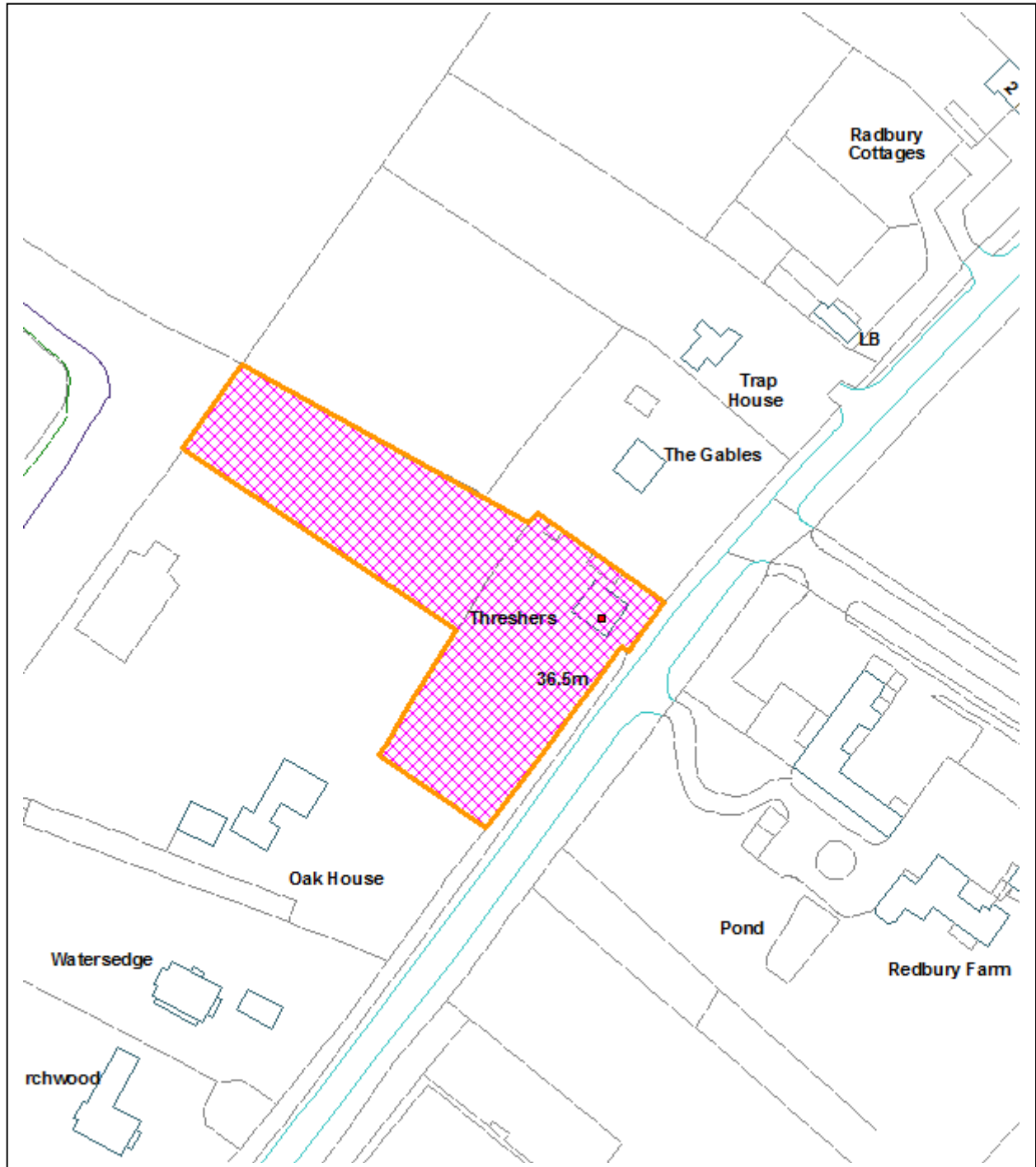


PLANNING COMMITTEE

30 January 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/01925/FUL – THRESHERS, COLCHESTER ROAD, ARDLEIGH, CO7 7PQ



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Application:	17/01925/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Mr R Napthine	
Address:	Threshers, Colchester Road, Ardleigh, CO7 7PQ	
Development:	Erection of two dwellings and associated outbuildings.	

1. Executive Summary

- 1.1 Councillor Giancarlo Guglielmi has requested that the application be determined by Planning Committee due to the planning history relating to the site, and his views with regards to the Council's five year housing land supply.
- 1.2 Under planning reference 17/00171/FUL, planning permission was previously refused for the same proposal. As the site fell outside of a recognised Settlement Development Boundary and was in an isolated location some distance from existing services, it was considered to be in an unsustainable location, whilst there were no public benefits that might warrant the proposal being considered in an exceptional light. At that time the Council was able to demonstrate a supply of housing land close to 5 years.
- 1.3 The applicant appealed against the Council's decision, however under planning appeal reference APP/P1560/W/17/3174226 the appeal was dismissed by the inspector, who concluded that the environmental, social and economic benefits of the development would be limited and consequently would not be sufficient to outweigh that harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth.
- 1.4 The application site falls outside of a recognised Settlement Development Boundary, as agreed within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.5 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.
- 1.6 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services.
- 1.7 As such the location is considered to be amongst one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives failing to meet the socially sustainable strand of sustainability.
- 1.8 The proposed dwellings are however considered to be of good design, and will not harm existing neighbouring amenities, cause any highway safety concerns or result in significant harm to trees located within the site.

Recommendation: Refusal

Reason for Refusal:

The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the 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.

The Council is in a position where it can now identify a 5 year supply of housing land 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 and should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

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. Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Ardleigh and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Ardleigh has been extended to allow modest growth of the village. The growth envisaged for Ardleigh over the plan period has already been allowed for within the extended defined boundary and does not include this site. This location is considered to be one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives failing to meet the socially sustainable strand of sustainability.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth. This development, due to its siting a significant distance outside of any defined settlement 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, are not outweighed by the benefits; there are no public benefits that might warrant the proposal being considered in an exceptional light.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework
National Planning Practice Guidance

Local Plan Policy:

Tendring District Local Plan 2007

- EN1 Landscape Character
- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- PPL3 The Rural Landscape

Supplementary Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

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 adopted, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage and is being examined in January 2018 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

05/01727/FUL	Pitched roof to replace flat roof to rear extension	Approved	09.11.2005
05/01737/FUL	Lounge extension to ground floor with new bedroom over bay window to study and	Approved	25.11.2005

pitched roof over flat roof at first floor level

07/00213/FUL	Raise ridge height to previously approved extension. (05/01737/FUL)	Approved	05.04.2007
17/00171/FUL	Erection of 2 no. two storey dwellings and associated out buildings. Improvements to existing vehicular access and new ancillary out building.	Refused	30.03.2017
17/00043/REFUSE	Erection of 2 no. two storey dwellings and associated out buildings. Improvements to existing vehicular access and new ancillary out building.	Appeal Dismissed	15.09.2017

4. Consultations

National Grid Plant Protection

Cadent Gas do not object to this proposal.

Building Control and Access Officer

Fire tender access to plot 2 will need to be provided.

Tree and Landscapes Officer

The main body of the application site is currently being used as the curtilage of the above dwelling. The garden is set to grass and contains several trees. Some of these have a positive impact on the character and appearance of the area and the development proposal will need to consider the impact of the development proposal on the trees on the land.

In order to show that the development proposal could be implemented without causing harm to the protected trees the applicant has provided a detailed Arboricultural Impact Assessment (AIA). The report is in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

The report shows the extent of the constraint that the trees are on the development potential of the land. It identifies those trees that would need to be removed in order to facilitate the development proposal and the way that retained trees will be physical protected during the construction phase of any development that may be granted planning permission.

The development proposal identifies the removal of 5 trees, a small Apple and Hawthorn as well as a Silver Birch, and 2 Oaks. The Apple, Hawthorn and the Silver Birch do not make a significant contribution to the character or appearance of the area. However the 2 Oak trees feature reasonably prominently in their setting. The conclusion of the Tree Report recognises the harm that would be caused by the removal of the Oaks but contextualises this in respect of its overall impact taking into account the retention of all other mature trees on the application site and new landscaping to be carried out.

If the requirements of the AIA are adhered to then the development of the land would not have a detrimental impact on the retained trees. As the retained trees are not threatened by the development of the land it

is not considered necessary to make a new Tree Preservation Order (TPO) in respect of any of the trees on the land at the present time. It may become expedient to protect some of the trees at some stage in the future to deal with post development pressures.

If planning permission is likely to be granted then details of soft landscaping, including tree planting should be secured by condition.

ECC Highways Dept

Essex Highways Authority does not wish to raise an objection subject to the following conditions:

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
2. Prior to occupation of the development the vehicular 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.
3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
4. Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 4.1metres for at least the first 6 metres within the site, tapering one-sided over the next 6 metres to any lesser width and provided with an appropriate dropped kerb crossing of the FOOTWAY/HIGHWAY VERGE to the satisfaction of the Local Planning Authority.
5. The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the footway and kerbing, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.
6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
7. Any double garages should have a minimum internal measurement of 7m x 6m

5. Representations

5.1 Ardleigh Parish Council have made no comments on the application.

5.2 One letter of objection has been received. The points raised have been summarised below:

- The Design and Access Statement is incorrect as it does not refer to previous refusal
- Proposal is backland development

- Will be a blot on the landscape
- Council now has a five year housing supply
- Appeal inspector has previously dismissed two dwellings on this site

6. Assessment

Site Context

- 6.1 The application site is land adjacent to Threshers, Colchester Road, Ardleigh, which is a detached two storey dwelling, and currently forms part of the garden area. The surrounding area along this section of Colchester Road is typically rural in character, with mature hedgerows along the frontage adjacent to Colchester Road; however there are examples of nearby detached residential properties sited within large plots to the north-east and south-west.
- 6.2 The site falls approximately 0.75 miles outside of the Settlement Development Boundary for Ardleigh, as agreed within both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

History

- 6.3 Under planning reference 17/00171/FUL, planning permission was previously refused for the same proposal. The reason for this refusal was that the site fell outside of a recognised Settlement Development Boundary and was in an isolated location some distance from existing services, it was considered to be in an unsustainable location. The Council was in a position where it was very close to being able to identify a 5 year supply of housing land and there and there were no public benefits that might warrant the proposal being considered in an exceptional light.
- 6.4 In considering the appeal against the Council's refusal of planning permission for an identical scheme on this site, the inspector stated the proposal is considered to be neutral or to meet the economic, social and environmental strands of sustainability. However, the inspector agreed with the Council's evidence that it could demonstrate a five year supply of housing land, and as such the limited benefits of meeting the three strands of sustainability were not considered to outweigh the harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth. Therefore, the appeal was dismissed by the inspector and the Council's decision was upheld.

Proposal

- 6.5 The application seeks permission for the construction of two dwellings, with plot 1 having a double garage and plot 2 having a cart lodge, and an outbuilding situated to the rear of the existing dwelling 'Threshers' measuring 5.8 metres in height, 5.9 metres in width and 6 metres in depth.
- 6.6 The proposed dwellings will share an access from Colchester Road and will each be detached and two storeys in height. Plot 1 will be sited adjacent south-west to 'Threshers', measuring 7.9 metres in height, 14.7 metres in width and 9.6 metres in depth. The dwelling incorporates three front dormers, two front bay windows, a canopy and chimneys, and will serve four bedrooms. Plot 2 will be sited to the north-west of 'Threshers', measuring 8.3 metres in height, 18.5 metres in width and 12.5 metres in depth, serving five bedrooms, and incorporates features including a front pitched roof gable element, a brick plinth and side and rear single storey elements.

Principle of Development

- 6.7 The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the 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.
- 6.8 The Council is in a position where it can now identify a 5 year supply of housing land 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 and should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 6.9 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. Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Ardleigh and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. The emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Ardleigh has been extended to allow modest growth of the village. The growth envisaged for Ardleigh over the plan period has already been allowed for within the extended defined boundary and does not include this site. This location is considered to be one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives failing to meet the socially sustainable strand of sustainability.
- 6.10 The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its siting outside and a long way from any defined settlement 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, are not outweighed by the benefits. There are no public benefits that might warrant the proposal being considered in an exceptional light.
- 6.11 Appeal decisions are material to the determination of applications. In his decision on the recent appeal against the Council's decision to refuse planning permission for two dwellings on this site, the inspector accepted that the Council could demonstrate a five year supply of housing land. Therefore the "tilted balance" is not engaged and the application falls to be determined in accordance with the development plan.
- 6.12 Whilst the proposal will result in some economic and social benefits, and a neutral environmental impact, these are not material considerations that can outweigh the harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth.

Layout, Design and Appearance

- 6.13 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.14 The two proposed dwellings will be sited to the south-west and north-west of 'Threshers', and will be accessed via one of the two existing accesses to the north-west of Colchester Road.
- 6.15 In terms of the layout, the existing building line across this section of Colchester Road is not particularly strong or linear, with both adjacent neighbours set back from the property known as 'Threshers', resulting in a broken pattern of development. The proposed layout will see plot 1 sited south-west of 'Threshers', whilst plot 2 will be sited north-west of 'Threshers'. Although plot 2 will be set far back from the street scene, as previously noted there is not a strong or linear pattern of development currently that this proposal would have a significantly detrimental impact upon. Furthermore, the inspector stated in his decision on the recent appeal at this site that around the site contains other detached dwellings in large gardens and as this proposal would repeat this pattern, it would not be harmful to the character and appearance of the area.
- 6.16 Both dwellings will be detached and two storeys which will be in-keeping with the character of the immediate surrounding area, whilst the height and scale is acceptable.
- 6.17 The two dwellings are of good design, with key design features to break up the bulk, including pitched roof dormers, gables, chimneys and a plinth. Furthermore, the plans indicate the retention of much of the existing soft landscaping, which is encouraging.
- 6.18 Policy HG9 of the Saved Tendring Local Plan 2007 states that the private amenity space for dwellings of three bedrooms or more should be a minimum of 100 square metres. The plans demonstrate that this level of private amenity space can be accommodated for both the proposed dwellings and also the existing property, 'Threshers'.

Impact on Neighbouring Amenities

- 6.19 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.20 There is sufficient distance to both the adjacent neighbour to the south-west, known as 'Oak House', and the adjacent neighbour to north-east, known as 'The Gables' to ensure that any impact on their existing amenities in terms of potential overlooking or loss of light will be minimal.
- 6.21 Whilst the proposed dwellings will be sited closer to 'Threshers', there is still a comfortable distance of separation. Furthermore, whilst it is noted that the side elevation window to the first floor of Plot 1 has views to the rear garden of Threshers, there is a distance of approximately 15 metres, which will reduce this potential overlooking impact to ensure it is not significantly detrimental.

Highway Safety

- 6.22 Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to the visibility splay, the vehicular turning facilities, the use of no unbound materials, the width of the private drive and the reinstatement of the kerb following the removal of the existing access.
- 6.23 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.24 The proposed garage and cart lodge are undersized but ample off street parking is provided on the driveways to meet the needs of residents and their visitors.

Tree and Landscape Impacts

- 6.25 The Council's Principle Tree and Landscapes Officer has been consulted and has stated that the site contains several trees that have a positive impact on the character and appearance of the area. However, the applicant has submitted an Arboricultural Impact Assessment which shows the extent of the constraint the trees are to the proposed development, and demonstrates that five trees would be removed to facilitate the proposal.
- 6.26 Whilst the removal of the 2 Oak trees in particular would be harmful to the areas setting, the overall impact, when considering the retention of all other mature trees, is softened and the development would not result in significant harm subject to conditions relating to details of soft landscaping.
- 6.27 Furthermore, the proposed visibility splays of 120 metres in both directions are achievable without the loss of any of the existing trees or hedgerow.

Conclusion

- 6.28 This proposal is contrary to the development plan being located well outside the nearest settlement development boundary. The reasons that the previous planning application was refused and the recent appeal was dismissed remain relevant and therefore it is recommended that planning permission be refused. The appeal inspector summed up by saying: 'I conclude that, for the reasons given above, the environmental, social and economic benefits of the development would be limited and consequently would not be sufficient to outweigh that harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth, which is advocated by the Framework and to which I attach significant weight.'

Background Papers

None.