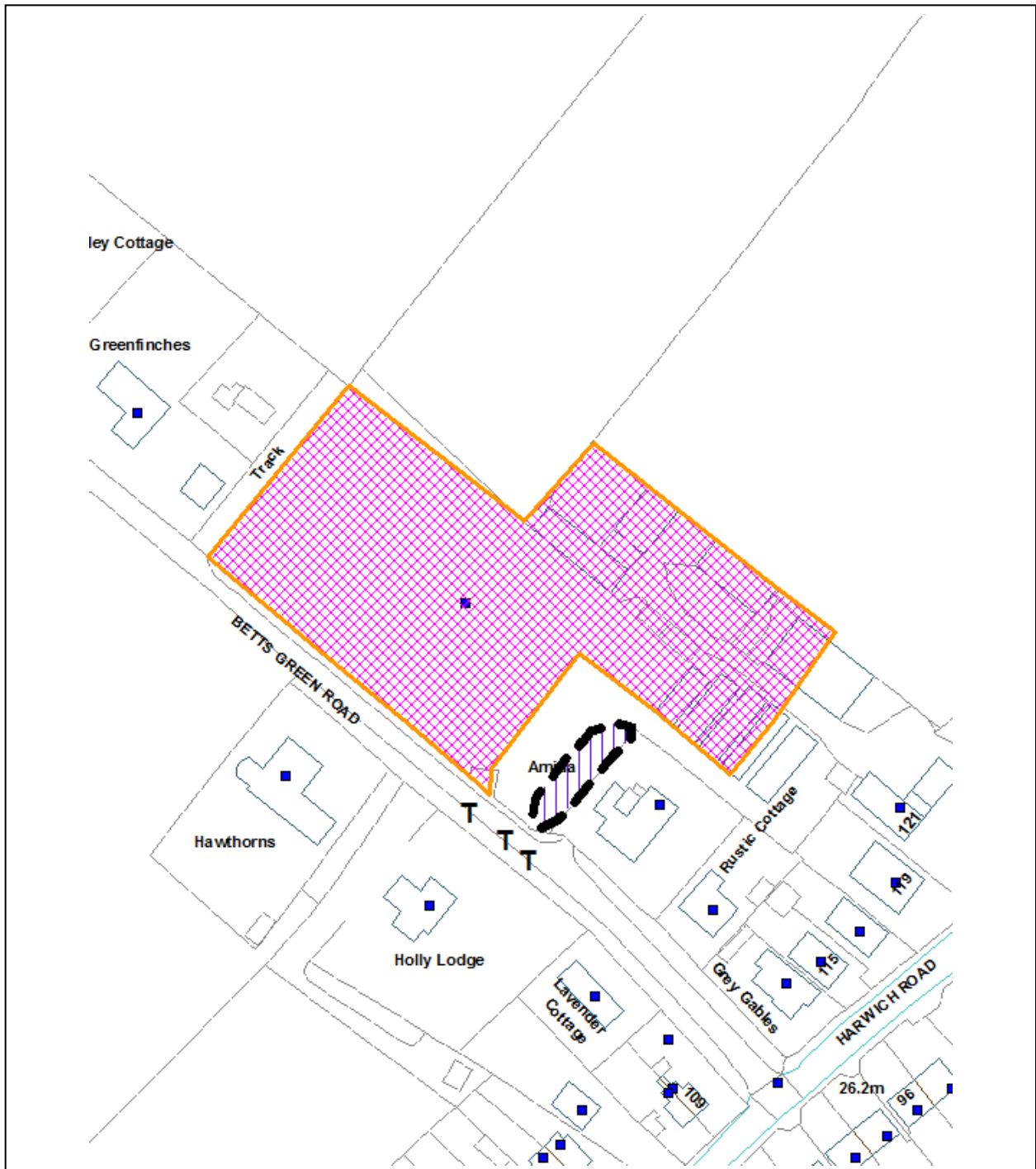


PLANNING COMMITTEE

3 FEBRUARY 2015

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 14/01668/OUT - LAND NORTH EAST OF BETTS GREEN ROAD, LITTLE CLACTON, CO16 9NH



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Application:	14/01668/OUT	Town / Parish: Little Clacton Parish Council
Applicant:	Mr & Mrs F Bell	
Address:	Land North East of Betts Green Road Little Clacton CO16 9NH	
Development:	Proposed residential development of 0.69 ha of land to form a number of dwellings, associated garaging and parking.	

1. Executive Summary

- 1.1 The application seeks outline planning permission with all matters reserved for later approval (access, appearance, landscaping, layout and scale). The proposal is for 7 dwellings with associated garages and internal road network. Indicative layout drawings have been provided to illustrate how the dwellings could be satisfactorily accommodated on the site.
- 1.2 The site is accessed from Betts Green Road which is an unmade private road off Harwich Road. To the south eastern corner of the site are two protected trees. The area containing the trees has been removed from the application area to ensure that adequate protection is given to this area.
- 1.3 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the draft Local Plan. Officers are recommending no change to the boundary in this location, so the draft Local Plan can be applied pragmatically at this stage, despite the fact it has yet to be formally adopted. The principle of residential use is therefore accepted.
- 1.4 The development would not result in any material harm to visual amenity or the rural character of the area subject to assessment of the detailed design at reserved matters stage.
- 1.5 There is no objection on highway safety or residential amenity grounds. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. Details of reserved matters
2. Application for approval of the reserved matters
3. Time scales for commencement
4. Construction Method Statement to include:
 - 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 under-body washing facilities
 - v) hours of construction
5. Location and design of the proposed private drive
6. Minimum vehicular visibility splays
7. No unbound materials
8. Off street parking details

9. Vehicular turning facility
10. Details of materials
11. Garage details
12. Hard and soft landscaping
13. Detailed Tree Survey and Report
14. Width of carriageways
15. Sewage Management Scheme
16. Ecological management scheme

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Local Plan Policy:

Tendring District Local Plan (2007)

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

TR1a Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012)

SD1 Presumption in Favour of Sustainable Development

SD3 Key Rural Service Centres

SD5 Managing Growth

SD9 Design of New Development

PE04 Standards for New Housing

PEO22 Green Infrastructure in New Residential Development

SD8 Transport and Accessibility

3. Relevant Planning History

3.1 None

4. Consultations

Little Clacton Parish Council

4.1 Little Clacton Parish Council have previously indicated our approval of this site for development (letter to Gary Ashby dated 22nd November 2011) which is now within the village development boundary. However, we consider the current application for 7 large detached houses would be an over development of the site creating a mini estate with a single means of access onto Betts Green road which is a privately owned unmade road. Also, 3 of the proposed houses to the East of the site would constitute backland development. The existing properties in Betts Green Road are all bungalows/ chalet bungalows with good space between properties. The proposal for 7 large houses with minimal separation space would detract from the character and appearance of this rural area. We would also question the ability of this narrow road to deal with the volume of traffic generated by the proposed development. A smaller development of bungalows each with its own frontage to Betts Green Road would be more acceptable.

Essex County Council Highways

4.2 The Highway Authority observes Betts Green Road is classified as a Private Road and recommends accordingly. The Highway Authority does not wish to object to the proposals as submitted. Informative1: The Highway Authority would not normally comment upon a proposal off a Private Road however, in this case as there are a significant number of dwellings using this proposed access the Highway Authority would strongly recommend that the access should be provided with a vehicular visibility splay of site maximum by 2.4m by site maximum prior to the occupation of any dwelling. Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 – Essex Highways Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.

Principle Tree and Landscape Officer

4.3 The two Horse Chestnuts on the application site, close to the boundary with Amida, Betts Green Road, are afforded formal legal protection by Tree Preservation Order 88/12. Prior to the determination of the application the application should provide a detailed tree survey and report that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. This will identify the extent of the constraint that the trees are on the development potential of the land and help to inform the measures that will need to be put in place to protect the roots of the retained trees for the duration of the construction phase of any consent that may be granted. The front boundary of the application site is marked by a well-established hedgerow that forms an attractive boundary feature – the utilisation of the existing access means that the development proposal does not threaten the removal of the hedgerow. The northernmost part of the north eastern boundary is also marked by an established hedgerow and although a close inspection was not made it would be desirable for it to be retained for its screening and intrinsic value as part of the countryside. Should consent be likely to be granted then it would be desirable to secure additional soft landscaping in the grassed area between the hedgerow and the proposed access road serving the new dwellings as it would help to screen the development from view from Betts Green Road and help to retain the rural character of the area.

5. Representations

5.1 Eight letters of objection were received two of which were from the same residential address. The matters raised in the letters can be summarised as follows:

- Private access road not suitable for additional traffic
- Proposed dwellings would be out of character with the immediate area (*The application is in outline form with all matters reserved. The drawing submitted are for indicative purposes only and with final design scale and bulk reserved for later consideration at reserved matters stage.*)
- Applicant has right of way over the road but ownership is unknown (*No works are proposed to Betts Green Road so only a right of way needs to be provided.*)
- Will exacerbate poor surfacing of private road and should be improved with resurfacing, turning space, drainage, footpath, street lighting, passing place, and legal framework to ensure maintenance costs are shared (*These works could not be considered reasonable in relation to the scale of the development proposed or considered necessary to make the development acceptable in planning terms. Highway safety matters are addressed in the report below.*)
- Overdevelopment (*The application is in outline form with all matters reserved. Officers consider that the indicative layout submitted would represent a development that reflects the density of surrounding development and would provide adequate private amenity space and off street parking.*)
- Dwelling proposed would overlook us (*The plans shown are indicative so any overlooking concerns would be addressed at reserved matters stage. It would clearly be possible to design dwellings with no overlooking to existing residents so an objection cannot be sustained on this ground.*)
- Similar applications in the area have been refused (*This matter has been discussed within the officer's report.*)
- Backland development (*The site will gain access from Betts Green Road and does not represent backland development as discussed in the officer's report.*)
- Neighbour notification insufficient (*The application was advertised in accordance with the Council's legal obligations and adopted standards. A site notice was posted whilst letters were sent to those properties immediately adjoining the application site.*)
- Increased vehicular movement would result in the junction at Betts Green Road and Harwich Road becoming unsafe (*The Highways Authority raised no objection to the proposed development.*)
- Flooding would increase as a result of the proposed scheme (*The site is not in a flood zone and the applicants have indicated that surface water would be managed through soakaways.*)
- No main sewage within Betts Green Road (*A planning condition will be attached requiring the submission of details relating to sewage management to be submitted with any detailed application.*)
- Applicant should apply for change of use to allow agricultural land to be utilised for residential development as the site is outside the development boundary (*The site is located outside of the Settlement Development Boundary (SDB) for Little Clacton in the saved local plan but inside the SDB in the draft local plan.*)
- *ECC Highways nor the Principle Tree and Landscape officer have been consulted (The records show that both these parties were consulted and their formal consultation responses are included in this report).*
- Impact on wildlife (*Given the existing and historic use of the land it is unlikely that any protected species would be present on the site. Through the landscaping scheme the existing hedges would be retained as far as practicable whilst additional planting will also be required. This would provide sufficient habitat for those bird and mammal species currently visiting the area.*)

- Incorrectly stated that there would be no loss of non-residential floor space as a barn and green houses would be demolished (*The demolition of these buildings would not normally require planning permission*).
- Proposed dwellings would result in a loss of outlook, daylight and privacy (*The plans shown are indicative so any overlooking concerns would be addressed at reserved matters stage. It would clearly be possible to design dwellings with no overlooking to existing residents so an objection cannot be sustained on this ground*).
- Proposal would set a precedent for similar future development (*Each application is considered on its own merits*).
- The application site serves as an amenity area where local residents bring their children to view the grazing farm animals (*The site has not been allocated as a public open space within the Local Plan, but has been included within the draft settlement boundary which establishes a principle in favour of sustainable development subject to compliance with other policies in the Local Plan*).

6. **Assessment**

6.1 The main planning considerations are:

- Planning Policy
- Highway safety
- Trees
- Residential amenity
- Public open space contribution
- Natural Environment

Site location

6.2 The site covers an area of approximately 0.69ha and fronts onto Betts Green Road. The site has a frontage onto Betts Green Road of roughly 90m. Betts Green Road is in the main characterised by detached residential properties of varying design and appearance.

6.3 The application site is located to the north east of Betts Green Road the residential properties of Amida to the south and Greenfinches to the north. To the south of the site lies Harwich road which is characterised by a number of residential properties of varying design and appearance.

6.4 To the north the application site bounds onto open agricultural fields while the north eastern part is currently occupied by a number of horticultural nursery buildings.

Proposal

6.5 The current application seeks outline consent with all matters reserved for the construction of a possible 7 dwellings with garages and associated infrastructure on the application site as defined within this application. Access to the site would be through a single access and egress point onto Betts Green Road.

6.6 Officers also anticipate that there would be sufficient land available to allow for substantial landscaping of the site most notably to the north eastern, south eastern, north western and south western boundaries of the site.

6.7 The main issues for consideration are:

- whether the site would be suitable for housing having regard to the principles of sustainable development
- the effect of the proposed development on the character and appearance of the surrounding area

Suitability of the site for housing

- 6.8 The application site is located to the north east of Betts Green Road outside the village development boundary as defined within the Tendring District Local Plan, 2007 which aims to restrict new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.9 Little Clacton is identified as a 'village' within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.10 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.11 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.12 This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.
- 6.13 Members should note that whilst the Council has published the Tendring District Local Plan Proposed Submission Draft (2012), the document is yet to be submitted to the Secretary of State and formal adoption cannot take place before it has been examined, consulted on and found to be sound and until that time the relevant emerging policies may possibly be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.
- 6.14 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.15 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- economic,
 - social and
 - environmental roles.
- 6.16 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.
- 6.17 The site is located outside of the Settlement Development Boundary (SDB) for Little Clacton in the saved local plan but inside the SDB in the draft local plan. As the local plan has not been adopted by the Council yet, but would remain a material planning

consideration, it is necessary to consider the proposal in terms of the saved local plan. Normally such a proposal would not be allowed in principle because of its location outside of the Little Clacton SDB. However, as the Council is unable to provide evidence of a 5-year supply of housing, it is necessary to consider whether proposals outside of settlement boundaries would represent sustainable development.

- 6.18 Sustainable development is comprised of three elements; economic, environmental and social. In this instance the construction of nine new dwellings would be of economic benefit, both through the business generated through the construction phase of development and the local economic benefit that population growth will bring to Little Clacton.
- 6.19 Environmentally it is necessary to consider the impact on the character and appearance of the countryside as well as ecological issues. The site is enclosed on three sides by existing dwellings, gardens and agricultural buildings but shares a boundary with an agricultural field. There is also a Tree Preservation Order (ref: 88/12) on two trees to the south eastern section of the site. The applicants have indicated that the area containing these trees would not form part of the application area and as a result would offer protection and ensure that they are retained. In addition the utilisation of the existing access means that the development proposal does not threaten the removal of the hedgerow to the front of the site. It is further noted that the northernmost part of the north eastern boundary is marked by an established hedgerow. It would be desirable for it to be retained for its screening and intrinsic value as part of the countryside location of the site.
- 6.20 Within this context an acceptable landscaping scheme could be produced to ensure that the character and appearance of the wider countryside was protected whilst also securing additional soft landscaping in the grassed area between the hedgerow and the proposed access road serving the new dwellings as it would help to screen the development from view from Betts Green Road and help to retain the rural character of the area.
- 6.21 Given that the majority of the site is laid to grass, it is unlikely that there would be any significant ecology issues to consider.
- 6.22 Socially, it is necessary to consider the distance to such destinations as schools, healthcare, jobs, convenience shopping and community centres and how they could be accessed by sustainable means of transport. Little Clacton has such destinations and whilst they are not immediately close by to the site, they are walkable. This is assisted by nearby bus stops along Harwich Road.
- 6.23 In consideration of these three elements officers consider that the application site performs reasonably in terms of the three roles within the definition of sustainability.
- 6.24 Further it is noted that the site is located outside the development boundary for Little Clacton whilst it has been included within the development boundaries as identified within the Emerging Local Plan (2012) Focussed Changes. On this basis officers are of the view that if this site was inside the development boundary it would, subject to the location of the proposed properties to reflect the development pattern in the area have resulted in the outline application being approved.
- 6.25 As a result development at the scale proposed would be in keeping with existing development to the north west and south east along Betts Green Road and fill in the gap in the existing pattern of development while also utilising an area of land currently occupied by greenhouses and other agricultural buildings.
- 6.26 Based on the above officers consider that a more pragmatic approach is justified in this instance.

Character and appearance

- 6.27 The application is in outline with all matters reserved. However, the Design and Access Statement submitted with the application suggests that the development would comprise 7 No. residential dwellings. It is considered that given the size of the site sufficient space would be available to accommodate dwellings that would comply with the Councils requirements with regard to internal floor space, parking provision and amenity space.
- 6.28 The main character of this part of Little Clacton is frontage linear residential development. Along Harwich Road there are a mixture of detached bungalows and chalet bungalows and semi-detached houses. These properties have generous front gardens and the northern side of Harwich Road benefits from a stretch of greensward, which further gives an open character with relatively low density. Betts Green Road is unmade and private and is slightly different in character with a looser building line and semi-rural feel. This was identified by the Planning Inspectorate (ref: T/APP/P1560/A/84/11794/P7) in 1984 who stated that there "is no continuously built-up frontage on Betts Green Road" and that this road accommodates "sporadic development".
- 6.29 Within this context the proposal is for 7 No. new dwellings, of which 4 No. would face onto Betts Green Road while the remaining 3 No. would be located on a part of the site that currently contains a number of greenhouses and other built form. These would be demolished to accommodate the proposed development.
- 6.30 It is considered that the layout and concentration of the proposed dwellings would not be out of keeping with the existing pattern and spacing characteristics of development along the northern section of Betts Green Road while plots 5-7 are proposed in an area of previously developed land currently occupied by greenhouses and other agricultural buildings. These factors represent a material difference between the current scheme and the Pre-Application Advice offered under reference 14/30325/PREAPP which related to the site to the rear of Holly Lodge across from the application site and to the south of Betts Green Road which represented backland development.
- 6.31 It is therefore considered by the Local Planning Authority that the proposed development does not represent backland development and as a result would not be contrary to saved plan Policy HG13 and draft plan Policy PEO6.
- 6.32 Any detailed application should ensure that the position of dwellings should follow the prevailing linear development to the north west and south east facing Betts Green Road while the scale of properties should reflect the prevailing character in the immediate vicinity (Betts Green Road). Failing to have regard to the established pattern of development would result in a development that would be harmful to the established character of the area contrary to relevant Local Plan Policies.
- 6.33 Although design and appearance do not form part of the consideration of this outline application, it is considered that the site is capable of accommodating 7 dwellings in a way that would not result in any adverse impact on the character and appearance of the surroundings and therefore, the proposed development would comply with the third environmental arm and the overarching aims of the NPPF in respect of its definition of sustainable development.

Neighbouring Amenity

- 6.34 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging

impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

- 6.35 The application is in outline form and officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of the neighbouring properties immediately adjoining the site or those directly opposite the access from Betts Green Road.

Highway Considerations

- 6.36 Policy QL10 of the Adopted 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. This requirement is also carried forward to Policy SD9 of the Draft Plan (2012).
- 6.37 Betts Green Road is an unmade private road and is subject to maintenance by the existing residents. It is not considered that the provision of the additional dwellings off this private track would result in any material harm to highway safety either along Betts Green Road or at its junction with Harwich Road. Although all matters are reserved there would be ample space on site for the parking and turning of vehicles serving seven dwellings.
- 6.38 To ensure that highway safety is maintained during construction a condition will be attached to any approval requiring submission of a Construction Method Statement that provides details of parking, loading, turning, wheel and under body washing, storage of plant and materials and hours of construction.
- 6.39 In addition the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms a minimum of 2 parking spaces are provided. Parking spaces should measure 5.5 metres by 2.9 metres and garage, if being relied on to provide a parking space should measure 7 metres by 3 metres. It is considered that the site is capable of accommodating this level of parking.

Open Space

- 6.40 Policy COM6 of the Adopted Tendring District Local Plan (2007) states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. This requirement is also set out in Policy PEO22 of the Draft Plan.
- 6.41 During the course of determining this planning application the Council has received legal advice relating to the requirement for a financial contribution towards the provision of new or improved public open space facilities under Saved Policy COM6 and draft Policy PEO22. In accordance with the Government response to the consultation on Planning Contributions the Council will no longer be seeking this financial contribution for sites of 10-units or less, and which have a maximum combined gross floor space of 1000 square metres. The current proposal falls below this threshold and does not therefore require a unilateral undertaking.

Natural Environment

- 6.42 In this regard the National Planning Policy Framework sets out in Chapter 11 paragraph 109 that the planning system should contribute to and enhance the natural and local

environment. In paragraph 118 bullet point 3 specifically sets out that, opportunities to incorporate biodiversity in and around developments should be encouraged.

- 6.43 On this basis it is concluded that to further incorporate biodiversity and to mitigate against any natural habitat impacts a condition will be imposed requiring the submission of details for an ecological management scheme which would need to include measures to promote biodiversity on the site.

Background Papers

None