrounding rural roads and the village itself.
 - The cumulative impact of vehicles on three road junctions in close proximity and immediately prior to a sharp bend in the road that is already a serious road safety hazard.
- 5.2 The Parish Council also objects to this current application for the following reasons:
 - The Design and Access Statement states that the homes in Finch Close are two storey.
 This is incorrect. Numbers 10, 12, 14, 16, 18, 20 and 22 are bungalows, only numbers 6 and 8 are houses.
 - There still does not appear to be a pedestrian footpath from the entrance to the development along Heckford's Road to the Green. This is essential for residents of both Heckford's Road West development and for the pedestrians from Admirals Farm Development opposite.
 - It is not clear how pedestrians will access Heckford's Road from the development as drawings show a lack of footpath.
 - The Design and Access Statement states that there is an hourly bus service in Heckford's Road. This is untrue.
 - The original Planning Statement read 'some of the proposed dwellings would be affordable housing. The proposal is for 3 new homes to be built by Welbeck and transferred at no cost to the Council or another suitable body nominated by the Council'. There is no longer any affordable housing shown in the Design and Access Statement.
 - The site lies at the gateway to not only the village but the Conservation Area. When accessing the village the rooflines are a very visible aspect. Therefore great care should be given to the choice of materials and roof pitches to ensure that Conservation Area quality is maintained. Roof tiles should be either reconstituted slate, or plain tiles on the main roofs. Views to and from the Conservation Area on the corner of the village Green will be spoiled if great care is not taken. The Parish Council would prefer that single storey homes are built on the boundaries of the site, so the impact is lessened.
- 5.3 In addition to the comments from the Parish Council 11 letters of objection have been received which raise the following concerns:

- The plans seem to deviate considerably from the outline planning application.
- There no longer appears to be a footpath along the Heckfords Road.
- The development as proposed will be clearly visible from the Conversation Area.
- The high rise properties will overshadow existing bungalows in the adjacent road.
- The development does not meet identified housing needs in the village i.e. low rise or sheltered housing for the elderly and affordable/starter homes for young people.
- The proposed removal of a stretch of well established hedgerow close to the Heckfords Road will be detrimental to the environment.
- With regard to transport residents will be using their cars as they will find that the bus stop on Heckfords Road does not exist and that the very limited bus service to Colchester has to be accessed from the centre of the village along with the even more limited service to Clacton.
- Traffic from the development will add to the road hazards of this dangerous stretch of road close to Green Corner.
- The developer will need to ensure that staff working on the site do not attempt to park their cars in Moors Close (a private road) opposite as happened during recent archaeological work.
- The developers have incorrectly states that numbers 10, 12, 14, 16, 18, 20 and 22 are two storey this is incorrect, they are bungalows. It also shows Abrey Close as two storey but there are some bungalows on that boundary as well.
- The proposal will increase in traffic along Heckfords Road and into the village, which is already at straining point.
- Getting onto the A133 from Heckfords Road is difficult and takes time, up to 7 minutes on more than one occasion. No provision has been made to improve this infrastructure. The volume of traffic cannot be allocated to grow without changes to our infrastructure.
- · Removal of hedges will result in loss of wildlife and loss of privacy.
- The map shows the existing hedgerow to extend behind 8 Finch Drive but this is not the case. In fact the hedgerow stops behind No. 10 at the footpath sign indicating the footpath to come south of the hedgerow.
- 2.5 storey houses as shown on the plan are out of keeping with the rest of the immediate area and in Great Bentley as a whole.
- Plot 14 appears to encroach onto neighbouring land in different ownership.
- Plot 14 and others are so close to existing properties that they will result in shadowing of existing dwellings at certain times in the day.
- Proximity of some plots will result in loss of privacy and noise pollution.
- The footpath is shown on the northern side of the hedge which is incorrect.

6. Assessment

- 6.1 The main planning considerations are:
 - Site Context;
 - Proposal;
 - Principle of Development;
 - Appearance/Impact on Conservation Area;
 - Layout:
 - Scale;
 - Impact on Residential Amenity;
 - Highway Safety; and
 - Landscaping/Biodiversity.

Site Context

- 6.2 The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site forms part of a larger arable agricultural field and possesses strong eastern, southern and western boundaries.
- 6.3 The western boundary is a combination of fence and hedging beyond which is Sturrick Farm where a residential development of 32 dwellings (known as Bentley Grange) has been constructed. The southern boundary is delineated by a mature hedge beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.
- 6.4 Parallel to the public right of way and to the north of the above referenced hedgerow is an informal footpath. The eastern boundary is delineated by a hedge of which fronts Heckfords Road.
- 6.5 To the east of Heckfords Road, permission has been given at appeal for a doctor's surgery and 25 no. dwellings with associated infrastructure and landscaping (application 16/01999/OUT). Furthermore, permission has been granted for the erection of 50 dwellings at Admirals Farm (applications 16/00133/OUT and 16/01912/DETAIL).

Proposal

- The current application seeks approval of the reserved matters (appearance, landscaping, layout and scale) relating to outline planning permission 15/01820/OUT, which was allowed at appeal, for the erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road. It includes details of appearance, landscape, layout and scale which were not included as part of the outline application. Details of access were approved as part of the outline application.
- 6.7 The proposal seeks permission for 49 dwellings; 23 no. 3 bed dwellings; 19 no. 4 bed dwellings and 7 no. 5 bed dwellings.
- 6.8 The majority of the proposed dwellings are two storey in height with 13 of the proposed dwellings have at least some 2 ½ storey element. All garages proposed are single storey in height.
- 6.9 Public open spaces will be provided in accordance with the parameter plan approved at appeal and is provided to the front of the site with a smaller area provided towards the centre of the site.
- 6.10 Vehicular access to the site will remain as previously approved. There will be one point of vehicular access directly from Heckfords Road. Pedestrian access to the site will be gained via a new footpath along Heckfords Road, which is a requirement by condition on the outline consent.
- A legal agreement was secured at outline planning permission stage requiring: provision of affordable housing; a financial contribution towards education (primary education and secondary education transportation); a financial contribution of £15,080 toward healthcare; the maintenance of the on-site open space or transfer to the Council with a financial contribution towards for future maintenance; provision of on-site LEAP (Local Equipped Area of Play) or a financial contribution of £50,000 towards improvements to play equipment in Great Bromley; a financial contribution of £12,000 towards bus stop improvements and provision of Residential Travel Information Packs. This legal agreement and all conditions on the outline consent, granted at appeal, will still apply.

Principle of Development

6.12 The principle of development has been established by the granting of outline planning permission for 50 dwellings on this site at appeal. To reflect this decision the site is now included within the Settlement Development Boundary in the Tendring District Local Plan (2013-2033) and Beyond Publication Draft (Emerging Plan).

Appearance/Impact on Conservation Area

- 6.13 The south east corner of the site abuts the Great Bentley Conservation Area. The Conservation Area Character Appraisal, adopted by the Council in March 2006 identified important views out towards the site. However, at the time of the appeal the Inspector considered that as the indicative plan showed the eastern side of the site being landscaped open space this would maintain the setting of the Conservation Area. This application is broadly in accordance with the indicative plan shown at outline stage, with the eastern side of the site being landscaped open space. It is therefore considered that the proposal would result in any adverse impact on the setting of the adjoining Conservation Area.
- 6.14 The detailed design of the dwellings is varied with different roof forms, height and use of porches, brick plinths and window detailing which add a traditional element to the design and provides visual interest. The surrounding area comprises of a mixture of type and styles of dwellings, all fairly traditional in appearance, it is therefore considered that the design of the proposed dwellings are in keeping with the character of the area.
- 6.15 All of the proposed dwellings address the street, to create an active street frontage. There are some dwellings which also have side elevations that face onto the street; these elevations are either set back from the street or in less prominent locations within the development and are therefore considered to be acceptable and not result in any adverse impact.
- 6.16 In terms of materials, the plans show a mixture of red brick, stock brick, rendered and boarded properties. No specific details of these materials have been provided at this stage; however, the use of acceptable materials can be secured by condition. The mix shown will ensure variety and visual interest across the development.
- 6.17 It is therefore considered that the detailed design and appearance of the proposed dwellings is acceptable.

<u>Layout</u>

- 6.18 Condition No. 4 of the outline consent, granted at appeal requires the reserved matters application to be in general conformity with the Parameters Plan Land Use, Density and Building Heights Plan (Drawing No. 04677.00009.007.2). The proposed development is in general conformity with this plan and therefore meets this condition. The Inspector considered that development in general conformity to this plan is acceptable subject to detailed considerations.
- 6.19 Each of the proposed dwellings, have their own private amenity space. Policy HG9 of the Saved Plan requires 50 sq.m for 1 bed dwellings, 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds. Out of the 49 dwellings proposed 3 do not meet the minimum standards. These are Plot 5 which has 95 sq.m; Plot 21, which has 90 sq.m and Plot 30 which has 85 sq.m, where the requirement is 100 sq.m. However, they are all provided with a useable area in terms of the shape of the garden and there is access to nearby areas of open space within the proposed development. It is considered that given the scale of development proposed and the level of provision of on site public open space, that the proposed provision of public open spaces is acceptable.

- 6.20 Parking is provided either to the front or sides of the dwellings, they are situated in small clusters, in appropriate locations throughout the site and therefore do not dominate the proposed development.
- 6.21 In conclusion there is no objection to the layout of the proposed development.

Scale

6.22 The proposed dwellings are predominately two storey, with some 2 ½ storey dwellings proposed throughout the site. Whilst the dwellings proposed are on the edge of Great Bentley they will be viewed against the backdrop of the existing development, which is a mixture of single storey and two storey dwellings. It is therefore considered that whilst the 2 ½ storey dwellings would be prominent in the surrounding area, they would not be detrimental to the surrounding area.

Impact on Residential Amenity

- 6.23 At the time of the appeal, the Inspector was satisfied that it would be possible to provide a detailed scheme for 50 dwellings which would not adversely affect the living conditions of neighbouring occupiers by reasons of overlooking, overshadowing, noise or the like.
- 6.24 The nearest neighbours to the proposed development site are those to the south of the site along Heckfords Road and Finch Drive and those to the west of the site in Abrey Close.
- 6.25 The properties adjacent to the site in Finch Drive are predominately single storey in height (not two storey as stated in the design and access statement). The Laurels, No. 8 and 24 Finch Drive are two storey in height and No. 16 is one and a half storey in height the remaining properties are single storey in height. The other property adjacent to the southern boundary of the site is Heuthbern which is a two storey dwelling which faces onto Heckfords Road. Within the application site along this boundary a 3 metre wide public footpath is proposed. The proposed dwellings are set approximately 10 to 12 metres from the southern boundary of the site and the distance from the front of the proposed dwellings to the back of the existing dwellings is approximately 25 metres. There will be some increase in overlooking as the properties proposed are two storey in height. The Essex Design Guide states that 'with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'. It is notes that in this case it is the front elevation of the proposed dwellings which face the backs of the existing properties, however, it is considered that this guidance would still apply and therefore the separation distance is acceptable. The proposed dwellings along this boundary are two storey in height, however, given the distance of separation and the orientation of the site it is not considered that these will overshadow or dominate the properties along Finch Drive.
- 6.26 The properties adjacent to the site in Abrey Close which lies to the west of the site are all two storey in height with the exception of No. 24 which is a single storey bungalow. The distance between the rear of these properties and the proposed plots which back onto this boundary (Plots 29-36) is in excess of the 25 metres back to back distance recommended by the Essex Design Guide. Plots No. 37 and 41 are closer to the shared boundary, but these have a side elevation facing the neighbouring properties; Plot 37 has no windows on the side elevation and Plot 41 has an obscure glazed window at first floor level, so no overlooking will occur. There will be some overlooking from the rear elevation of Plot 37 to properties in Abrey Close, however, given the orientation this will be at an oblique angle along the back of the rear gardens and therefore would not result in any significant loss of privacy.

- 6.27 Plot 37 is two storey in height and situation adjacent to the boundary with No. 24 Abrey Close which is a single storey bungalow. It is considered that given the distance of separation between the rear elevation of No. 24 Abrey Close and the side elevation of Plot 37 (15 metres) and the fact no windows are proposed on the side elevation that there will be no significant impact on residential amenity.
- 6.28 Concerns have been raised with regard to the increase in noise from the proposed development, there will be some increase in noise due to the nature of the residential development but it is considered given the distance from neighbouring properties that this impact would not be sufficient to warrant a reason for refusal.
- 6.29 It is considered that a condition to remove permitted development rights for dormer windows is necessary across the whole of the site to ensure that adequate residential amenity is retained.

Highway Safety

- 6.30 The proposed access was agreed at outline stage and therefore is not under consideration as part of this application. Furthermore, Essex County Council raise no objection to the proposal. The outline consent is also subject to condition which requires that before occupation of a dwelling the following works are carried out:
 - A priority junction off Heckfords Road.
 - Widening of Heckfords Road at its junction with the A133 and 2 no. traffic islands with bollards and high level beacons at the right turn lane.
 - A footpath along Heckfords Road between the proposal site access and the Village Green.
 - Improvements to the public right of way along the southern boundary.
- 6.31 Details of all these works (with exception to the public right of way) were dealt with at the outline stage and the proposed layout enables these works to be carried out.
- 6.32 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. The plans shown parking provision in excess of the adopted standards with an average of 2.8 spaces per dwelling plus the required 25% visitor parking.
- 6.33 Concerns have been raised regarding the impact of increase traffic; however, this was an issue which was considered at outline stage when it was concluded that the impact of the proposed was acceptable from a highway perspective.
- 6.34 For the above reasons the proposal is considered acceptable in highway safety terms.

Landscaping/Biodiversity

6.35 The appeal Inspector stated that 'there is evidence that the site boundary hedges contribute to bio-diversity by supporting protected species. However, for the most part, the hedges would be retained and conditions could be used to sure appropriate ecological mitigation measures'. The Inspector then imposed a condition to ensure that development does not commence until an Ecological Mitigation Scheme and Management Plan is submitted and agreed which includes a survey to confirm (or otherwise) the presence of protected species

- on site and mitigation measure if found and measure to show how biodiversity within the site will be encourage by the development. This condition still applies.
- 6.36 It has been confirmed by the agent that the hedgerow along the western and southern boundary will be retained and no part removed (an amended plan will be submitted to update this). A new hedgerow is proposed along the northern boundary and the eastern boundary
- 6.37 The Councils landscape officer raises no objection to the detailed landscaping scheme submitted and is of the view that the plans provided shows a good level of soft landscaping that will both soften and enhance the appearance of the development. On this basis it is considered that the proposed landscaping is acceptable.

Background Papers

None.