

PLANNING COMMITTEE

27 MAY 2014

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 14/00106/FUL – 36 HOLLAND ROAD, LITTLE CLACTON, CLACTON ON SEA ESSEX CO16 9RS



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

1. Executive Summary

- 1.1 Members will recollect that this application was deferred from the Planning Committee meeting on 1 April 2014 for revisions to the scheme to be considered in consultation with the Chair; Vice Chair and local ward members. This meeting took place on 28 April 2014. The meeting was not attended by Councillor D. Skeels, a local ward member, due to her interest in the application that was declared at the Planning Committee meeting on 1 April 2014. The revisions to the scheme include: an increase in the width of the access/private driveway from 3.7 metres to 6 metres for its entire length; a reduction in the size of the of the dwellings on plots 2 and 3 from 3 bedrooms to 2 bedrooms; removal of the proposed bin store at the site entrance; and the retention of the oak tree to the eastern side boundary of the site. In addition, the revised plans also show street scene views to illustrate the spacing between the proposed plots and existing dwellings. The revisions have also been the subject of a further consultation exercise and this report has been updated accordingly. The updates are included in **bold text** for ease of reference.
- 1.2 The application has been referred to Planning Committee by the Head of Planning in accordance with the Council's Constitution as the application is 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 Blabirnie 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 PEO 5 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.
- 1.3 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.
- 1.4 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.
- 1.5 The application seeks consent to demolish the existing dwelling and erect six single storey dwellings.

- 1.6 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).
- 1.7 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 subject to conditions

Conditions:

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

2. Planning Policy

National Policy:

- 2.1 The 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.

Tendring District Local Plan 2007

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

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

- 2.4 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

- 3.1 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.

4.3 Little Clacton Parish Council

- **During consultations with the Planning Team when developing the emerging local plan the Parish was assured that the increase in the development boundary would not be an issue as Policy PEO6 would be robust enough to stop backland development;**
- **The Parish appreciate that some consider this site to be on ‘brownfield’ land and the Parish would therefore favourably consider the proposal if the number of dwellings was reduced to four;**

- The development should be in line with the space and size standards of the emerging local plan;
- The dwelling on plot 1 should be removed this would allow for uninterrupted visibility splays;
- The entrance and internal roads should be sized to accommodate all emergency and commercial vehicles to pass side by side;
- Conditions should include landscaping with grass verges and trees alongside the roads;
- The dwellings should be well designed in compliance with PEO4 and to meet future family needs in accordance with PEO9;
- Four dwellings would provide adequate amenity space; parking space; landscaping; and open space between each dwelling;
- With a sensible layout and design there is an opportunity for this small development to enhance its surroundings and create a pleasant location to live in.

ECC Highways Dept

- 4.4 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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

- 4.5 **Landscape Officer (these comments were previously contained in the update sheet at 1 April 2014 Planning Committee Meeting)**
- 4.6 **The site contains a number of derelict buildings and glasshouses and is overgrown with brambles and scrubby growth. There are a number of mature trees situated on the land including a large Eucalyptus and a group of oaks can be seen from the highway however, because of their positions behind the properties in Holland Road, the contribution that they make to the appearance of the area is limited. None of the trees on the land merit protection by means of a Tree Preservation Order as their amenity value is low and their removal would not have a significant detrimental impact on the appearance of the area or its enjoyment by the general public. There appears to be little scope for new soft landscaping although consideration should be given to new planting in the front garden of plot 1 as this would enhance the appearance of the local street scene.**

Representations

- 4.7 **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.**
- 4.8 **The application submission includes a petition containing six signatures that have no objection to the development**
- 4.9 **10 objections as summarised:**
- **All fencing will need to be replaced**
 - **Intrusion of excessive lighting**
 - **Noise disturbance from traffic**
 - **Noise and dirt during construction**
 - **Unsightly view and smell of dustbins**
 - **Danger to horses**
 - **Property values will decrease**

- The site is brownfield and will be granted some development but please take into account that the dwellings may have caravans and will have emergency and delivery vehicles visiting them. Holland Road is very busy where accidents already occur;
- Only selected people could speak at the Planning Committee meeting;
- Planning want to push through the development at any cost;
- The applicant seems to be receiving advice from inside;
- The development should be refused on the whole site as it was in the past;
- Highway danger;
- No footpath;
- Foul water drainage is a problem;
- Contrary to PEO6;
- Any Councillor that disregards Tendring's own policies should declare an interest and abstain from voting;
- Headlights from emerging cars will shine into facing properties;
- The Council has to provide additional housing and this is a brownfield site but 6 properties is overdevelopment;
- There should be no buildings at the front of the site and there should be a maximum of three bungalows to the rear where disturbance would be less;
- Any access should be two vehicle width;
- The proposal is the same as before;
- It will set a precedent;
- The government is promoting localism where people have more say in local planning;
- The concerns of the many local residents should be considered over the interests of the applicant.
- Amendments do not address previous concerns
- Changes do not take account of the discussion at 1 April Committee
- Site is agricultural not brownfield
- Considering application costs TDC time and money and people affected by the proposal do not want it.

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. **Plots 2 and 3 have now been revised to comprise 2 bedrooms and the footprints have reduced in size and are further away from the rear boundary of the existing property at 34 Holland Road.**
- 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. **The shared access has been increased in width to 6 metres for its entire length. This allows for 2 vehicles to pass each other.**
- 6.10 The majority of existing hedgerows and trees are to be retained. **The oak tree on the east side boundary is shown 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. **Since the meeting on 1 April 2014 the plans have been revised further following deferral of the application at the meeting.**

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.
- 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 but 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. **Furthermore, several recent appeal decisions in the District, and one in particular in Little Clacton, have concluded that the fact that a site is outside the settlement boundary is not sufficient reason on its own to refuse planning permission. The Inspectors have then gone on to assess the proposals primarily against the presumption in favour of sustainable development as contained within the NPPF. As the Council does not have an up to date local plan or sufficient housing land supply the Inspectors have found in favour of the developments even where they relate to single dwellings which on their own do not significantly contribute to the Council's housing need. This is a material consideration in the determination of this application.**

Site Specific Policies

- 6.19 This site is included within the settlement boundary of the emerging local plan.

- 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 particularly sensitive site from a biodiversity point of view. **In addition, the most recent appeal decisions have been allowed even where developments have been located outside of the settlement boundaries provided that they also comply with the NPPF and represent sustainable development.**

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. **Regard should also be had to the recent appeal decisions mentioned earlier.**

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 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. **It will also contribute to the Council's housing need which is a material consideration that has been given significant weight in recent appeals that have been allowed.**

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.

- 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 their gardens 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 adjacent to 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 there 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 access has further been widened to 6 metres.** 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. **The dwellings on plot 2 and 3 have been reduced in size and moved further from the existing property at 34 Holland Road.**
- 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. **The oak tree on the east side boundary is to be retained.** This will assist in retaining a semi rural back drop to the development. It should be noted, however, that the site is adjacent to 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. **Despite there being no objection from the Highway Authority the application details have been amended to include an increased access width.**
- 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.

7 Conclusion

- 7.1 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.
- 7.2 **The revised plans have made further changes to reflect the concerns of the Planning Committee and the officer recommendation remains one of approval.**

Background Papers

None