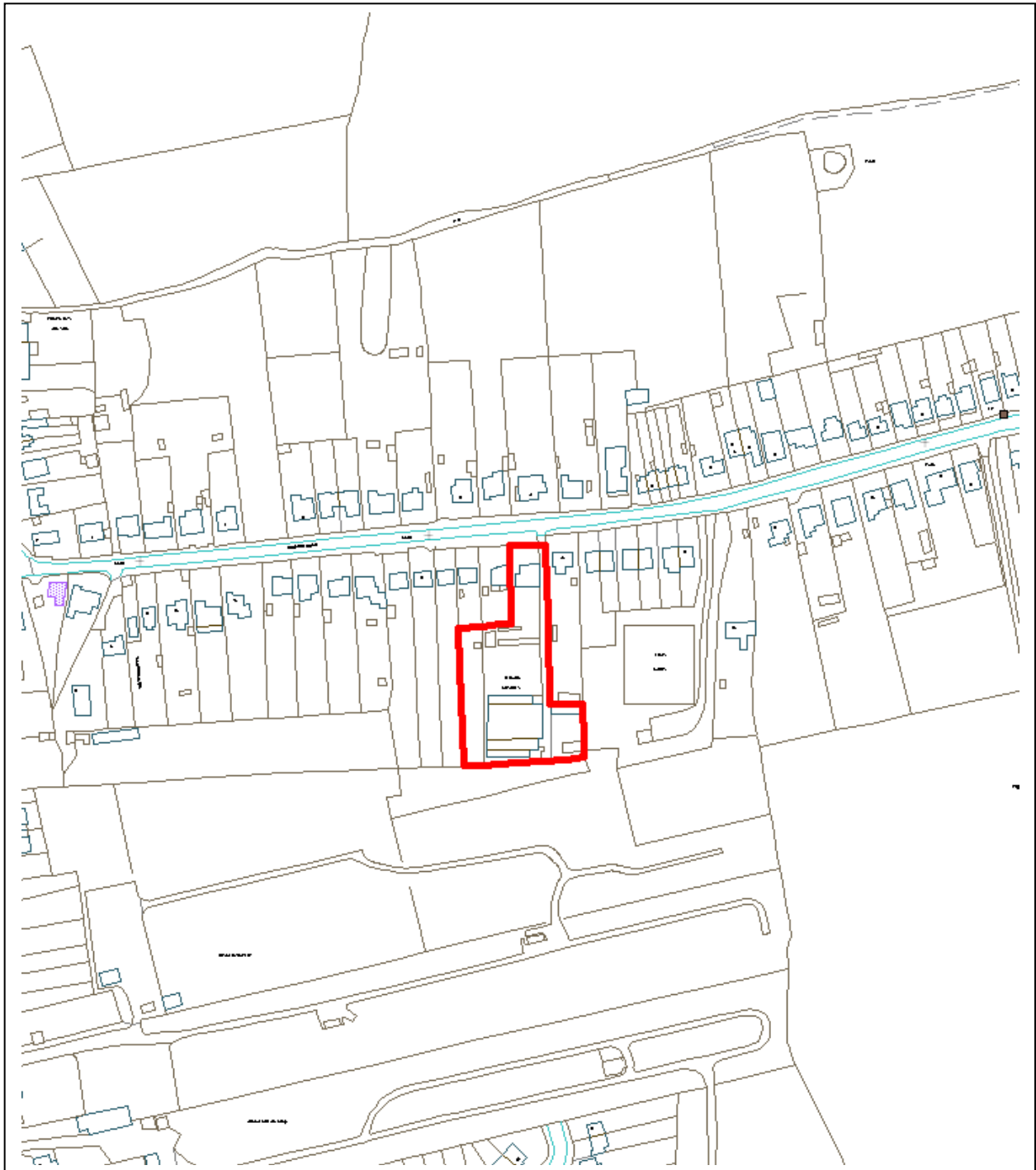


**PLANNING COMMITTEE**

**1 APRIL 2014**

**REPORT OF THE HEAD OF PLANNING**

**A.2 PLANNING APPLICATION - 14/00106/FUL - 36 HOLLAND ROAD LITTLE CLACTON, CO16 9RS**



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<b>Application:</b>	14/00106/FUL	<b>Town / Parish:</b> Little Clacton Parish Council
<b>Applicant:</b>	Mr. M. Skeels	
<b>Address:</b>	36 Holland Road, Little Clacton, Clacton on Sea, CO16 9RS	
<b>Development:</b>	Residential development comprising of 6 no. Bungalows; 5 no. Garages; and 1 no. Cartlodge.	

## 1. Executive Summary

- 1.1 The application has been referred to Planning Committee by the Head of Planning in accordance with the Council's Constitution as the application was submitted by Mr M. Skeels who, since the submission of the application, has been elected as a District Councillor. Prior to this, the application had been 'called-in' by Cllr P. Gore De Vaux Balbirnie for the following reasons: the application is considered contrary to policies PEO6 Backland development; SD9 Design of new development; PEO4 Standards for new housing and PEO5 Housing layout for Tendring; it would have a negative impact on urban design/streetscene; an adverse impact on highways and traffic issues; it would result in a poor design and density issues with over development of the site; it would have a negative impact on neighbours with extra noise and disturbance; poor access with no visibility splays as the applicant does not own adjoining land; backland development could set a precedent; the property has not been used as a nursery for in excess of 30 years and traffic at that time was minimal. Cllr Balbirnie also refers to a previous appeal dismissal on the site.
- 1.2 The application proposes the demolition of the existing single storey dwelling at 36 Holland Road and the erection of six new single storey dwellings on a partly residential and partly previously developed site used as a horticultural business on the southern side of Holland Road.
- 1.3 The 2007 adopted local plan includes the site of the existing dwelling within the settlement boundary but excludes the previously used horticultural land to the rear. The entire site area is however included within the settlement limit for Little Clacton identified by the emerging local plan.
- 1.4 The application seeks consent to demolish the existing dwelling and erect six single storey dwellings.
- 1.5 The report considers the proposal in relation to the National Planning Policy Framework (NPPF); the adopted Tendring Local Plan 2007 and those policies of the District's emerging local plan (Tendring District Local Plan : Proposed Submission Draft 2012) where these can be afforded weight at this stage of the local plan preparation. The report also considers the proposal against other material considerations (including the planning history of the site; sustainability; backland development/design – including layout, amenity and parking standards; residential impact; visual and landscape impact; biodiversity; highways issues; and Section 106 obligations).
- 1.6 Officers consider that this application scheme is acceptable and that conditional planning permission should be granted following the completion of a Section 106 obligation.

**Recommendation: Approve**

**Conditions:**

1. Time Limit for commencement – three years from the date of the decision
2. Development in accordance with the plans
3. Permitted development rights removed for loft conversions (dormers and roof lights)
4. Details of materials and permeable surfacing to hard surfaced areas to be agreed
5. External Materials to be agreed
6. Hard and Soft Landscaping – including details of the protection of hedgerow and trees during and after construction
7. Boundary treatments
8. Site Levels
9. Demolition and Construction Management Plan
10. Surface and foul water drainage scheme to be agreed
11. As per Highway Authority recommendations
12. As per recommendations in phase 1 habitat survey

**2. Planning Policy**

**National Policy:**

- 2.1 The National Planning Policy Framework (NPPF) presumes in favour of sustainable development, which requires Local Planning Authorities to **positively** seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. It encourages the reuse of previously developed brownfield sites – particularly those that are not of high environmental value.
- 2.2 The NPPF requires a mix of housing to be delivered that serves the needs of the community and reflects local demand in terms of size, type and tenure. In delivering such development high regard should be paid to good design that takes into account the views of the community.
- 2.3 It also places an emphasis on conserving and enhancing the natural environment.

**Local Plan Policy**

*Tendring District Local Plan 2007*

- |      |  |
|------|--|
| QL1  | Spatial Strategy                                   |
| QL9  | Design of New Development                          |
| QL10 | Designing New Development to Meet Functional Need  |
| QL11 | Environmental Impacts and Compatibility of Uses    |
| HG3  | Residential Development Within Defined Settlements |
| HG9  | Private Amenity Space                              |
| HG14 | Side Isolation                                     |

COM6	Provision of Recreational Open Space for New Residential Development
EN1	Landscape Character
TR1A	Development Affecting Highways

*Tendring District Local Plan Proposed Submission Draft (2012)*

SD1	Presumption in favour of sustainable development
SD3	Key Rural Service Centres
SD5	Managing growth
SD7	Securing facilities and infrastructure
SD8	Transport and accessibility
SD9	Design of new development
SD10	Sustainable construction
PEO1	Housing supply
PEO2	Housing trajectory
PEO3	Housing density
PEO4	Standards for new housing
PEO5	Housing layout in Tendring
PEO6	Backland Development
PEO7	Housing choice
PEO8	Aspirational housing
PEO9	Family housing
PEO14	Single storey residential development
PEO22	Green Infrastructure in New Residential Development
PLA4	Nature conservation and geo-diversity
PLA5	The Countryside Landscape

Other Guidance:

Essex Design Guide

Essex Parking Standards 2009

The written Ministerial Statement of Greg Clark 23 March 2011 'Planning for Growth' – that sets out the Government's commitment to promoting sustainable growth.

### 3. **Relevant Planning History**

02/02382/OUT. Residential development. Refused and dismissed on appeal.

### 4. **Consultations**

- 4.1 Since the original submission the plans have been revised to take into account the objections of the Highway Authority. The following summary represents comments received both to the original and revised plans.

#### Little Clacton Parish Council (in relation to the original submission)

- 4.2 Little Clacton Parish Council have considered this application using policies in the 2014 Tendring District Local Plan Proposed Submission Draft. The proposed development is on a cramped backland site with a long internal driveway that has to be shared with pedestrians as there is no provision for a footpath. The driveway does not permit two cars to pass each other and would provide difficulties for emergency services and commercial vehicles as there is no turning facility. Drive in forward and reverse out onto Holland Road. The exit onto Holland Road has no visible splays, and will create serious highway safety concerns. In the absence of detailed measurements there are serious concerns under Policy PEO4, standards for new housing, in respect of internal floor area, amenity space and parking provision, and highway access as mentioned above. This development would create a cul-de-sac with a narrow internal driveway contrary to Policy PEO5 – Housing layout. A passing bay is a poor substitute for a proper width road. Refuse from each property would have to be carried to a bin area at the start of the entrance road. We also consider this to be backland residential development contrary to PEO6. The site has not been used commercially for at least three decades and would set a harmful precedent for similar sites. The poor layout and density of this development does not enhance the character of the area and it will have a negative impact on neighbours. Little Clacton Parish Council recommends refusal.

#### ECC Highways Dept

- 4.3 The Highway Authority recommended refusal of the original scheme as the proposed means of access and connection to Holland Road was unacceptable in design terms due to geometry and layout and the internal access was too narrow to allow vehicle manoeuvring from certain parking spaces within the site.

- 4.4 The Highway Authority raises no objection to the revised plans subject to:-

1. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed in precise accord with the details shown in Drawing Number 6B with a flanking footway 2m in width returned around the radius kerb and extended across the frontages of new dwelling No1 and 34 Holland Road and connecting to the existing vehicular access to Number 34 and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of

that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. The parking spaces / vehicular hardstandings shall be constructed to minimum dimensions of 5.5m x 2.9m.

Reason: To encourage the use of off-street parking, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5. Single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

6. Prior to occupation of the proposed development, a (communal) bin/refuse collection point shall be provided within 25m of the highway boundary and additionally clear of all visibility splays at accesses.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. Prior to commencement of the proposed development, details of the provision for storage of bicycles for each dwelling, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

8. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 9. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

## 5. **Representations**

- 5.1 11 objections have been received along with a petition including 56 signatures. These are summarised as follows:

- Contrary to Policy PEO6
- Limited frontage and access
- Infringement on neighbouring properties
- Excessive pressure on highways on an already busy road
- Previous applications on this site and a neighbouring site were dismissed at appeal for highway reasons and traffic has increased since then
- Harmful precedent
- Traffic from the nursery was minimal
- There is no pavement on this side of Holland Road
- The local primary school is full
- The types of properties proposed will not encourage young families to move to the village
- Adverse impact on wildlife
- Foul water sewers cannot cope with additional demand
- Exiting vehicles from the site will shine their head lights into properties opposite
- Cars often speed and park along the road causing hazards and accidents
- No public consultation has taken place
- Large buildings have been erected on the site without the benefit of planning permission
- Noise and disturbance
- By revising the plans this demonstrates that there are highway safety concerns.

- 5.2 The application submission includes a petition containing six signatures that have no objection to the development.

## 6. **Assessment**

- 6.1 The main planning considerations are:

- Policy and Planning History
- Sustainability
- Backland Development/Design – including layout, amenity and parking standards
- Residential impact
- Visual and landscape impact

- Biodiversity
- Highways Issues
- Section 106 Obligations

### **The Site**

- 6.2 The site is located to the south of Holland Road. It comprises a single storey dwelling (36 Holland Road) and an area of land to the rear formerly used for horticultural and a nursery with ancillary sales. The site is flat and is contained by a variety of boundary treatments including trees; hedgerows; wooden and chain link fencing. The plot stretches behind nos. 32, 34 and 38 Holland Road.
- 6.3 Throughout the former nursery site are a number of buildings associated with the former use including glass houses and brick built storage buildings and the former ancillary shop. Many are in a semi derelict or derelict state.
- 6.4 Holland Road is characterised by frontage development of a mix of styles of two storey; one and a half storey and single storey dwellings. The majority of properties benefit from long rear gardens. In the immediate locality most properties are of single storey design. The rear of the site shares a boundary with a caravan holiday park.
- 6.5 The site is within the settlement limits defined by the emerging local plan. There are no other planning designations relevant to the site.

### **The Proposal**

- 6.6 The proposal is for the demolition and replacement of the existing single storey dwelling at 36 Holland Road.
- 6.7 The application also proposes the construction of a further five (5) dwellings to the rear of the site all of which are detached and single storey with three (3) bedrooms.
- 6.8 The housing types are similar in appearance to surrounding residential properties to reflect the character of many of the properties along Holland Road.
- 6.9 Each property is provided with a garage/cartlodge and parking spaces (of a size that complies with the Council's parking standards). The access and parking is arranged off a shared access from Holland Road.
- 6.10 The majority of existing hedgerows and trees are to be retained.
- 6.11 The application documents include:
- Design and Access Statement
  - Phase 1 Habitat Survey
- 6.12 Since the application was submitted revised drawings have been submitted to include amendments to the access and internal driveway.

### **Policy and Planning History**

#### **General Planning Policy Status:**

- 6.13 Paragraphs 2.14, 2.15 and 2.16 of the NPPF explain the relative weight that can be given to policies and proposals in fully adopted Local Plans compared to emerging draft Local



Plans when dealing with planning applications under the government's new planning system and its 'presumption in favour of sustainable development'.

- 6.14 Paragraph 214 of the Framework states that *"for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework"*. Accordingly, for 12 months after the Publication of the NPPF the Council continued to apply full weight to the policies in the 2007 Adopted Local Plan, despite the fact that it does not reflect all aspects of the new national policies.
- 6.15 Paragraph 215 of the Framework states that *"in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*. Given the fact that the 2007 Adopted Local Plan was only designed to cover the period up to 2011, is based on what is now outdated evidence, outdated housing targets from the now obsolete 2001 Essex and Southend-on-Sea Replacement Structure Plan and reflects the old set of Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) from the previous government, there is a strong argument for not applying significant weight to its policies any longer.
- 6.16 The government does allow the use of emerging draft Local Plans in determining planning applications. Paragraph 216 of the Framework states that *"from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"*.
- 6.17 The Council's emerging plan is the Tendring District Local Plan: Proposed Submission Draft that was approved by Full Council in November 2013 and has been published for focused consultation. The consultation ended on 17 February 2014. The site under consideration was not included within the focused changes as its inclusion was not objected to in the original emerging local plan consultation exercise in 2012.
- 6.18 This is a reasonably advanced stage of preparation and whilst the Draft Local Plan still needs to go through the process of examination and finally adoption, the inclusion of this site within the settlement boundary has not attracted objection (although the Parish Council did make an objection to the policy overall) and as the emerging local plan has been drawn up in accordance with the new NPPF as opposed to the previous PPS and PPG guidance, there is a strong argument for attaching considerable weight to this emerging plan in the determination of this planning application.

### **Site Specific Policies**

- 6.19 This site is included within the settlement boundary of the emerging local plan. The emerging local plan consultation resulted in no objections to the inclusion of this site within the settlement boundary.
- 6.20 The following section of this report considers the proposal in relation to the main emerging local plan policies that relate to the principal of residential development of this site. It then

gives an indication of the level of weight that officers consider can be attached to that policy and that should be taken into account when determining the application.

- 6.21 **Policy SD1** presumes in favour of sustainable development and states that the Council will take a positive and proactive approach in determining applications that reflects the NPPF requirements. Planning applications that accord with the policies of the local plan will be approved without delay unless material considerations indicate otherwise. The Planning Inspectorate has asked for this policy to be included within local plans to clarify and emphasise the presumption in favour of sustainable development at national level.
- 6.22 This policy can be applied with confidence as it reflects the NPPF requirement. Full weight can be attached to it in the decision making process.
- 6.23 **Policy SD3** relates to key rural settlements and identifies Little Clacton as one such settlement. The policy is aimed at those settlements that do have some job opportunities; local services; facilities and other infrastructure and which are under pressure to grow. In these locations, small scale developments that are in keeping with their surroundings will be acceptable.
- 6.24 **Policy SD5** intends to manage growth across the District in rural settlements such as Little Clacton by defining settlement limits beyond those of the old local plan to include a range of possible development sites that could accommodate the new homes proposed for that settlement either individually or cumulatively. Within these settlement limits there should be a general presumption in favour of development.
- 6.25 Members are advised that officers consider that the general presumption in favour of sustainable development should take precedence in this instance bearing in mind that, amongst other things: it represents sustainable development; the site is partly previously developed land; and it does not involve development of a particularly sensitive site from a biodiversity point of view.

### **Planning History**

- 6.26 There is a history of refusal and appeal dismissal on this site.
- 6.27 The previous application in 2002 was submitted in outline and showed a layout drawing of 8 bungalows for illustrative purposes.
- 6.28 The appeal was considered on two grounds – the impact on the character and appearance of the area which was outside the defined settlement limits and the effect of the proposed access on the living conditions of the occupiers of 38 Holland Road in terms of privacy and noise and disturbance.
- 6.29 The appeal was dismissed as the development site was outside of the settlement limits and there was no justification for allowing the scheme contrary to policies of the local plan that sought to protect the countryside from inappropriate development and as a result would introduce the loss of land that contributed to the open character outside the settlement boundary.
- 6.30 The Inspector concluded that:
- The bungalows would not be obtrusive when viewed from Holland Road but 8 dwellings proposed would appear cramped and introduce a hard urban edge to the village outside the settlement limits.

- Whilst the proposed development would result in an increase of traffic it would not be so harmful to be a reason to dismiss the appeal.
- The proposal would not detract from highway safety.
- The scheme would not set a precedent.

6.31 There has been a material change in circumstances since this refusal, not least, because now the emerging local plan includes the site within the settlement boundary. The current application should be judged in relation to current planning policy and other material considerations and on the reduced number of dwellings now being proposed.

6.32 Objectors to the proposal also refer to a previous appeal decision at 52 Holland Road (Whitegates Tennis Club) and 56-58 Holland Road. This scheme proposed residential development of up to 20 dwellings and the construction of a new tennis club including a club house and both outdoor and indoor tennis courts. This appeal was dismissed due to the adverse impact that it would have on the character and appearance of the area which was outside the defined settlement limits and because there was insufficient evidence available at the time to conclude that adequate visibility splays could be provided on land within the appellant's control. This appeal has some similarities with the current application site but it was on a much larger and more exposed site using a different point of access. The current application should be considered on its own merits.

### **Sustainability**

6.33 The NPPF presumes in favour of sustainable development. It divides sustainable development into economic; social and environmental concerns. For the purposes of the emerging local plan sustainable development means achieving prosperity in our District by addressing current and future economic and social challenges; meeting housing needs; achieving growth across our District; protecting and enhancing our environment; and maintaining a good quality of life.

6.34 The development is on partly previously developed land.

6.35 The site is in a sustainable location and the provision of housing will help to maintain and enhance the existing community facilities within the village.

6.36 The development accords with National and emerging local plan policies (policies SD1, SD3 and SD5 refer) that presume in favour of sustainable development.

### **Backland Development /Design – including layout, amenity and parking standards**

6.37 Many of the objections relate to the proposal representing backland development. Backland development is defined as a development that generally lies behind existing frontage development. The emerging local plan pays particular regard to this type of development in Policy PEO6. The policy sets out a number of criteria against which this type of development will be judged.

6.38 The criteria are as follows with officer comments in relation to the existing proposal alongside in italics and bold.

- Where the development would result in a net loss of existing amenity space to the existing dwelling sufficient amenity space must be left – ***the proposal will result in the loss of amenity space but sufficient garden space will be retained for both the replacement and additional dwellings.***

- A safe and convenient means of vehicular and pedestrian access must be provided that does not cause undue noise and disturbance or loss of privacy to neighbouring residents or visual detriment to the streetscene. Long narrow driveways will not be permitted – ***the Highway Authority do not object to the revised drawings and this criteria did not form part of the grounds to refuse the previous application or appeal. The junction and driveway have been designed to comply with the Highway Authority's standards and a passing place is provided into the site to allow two vehicles to pass further into the site. The driveway is designed to be wide enough at its junction with Holland Road and for a sufficient distance into the site to allow two vehicles to pass safely. Noise and disturbance and loss of privacy were not considered sufficient reason to refuse the previous scheme for 8 dwellings.***
- The proposal must not represent tandem development using a shared access – ***the development proposal does not represent tandem development.***
- The proposal must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or prejudice development of a more comprehensive design solution – ***the site is surrounded on all sides by existing residential properties and to the rear by the caravan park. It is of a regular shape and will not appear isolated from existing built development. The backland nature of the site was not considered visually obtrusive from Holland Road when the previous appeal was considered.***
- The site must not be on the edge of defined settlements and introduce a hard urban edge or other form of development out of character with the area – ***whilst the site now lies within the defined settlement limits it is on the edge of the settlement but as noted above it is surrounded by built development and the caravan park. Policy circumstances now presume in favour of sustainable development within the settlement boundaries provided that the character of the area is protected (amongst other things). Given the previous appeal decision that concluded that the development of the site would not be visible from Holland Road but that it would introduce development outside of the defined settlement boundaries, material considerations now indicate that there should be a general presumption in favour of the development.***
- The proposal must not be out of character with the area or set a harmful precedent – ***for the reasons set out above at criteria 3 and 4 it is not considered that the development of the site would be out of character with the area. The area is characterised by frontage development but the site would have limited views from Holland Road and is surrounded by built development including the caravan park to the rear. The previous appeal Inspector concluded that it would not set a harmful precedent.***

- 6.39 In terms of other issues relating to design; layout and amenity standards, the external materials include a mix of brick and render and many of the front elevations are enhanced by well proportioned and symmetrical bay windows which introduce an element of architectural detailing that enhances the design of the buildings.
- 6.40 Each property has a minimum of two parking spaces. All the garages and parking spaces accord with the adopted Essex Parking Standards 2009. It is proposed to condition the surface treatment of the access drives to ensure that they are in keeping with the semi-rural location.

- 6.41 The private amenity space for each dwelling accords with the Council's standards and this allows for an appropriate spacing between the existing and proposed properties amounting to a low density. This reflects the existing low density development surrounding the site.
- 6.42 The housing types are all single storey dwellings. This will prevent potential issues of over bearing and dominant buildings in the streetscene and on neighbouring properties. It is important to remember that the previous appeal decision to refuse planning permission was not based on the visual impact that the bungalows would have on the streetscene or on neighbouring residential properties. The Inspector concluded that the proposal would not be visually obtrusive.
- 6.43 The design therefore accords with national and emerging local plan policies that seek to ensure high standards of design and that developments meet their functional requirements (policies SD8 and SD9 refer).

### **Residential impact**

- 6.44 The nearest dwelling houses are 32, 34 and 38 Holland Road. The proposed access is to be widened following the demolition and replacement of 36 Holland Road. The scheme has been reduced in the number of units since the previous refusal and it should be noted that impact on residential amenity was not a ground for refusal of planning permission even for the 8 units that were considered at that time for reasons of over shadowing; over looking or noise and disturbance. Conditions are proposed that would prevent the future conversion of loft spaces to additional living accommodation without the grant of a planning permission. This will control future proposals for dormer windows and roof lights which might otherwise result in problems of overlooking without proper consideration. A levels condition is also proposed to control the eaves and ridge heights of the dwellings.
- 6.45 The layout of the scheme takes account of the amenities of the proposed dwellings and there will be no overlooking or buildings that dominate their neighbour.
- 6.46 The previous use of the site was a horticultural nursery with ancillary sales. There is some uncertainty as to when this use ceased and whilst not a strong material consideration the historic use of the site was likely to have involved similar, if not more intensive vehicular movements, to the site.
- 6.47 The development complies with National and emerging local plan policies that seek to protect the amenities of residential properties (policies SD8 and SD9 refer).

### **Visual and landscape impact**

- 6.48 The existing hedgerows and trees are to be retained for the most part to the site boundaries and additional planting is proposed. This will assist in retaining a semi rural back drop to the development. It should be noted, however, that the site is surrounded by residential properties and to the rear by the caravan park.
- 6.49 It is intended to control additional planting via a suitably worded condition to ensure that native species are used. The layout, scale and detailed design of the properties takes account of the existing landscape features and are sympathetic to its semi-rural setting on the edge of the village.
- 6.50 The proposal therefore accords with those policies of the adopted and emerging local plan that seek to protect the landscape qualities of the District and the identified Conservation areas.

### **Biodiversity**

- 6.51 The application is accompanied by a Phase 1 Habitat Survey. This concludes that:
- No part of the site or any adjacent site has any statutory or non statutory conservation designation or status
  - The semi derelict site has some small areas of localised potential reptile habitat. The systematic removal of this material over a 4 week period will displace any reptiles in an acceptable way
  - The proposal includes the removal of semi derelict buildings and a bat survey will be required before demolition commences.
- 6.52 The report does not identify any protected species on the site at present and does not consider that the development will have an adverse impact on biodiversity. The development accords with the NPPF that seeks to protect the natural environment and policy PLA4 of the emerging local plan.

### **Highways Issues**

- 6.53 The Highway Authority does not object to the revised application details subject to a number of conditions. The previous appeal for 8 dwellings was not refused on highway safety grounds.
- 6.54 A number of the objections relate to highway safety issues particularly around the visibility splays at the junction with Holland Road. The junction lies within the 30 mile an hour speed limit. The radii of the junction is now considered acceptable by the Highway Authority. Adequate parking and turning facilities for private motor vehicles are provided within the site and a bin store is proposed at the site entrance to prevent the need for refuse lorries to enter the site. The NPPF advises that developments should only be refused where highway impacts are severe.
- 6.55 The development would not result in a material adverse impact on the capacity of the highway network or on the safety of road users. The development therefore accords with the NPPF and policy SD8 of the emerging local plan.

### **Section 106 Obligations**

- 6.56 The applicant has provided a Unilateral Undertaking to provide for open space provisions within the locality.
- 6.57 The development therefore accords with Policy COM6 of the adopted Local Plan and Policy PEO22 of the emerging local plan.

### **Conclusion**

- 6.58 The proposal has been considered in relation to the NPPF and those policies of the local plan that can be afforded relative weight. Regard has also been had to other material considerations (including the planning history of the site; sustainability; backland development/design – including layout, amenity and parking standards; residential impact; visual and landscape impact; biodiversity; highways issues; and Section 106 obligations). It is considered that the scheme is acceptable and that conditional planning permission. The Section 106 obligation has previously been completed.

### **Background Papers**

None.