

Strangers Way, Church Road, Brightlingsea

Planning, Design and Access Statement

Application for erection of 5 Bungalows

arbora
PLANNING AND DESIGN



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1. Site Information

1.1 Introduction

This supporting planning statement accompanies an planning application to Tendring District Council for the erection of 5no bungalows on land to the rear of properties ‘Strangers Way’ and part of ‘Stronvar’ on Church Road, Brightlingsea. The application site is shown below in Figure 1.1.

1.2 The Site

The application site is a long rectangular garden space located to the rear of the dwelling Strangers Way which fronts Church Road to the North. Adjacent north west of the site is a care home (Stronvar). To the south is an area of woodland. The application site is 0.36ha in size.

Development along the south side of Church Road is partly linear in form, comprising a frontage of quite large, detached suburban homes which run eastwards in a fairly close arrangement, each with good-sized back gardens. In 2019, Appeal decision (ref) APP/P1560/W/17/69862 was allowed and planning permission granted at Homefield, Church Road, Brightlingsea, Essex, CO7 0QT for the construction of four bungalows and garage on the land rear of Homefield, to the adjacent west of the application site. This has introduced non-linear development adjacent to the site.



Figure 1.1: Site Location of proposed development

The inspector stated in his decision ref APP/P1560/W/17/69862 that, 'Whilst there would be some conflict in this respect the development at the rear of the adjacent rest home already introduces some backland development in this location. As the proposal would be for bungalows, the development would have a limited visual impact from a street-scene perspective and viewed more distantly from the playing fields and open countryside to the west would be seen against the built-up edge of the town'.

1.3 The Proposed Development

The proposed development is for the erection of 5no single storey detached bungalows with associated parking. An indicative site layout is shown below in Figure 1.2.

Access to the site would be via new vehicular access off Church Road, situated to the adjacent east of the property of Strangers Way access..

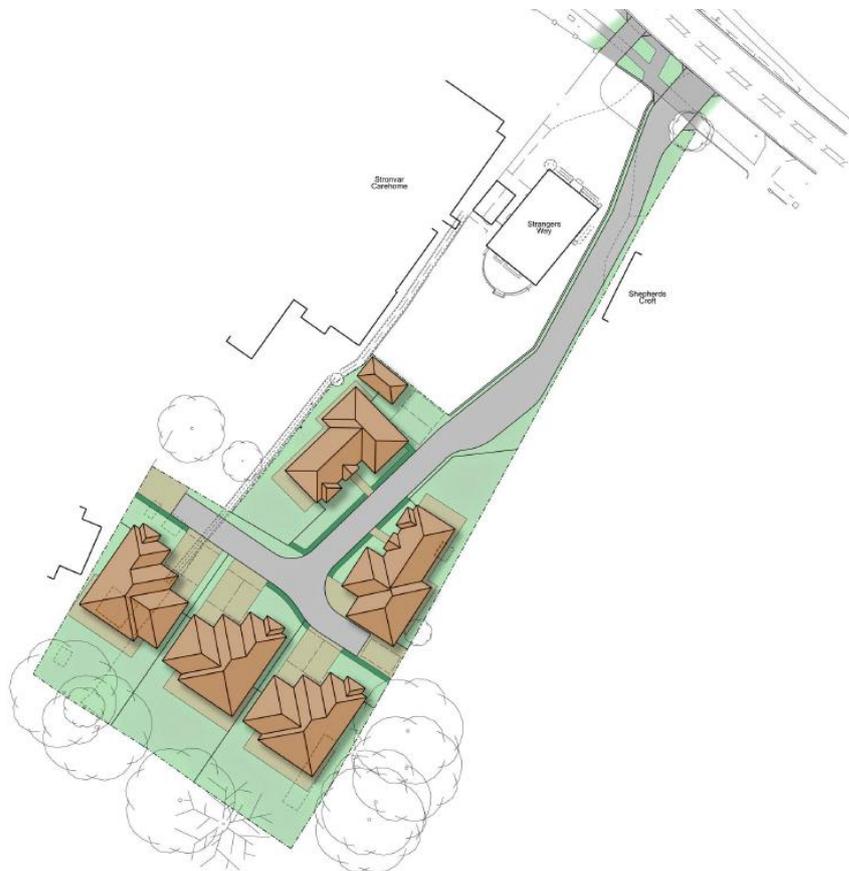


Figure 1.2: Indicative site plan

1.4 Pre-application

Pre-application advice was sought from Tendring District Council for five bungalow units at the site. In the pre-application response received September 2020, the Planning Officer stated that subject matters raised in the pre-application advice being satisfactorily

addressed it is likely that an application for the proposal would receive a recommendation for approval.

The Case officer advised that: *'As the proposals are for bungalows, there is not any concern in respect of the impact upon local resident's privacy or outlook. Furthermore the development is located to ensure sufficient distance to surrounding properties, ensuring there will be no loss of light or shadowing issues.'*

Additionally, pre-application advice was sought from Essex County Council Highway Authority in October 2020.

2. Planning Policy

2.1 Introduction

This section of the statement identifies the key policies both nationally and locally which are applicable to the proposed development.

2.2 National Policy

The National Planning Policy Framework (NPPF) 2019, replacing the 2012 Framework and is a material consideration in the determination of all planning applications.

An overall approach of sustainable development must be taken; Paragraph 8 sets out the three strands to the delivery of sustainable development through the planning system delivering an economic, social, and environmental objective. Paragraph 10 highlights the importance of pursuing sustainable development in a positive way.

Paragraph 11 advises that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with current development plans without delay. Paragraph 47 also asserts that applications for planning permission be determined in accordance with a development plan unless material considerations indicate otherwise.

Paragraph 68 recognises the important contribution that small and medium sized sites can make to meet the housing requirements of an area and that they can be built out quickly. Local authorities should also support the development of windfall sites through decision making.

Section 12 acknowledges the importance of high-quality buildings and places and emphasises that good design is a key aspect of sustainable development.

Paragraph 127 states that planning policies and decisions should ensure that developments will: function well and add to the overall quality of the area; are visually attractive; are sympathetic to the local character and history; establish a strong sense of place; optimise the potential of the site to accommodate; sustain an appropriate amount and mix of development and create places that are safe, inclusive, and accessible.

2.3 Local Policy

The relevant planning policies are set out in the Adopted Tendring Local Plan 2007 and the Emerging Tendring Local Plan 2013-2033.

Section 1 of the Emerging Local plan is currently undergoing examination whereby, on the 10th December 2020, the inspector's examination report advised the plan is not currently sound:

'At present it is not possible to give a clear indication of when my report and recommendations on the Plan are likely to be produced, should the NEAs decide to pursue the first option.'

Section 2 of the Emerging Plan is currently undergoing examination.

Paragraph 48 of the NPPF notes that local planning authorities may give weight to emerging local plans. The current local policy framework is provided in the Tendring Local Plan (2007). The adopted local plan is over five years old, and as such is considered out of date.

The key policies applicable from both adopted and emerging Local Plan Policies to this proposed development are highlighted below.

2.3.1 Tendring Local Plan 2007 (Adopted)

Policy QL1 - Spatial Strategy

Policy QL9 – Design of New Development

Policy QL10 - Designing New Development to Meet Functional Needs

Policy QL11 – Environmental Impacts and Compatibility of Uses

Policy HG9 – Private Amenity Space

Policy HG13 - Backland Residential Development

Policy HG14 - Side Isolation

Policy EN1 - Landscape Character

Policy EN6 – Biodiversity

Policy EN6a – Protected Species

Policy EN11A - Protection of International Sites European Sites and RAMSAR Site

Policy COM6 – Provision of Recreational Open Space for New Residential Development

Policy TR7 – Vehicle Parking at New Development

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

SPL1 - Managing Growth: Settlement Hierarchy

Policy SPL2 - Settlement Development Boundaries

Policy SPL3 - Sustainable Design

- Part A: Design.
- Part B: Practical Requirements.
- Part C: Impacts and Compatibility.

Policy LP1 - Housing Supply

Policy LP2 - Housing Choice

Policy LP3 - Housing Density and Standards

Policy LP4 - Housing Layout

Policy LP8 - Backland Residential Development

Policy HP5 - Open Space, Sports & Recreation Facilities

Policy PPL3 - The Rural Landscape

Policy PPL4 - Biodiversity and Geodiversity

Policy SP1 - Presumption in Favour of Sustainable Development

Policy CP1 - Sustainable Transport and Accessibility

2.3.3 Other Planning Guidance:

- *Parking Standards Design and Good Practice Guide (2009)*
- *Essex Design Guide (2005)*
- *Public Open Space SPD (2008)*

3. Planning Appraisal

3.1 Principle of Development

The application site is to the south of Church Road in a sustainable residential area. The site is unallocated in the Adopted or Emerging Local Plan for residential development, however it is situated within the settlement envelope of Brightlingsea.

Paragraph 190 of the NPPF states: *“In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness”.*

Paragraph 68 of the Framework states, amongst other matters, that *“Small and medium size sites can make an important contribution to meeting the housing requirement of an area...and support the development of windfall sites through their policies and decisions”.*

Policy SP3 of the emerging local plan seeks to ensure the delivery of 2,999 dwellings in north Essex per year over the plan period. This number includes a figure of 11,000 new homes over the plan period in Tendring with a target of 550 dwellings a year.

The development in principle is ‘backland’ development, however it is considered to be within the designated settlement envelope of Brightlingsea as well as being in accordance with the criteria of Policy HG13 of Tendring Adopted Local Plan 2009 and Policy LP8 of the Emerging Local Plan, therefore the principle of development is considered acceptable.

It is considered the principle of the development is in accordance with Policies within the National Planning Policy Framework and Tendring’s Emerging and Adopted Local Plans.

3.2 Five Year Land Supply

The NPPF requires Councils to significantly boost the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years’ worth of deliverable housing land against their projected housing requirements. If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this submission, the supply of deliverable housing sites that Tendring Council can demonstrate falls below 5 years. Paragraph 11 d) of the NPPF advises that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.

3.3 Pre-application Advice

Pre-application advice was sought from Tendring District Council for five bungalow units at the site. In the pre-application response received September 2020, the Planning Officer stated that:

'The site is not an awkwardly shaped or fragmented parcel of land, the development of which would not prejudice a more comprehensive development solution. Furthermore, whilst the site is located on the edge of the defined settlement it would be located adjacent to the new development granted at appeal and a woodland. Therefore, given that the development would be single storey its impact on the wider landscape character and surrounding area would be limited.'

Highways Pre-application advice was sought with a response received on 23rd October 2020, which raised no major concerns regarding the proposed development implications on highway safety. However, it was advised that consideration should be given to a connection of the existing drive to the proposed access road leading into the development rather than a new separate vehicle access coming directly onto Strangers Way.

3.4 Design and Layout

The proposed development has been designed to respond to the existing neighbouring dwellings and the character of the Church Road in terms of height, density, scale, and size.

Private amenity space would be provided to the rear of the bungalows.

The development consists of the construction of 5 x 3 bed, single storey bungalows with associated parking.

The site will be accessed to the north of the application site.

Chapter 12 of the NPPF seeks to ensure new development is sympathetic to the local character and maintains a sense of place.

3.5 Character of Area

Paragraph 127 of Section 12 of the NPPF advises development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

In 2019 Appeal Decision ref APP/P1560/W/17/3169862 was allowed and planning permission was granted for construction of four bungalows and garages on land to rear of Homefield, including a new garage to Homefield at Homefield, Church Road, Brightlingsea, Essex CO7 0QT.

The inspector stated in his decision that *'Whilst there would be some conflict in this respect the development at the rear of the adjacent rest home already introduces some backland development in this location. As the proposal would be for bungalows, the development would have a limited visual impact from a street-scene perspective and viewed more distantly*

from the playing fields and open countryside to the west would be seen against the built-up edge of the town’.

Therefore, it is considered the proposed development residential development of 5 bungalows at the site would not appear out of character to the street scene or surrounding area, in accordance with Section 12 of the NPPF.

3.6 Flood Risk

Paragraph 155 advises that *‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)’.*

The site is situated in flood zone 1 and therefore it is considered the proposed development would not have a material impact on flooding or result in an increased risk of flooding elsewhere, in accordance with Section 14 of the NPPF.

3.7 Highways and Access

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.

Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The site is well connected to the strategic road network via the A1029 to the A120 to the north, offering access to the A12 Colchester. There is a footpath heading both east and west from the site entrance

The impact of The Bungalow development adjacent to the application site has also been taken into account and it is considered that the traffic generated by this small development will have no detrimental impact on the highway network in this location.

The site provides off road parking within the development at no detriment to the surrounding area. The refuse and servicing requirements for the proposals can be met within the development boundaries. The proposals have been developed in accordance with the aims and objectives of current policy as it relates to transport and will not have a significant impact on the efficiency or safety of the local transport network.

3.8 Arboriculture

The application site is not subject to a Tree Preservation Order (TPO) or situated within a designated conservation area (CA). The hedgerows at the site are not subject to the Hedgerow Regulations 1997 as they are not situated on land used for agriculture, the keeping of livestock or horses, or situated on common land.

The application site is not located within Ancient Woodland and does not involve the removal of any trees of the Ancient Woodland. The Arboricultural Impact Assessment (prepared December 2020) concluded that to the south of the site W1 is classed as ancient semi natural woodland (ANSW), although the edge appears to have been modified in the recent past, and there appears to have been over planting with beech and colonisation by invasive elm and sycamore. The woodland also lacks a boundary woodbank and is uniform in shape.

W1 borders the site to the south as shown in image 3.7.1:



Image 3.7.1: Photo looking south of site

It is concluded in the report that in the past the woodland has been modified to its current shape or perhaps is a more recent ancient woodland. The landscape value of ancient semi natural woodland is high; such woodlands are considered irreplaceable habitat and cited with the National Planning Policy Framework as such.

Generally, the wildlife value of such woodlands is high as they are diverse habitats with specific associated flora and fauna not found outside the habitat, it is likely that G2 and G4 were formerly part of W1 which has partly been lost to garden encroachment. Trees H1 and G3 are low value specimens with limited wildlife, landscape, and visual amenity value.

Policy PPL 3 of the Tendring Emerging Plan aims to protect native woodlands hedgerows, trees and woodlands, seeking to refuse planning permission if the proposed development would cause overriding harm to its character or appearance.

A small section of H1 will be removed to facilitate construction of the internal access road, the loss of this section of H1 will not have an effect on visual tree amenity value or loss to

local landscape character. The surveyed trees can be adequately protected by means of temporary barriers in accordance with BS 5837 2012. Following development, the trees will not be further obscured than as at present and therefore the development is considered to have a low impact upon visual amenity value.

The accompanying report concludes that through the location of the dwellings, mitigation, retention, and removal, the development would have a low impact and would therefore be in compliance with the NPPF and policy PPL3.

3.9 Ecology

3.9.1 Ancient Woodland

Ancient woodland is situated adjacent to the development site (south) however, the application site is not located within Ancient Woodland and does not involve the removal of any trees of the Ancient Woodland.

Ancient woodland is an “irreplaceable habitat” and receives protection through the planning system. Proximity to ancient woodland is a constraint in so far as Government Guidance and planning policies (local and national) require that trees are protected (above and below ground), and development must be situated at least 15 metres from an individual tree or woodland edge.

The survey identified that the woodland does not hold ancient characteristics; there is no defining ditch line or woodbank, and surrounding development has gradually eroded the woodland edge. For this reason it is considered that development closer to the woodland edge may be acceptable in this situation, subject to Arboricultural advice, tree protection and incorporation of a buffer zone. An Arboricultural Assessment was undertaken whereby it was concluded through the location of the dwellings, mitigation, retention, and removal, the development would have a low impact and would therefore be in compliance with the NPPF and policy PPL3.

All properties are situated at least 11 metres from the woodland edge, with gardens extending to the south. The applicant has committed to a buffer zone between the southern-most gardens and the woodland edge, which could comprise of a native, species rich hedgerow or similar ecologically suitable planting.

It is considered that planting detailing could be secured through a condition if the council deems appropriate.

3.9.2 Biodiversity

Biodiversity net-gain is now mandatory under Paragraph 170(d) of the National Planning Policy Framework (2019) and recommended in Tendring Local Plan policy EN6b.

It is considered that the development presents an opportunity to implement enhancement measures such as new planting and habitat boxes for Priority Species, which will increase the wildlife value of the site post development.

The accompanying report concluded that since no evidence of, or potential for any legally protected species was found on the site, there is not a reasonable likelihood of presence to warrant any further survey requirement.

It is considered through the location of the dwellings, mitigation, retention, and enhancement the development has opportunities for ecological enhancement and would therefore be in compliance with the NPPF and Local Policy.

3.10 Heritage

Section 16 of the NPPF seeks to protect and enhance the historic environment. The site is not situated within a designated conservation or within 100m of a Listed Building or Scheduled Monument.

Approximately situated 150m to the north west of the site lies the Grade II Listed Building of Greys Thorne, Church Road. Approximately 300m south east of the site lies the Grade II Listed Building of Lodge Farmhouse, Lodge Lane.

Due to the separation distance, as well as existing screening for residential properties, it is considered the proposed development would not have a material impact on the Listed Buildings and/or their setting, in accordance with Section 16 of the NPPF.

3.11 Contamination

Paragraph advised that 'decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Any mitigation and remediation required for contamination at the site can be secured via implementation of any conditions the Council deems appropriate.

4. Summary and Conclusion

The application site is situated within the settlement envelope of Brightlingsea. The application site relates well to the existing residential development and is situated within a sustainable location.

Having regard to the status of the emerging and adopted local plans, as well as the approach to development within the Framework, it is considered that the proposal complies with the relevant national and local policies.

The accompanying reports conclude that there will be no adverse impacts as a result of the proposed development that would outweigh the benefits, when assessed against the Framework and relevant local policies.