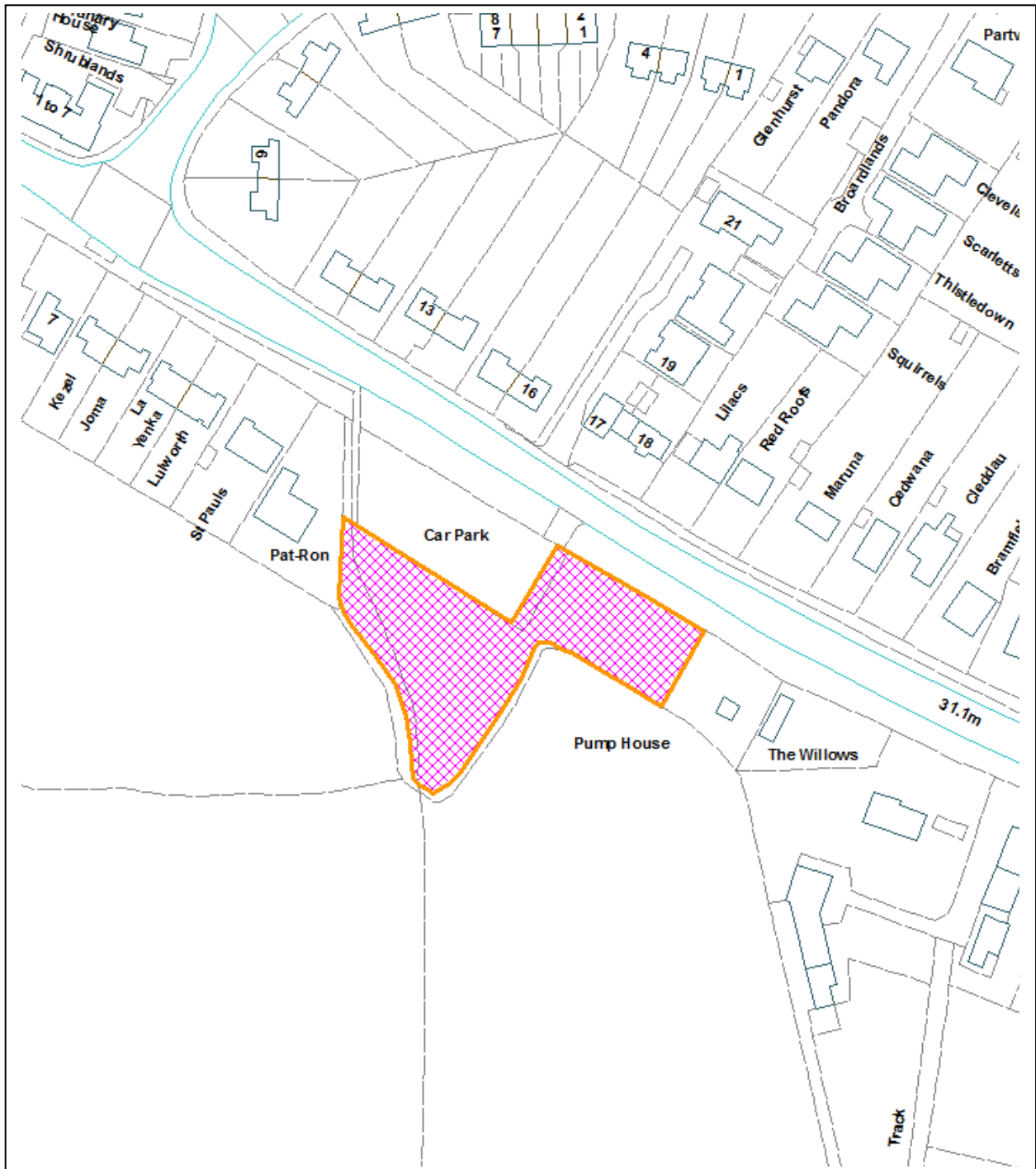


PLANNING COMMITTEE

28 JULY 2015

REPORT OF THE HEAD OF PLANNING

**A.2 PLANNING APPLICATION - 15/00679/FUL - LAND ADJACENT TO PUBLIC CAR PARK CLACTON ROAD, ELMSTEAD, CO7 7DA**



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<b>Application:</b>	15/00679/FUL	<b>Town / Parish:</b> Elmstead Market Parish Council
<b>Applicant:</b>	Square Sail	
<b>Address:</b>	Land adjacent to Public Car Park Clacton Road Elmstead CO7 7DA	
<b>Development:</b>	Development of 6.no dwellings and construction of two vehicular accesses.	

## 1. Executive Summary

- 1.1 The application has been referred to Planning Committee by Councillor R. Heaney.
- 1.2 The application proposes the erection of six two storey dwellings and has been subject to significant amendments to the detailed design and siting of all six plots to address concerns raised by the Case Officer. These amendments have been subject to reconsultation which expires the day before the Planning Committee meeting.
- 1.3 The site lies outside but abutting the settlement development boundary of the Saved and Draft Local Plans. A Public Right of Way runs along the western site boundary between the application site and the neighbouring bungalow. Plots 1 and 2 front Clacton Road between a Pump Station and the public car park with plots 3 to 6 set behind the public car park in a courtyard arrangement.
- 1.4 In the absence of a five year housing land supply the site is considered to comply with all three strands of sustainable development (economic, social and environmental) and the principle of residential development is therefore accepted. The proposed dwellings are considered to result in no material harm to the character of the surrounding area, will preserve the amenities of neighbouring residents and will retain the existing trees and hedgerows of ecological and visual importance. Comments are awaited from the Highway Authority.

### **Recommendation: Approve**

#### **Conditions:**

1. Standard 3 year time limit
2. Materials details
3. Landscaping retention of existing as shown and details of proposed
4. Implementation of landscaping
5. Boundary treatments
6. Habitat survey recommendations
7. Tree survey protection recommendations
8. Remove permitted development rights for fencing along PROW
9. Permeable paving
10. Surface Water Strategy
11. As required by Highway Authority

## 2. Planning Policy

### National Policy:

*National Planning Policy Framework (2012)*

The National Planning Policy Framework (NPPF) 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.

The NPPF attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

HG13 Backland Residential Development

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

TR1a Development Affecting Highways

TR4 Safeguarding and Improving Public Rights of Way

TR7 Vehicle Parking at New Development

*Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)*

SD1 Presumption in Favour of Sustainable Development

SD3 Key Rural Service Centres

SD5 Managing Growth

SD8 Transport and Accessibility

SD9 Design of New Development

PEO4 Standards for New Housing

PEO6 Backland Residential Development

PLA4 Nature Conservation and Geo-Diversity

PLA5 The Countryside Landscape

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

**3. Relevant Planning History**

05/01508/FUL	Proposed dental surgery, laboratory and caretakers flat.	Withdrawn	15.11.2005
14/01438/OUT	Development of 7 no. 3 bed family homes with ancillary parking and amenity space.	Withdrawn (overdevelopment and habitat survey required)	11.11.2014

**4. Consultations**

4.1 Elmstead Parish Council: Object on following grounds (original proposal)

- 1) The site is outside the planning envelope for Elmstead. If approved this would set an undesirable precedent for additional residential development outside the settlement limits.
- 2) The site development looks cramped, particularly at the back of the site.
- 3) The entrance is too narrow to allow passing cars. This would be a safety concern if vehicles were trying to exit and enter off the main road at the same time. Also, the traffic speed on the A133 is often over the 30mph restriction. We have a speedwatch team in the village who have evidence that the vehicle speeds are higher.
- 4) The school in Elmstead is fully subscribed and the doctor's surgery is oversubscribed with it already being very difficult for the residents of Elmstead to get an appointment. Also, our pumping station does not cope with the current demands on it, we understand that it broke down several times over January and February and have been informed that it has flooded in the last year with sewage flowing in the ditch to the Beth Chatto Gardens.
- 5) We already have planning permission for 40 houses with a further 50 in the pipeline, the residents are very concerned that our infrastructure does not meet the needs of further additional residents and will impact on the current residents in a negative manner. We do not consider that additional developments are sustainable.
- 6) This site is very close to the Pump Station which has suffered with flooding problems (see above).
- 7) We are concerned about drainage due to the closeness of the ditch at the back of the site, which is a rise position and flows towards the Beth Chatto Gardens before joining other feeders going on to Salary Brook.
- 8) TDC have recently approved outline plans for 2 x 20 houses which were included in the local plan. There is an additional plan for 50 houses going through the application process so we have met and may well be providing well above our original allocation in the local plan. As such this plan is not required.

4.2 In response to the Parish Council's concerns where not addressed in the report below: The amendments have significantly improved the layout and brought the dwellings in off the boundaries to prevent the originally cramped appearance. This development of six

dwellings is below the threshold for an education or health service contribution. It is also below the threshold for consultation with sewage authorities, however Building Regulations will control an adequate means of foul drainage. Part of the proposed access drive and Plots 5 and 6 lie within an identified area of surface water flood risk, the risk is classed as 'Less' i.e. the lowest of the three categories and conditions are recommended to secure permeable paving and details of surface water drainage from the dwellings to ensure that run-off water is limited to minimise the risk of surface water flooding. The approval of other dwellings in the village cannot be taken into account as the Council can only demonstrate a 2.9 year supply (April 2015) of housing and the six dwellings proposed would make a modest contribution to the District's housing need.

ECC Highway Authority	To be updated at the meeting/update sheet
Natural England	No comments
The Ramblers Association	Object if the existing Public Right Of Way is not at least 3 metres wide on completion, to allow for side growth.

## 5. **Representations**

- 5.1 The application has been referred to Planning Committee by Councillor R. Heaney, solely on the objections raised by the Parish Council.
- 5.2 No letters have been received.

## 6. **Assessment**

- 6.1 The main planning considerations are:

- Principle of development;
- Visual Impact;
- Highway safety;
- Residential amenity; and,
- Ecological impact.

### **Proposal**

- 6.2 The application proposes six detached three-bedroom dwellings and two vehicular accesses onto Clacton Road.
- 6.3 The application has been subject to significant amendments to the detailed design and siting of all six plots to address concerns raised by the Case Officer. These amendments have been subject to reconsultation which expires the day before the Planning Committee meeting. The principal changes were to correctly show the location of the highway verge resulting in Plots 1 and 2 being pushed back from Clacton Road; bring the proposed dwellings in from the side and rear boundaries; replace the very steep and shallow roof pitches with more traditional 45-50 degree roof pitches, also removing dormer windows which cut the eaves line; and to alter the footprints of the proposed dwellings to reduce their bulk at first floor level and to reduce the size and dominance of the parking and turning area. This has resulted in a modest height increase of 0.3 metres to Plots 3-6 at the rear and 1.2 metres to Plots 1 and 2 fronting Clacton Road. The fencing to the Public Right of Way has also been reduced to 1.2 metre high post and rail fencing to preserve users experience of the footpath.
- 6.4 Plots 1 and 2 front Clacton Road and comprise two storey dwellings of identical, handed design. They measure 8.3 metres high, 10.7 metres wide, and maximum 8.8 metres deep.

They have open front porches and a shared double carport (enclosed to front and rear) with a pitched roof at 4.5 metres high set back within the rear gardens.

- 6.5 Plots 3 to 6 have a shared access drive and are set a minimum 27.5 metres back from Clacton Road behind the public carpark. They are arranged around a shared parking and turning area with soft landscaping areas. Plots 3 and 4 are two storey dwellings of identical design (excluding one ground floor window) and measure 7.5 metres high, 11 metres wide, and maximum 7.6 metres deep.
- 6.6 Plot 5 is a two storey dwelling which measures 7.5 metres high, 8.6 metres wide, and maximum 10.6 metres deep. Plot 6 is a two storey dwelling which measures 7.5 metres high, 8.7 metres wide, and maximum 10.1 metres deep.
- 6.7 The dwellings and carport are constructed in a mixture of red brickwork, cream render, cream eternit weatherboarding and clay pantiles.

### **Site location**

- 6.8 The site lies outside but abutting the settlement development boundary of the Saved and Draft Local Plans which includes the linear residential development to the immediate west of the site and on the opposite side of Clacton Road. A Public Right of Way (PROW) runs along the western site boundary between the application site and the neighbouring bungalow at Pat-Ron. Plots 1 and 2 front Clacton Road between a Pump Station and the public car park. Plots 3 to 6 are set behind the public car park with agricultural land to the south and east and rear of Plots 1 and 2, and playing fields to the west.
- 6.9 The surrounding area is characterised by linear residential development fronting Clacton Road of varying heights and construction materials. Opposite Plots 1 and 2 and the driveway to Plots 3 to 6 are four dwellings which comprise a bungalow, chalet bungalow, two storey house and a three storey house. Two bungalows lie to the western boundary with two storey dwellings beyond. The character of the area is therefore very mixed and the height, bulk, detailed design and construction materials of the proposed dwellings are considered to be in keeping with the general character of the area.

### **Principle of development**

- 6.10 The site is located outside but abutting the defined settlement boundary within the 2007 Saved Local Plan which aims to direct 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. Elmstead Market is identified as a village within Saved Policy QL1 and as a Key Rural Service Centre within Draft Policy SD3. Such settlements will accommodate a sustainable, fair and proportionate increase in housing stock that will support the overall housing growth proposed for the District. Given the limited weight that can be applied to the draft Local Plan, and the status of Saved Policy QL1 in the absence of a five year housing land supply, assessment of the principle of development falls to be considered under the National Planning Policy Framework (NPPF).
- 6.11 Paragraph 49 of the NPPF states 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. It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply. 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.

- 6.12 As a result the proposal falls to be considered against the three dimensions of 'sustainable development'. The proposal would contribute economically to the area, by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development. In terms of the social role, the site is within close proximity of the good range of local amenities within Elmstead Market including shops, primary schools, restaurants and also benefits from a good bus service. The location is therefore considered to be socially sustainable. As detailed under Visual Impact below it is not considered that the proposed development would result in overriding harm to the character of the surrounding countryside and, subject to the recommended landscaping and boundary treatment conditions, would meet the environmental arm of sustainable development.
- 6.13 On this basis it is considered that a more pragmatic approach is justified in this instance as residential development of the site can be achieved in keeping with the aims and objectives of the National Planning Policy Framework, subject to the detailed considerations below.

### **Visual Impact**

- 6.14 The surrounding area is characterised by linear residential development fronting Clacton Road of varying heights and construction materials. The character of the area is therefore very mixed and the height, bulk, detailed design and construction materials of the proposed dwellings are considered to be in keeping with the general character of the area.
- 6.15 Plots 1 and 2 complement the general character and form of dwellings fronting Clacton Road. Although surrounding development is predominantly linear, there is a backland development of three dwellings opposite the site. The location of Plots 3 to 6, set a minimum 27.5 metres back from Clacton Road behind the public carpark is out of keeping with the prevailing pattern of development. However, the rear of the site is level with the playing field to the western boundary which benefits from a dense hedge and tree lined boundary. To the eastern boundary is a triangle of agricultural land around 75 metres wide and beyond this lies dwellings and outbuildings to the same depth as the application site meaning that the site does not represent an unresolved incursion into the countryside. It is not therefore considered that the backland development of Plots 3 to 6 would result in material harm to the character of the surrounding area. The amended proposal also brings Plots 3 and 4 forward so they are 21 metres from the southern tip of the site to prevent these two dwellings appearing more prominent in the open landscape to the south.
- 6.16 As a backland development Plots 3 to 6 fall to be considered under Saved Policy HG13 and Draft Policy PEO6. Saved Policy HG13 states backland development proposals will be permitted where all of the following criteria are met:

(i) the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;

The site is outside but abutting the settlement development boundary but in the absence of a five year housing land supply the site is considered to be sustainable. It does not comprise land allocated for other purposes.

(ii) where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;

Not applicable.

(iii) a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;

The comments of the Highway Authority are awaited but it is understood they will confirm no objection to the development subject to conditions. There are no existing neighbours in close proximity to the access drive and the impact upon proposed Plot 2 would not be significant as the driveway serves only four dwellings and Clacton Road is a busy road resulting in a relatively high level of background noise and disturbance. The driveway is approximately 35 metres long but is located adjacent to the public car park and proposed Plot 2 and would not result in material harm to visual or residential amenity due to soft landscaping as shown.

(iv) the proposal does not involve 'tandem' development using a shared access;

The proposed development is not tandem in nature. Tandem development consists of rows of dwellings immediately behind an existing residential frontage served by shared access ways. This proposal is backland development as it lies behind the line of existing frontage development, has no frontage to a public highway and does not form part of a large area allocated for development.

(v) the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;

The site of Plots 3 to 6 is irregular in shape but the amended layout is satisfactory. The area of agricultural land to the east could comprise a larger development site but is outside the applicant's ownership and does not benefit from the boundary vegetation of the application site to soften the impact of the development.

(vi) the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting.

As detailed at paragraph 6.14, the existing vegetation and depth of neighbouring development would prevent the development appearing as an unresolved incursion into the countryside. The site is also surrounded by residential development to the front and side boundaries and does not sit at the edge of the village.

(vii) the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

Although surrounding development is predominantly linear, there is a backland development of three dwellings opposite the site. The deep siting of Plots 3 to 6 a minimum 27.5 metres back from Clacton Road would be out of keeping with the prevailing pattern of development but as discussed above this would not amount to material harm and is considered to be a unique site unlikely to set a precedent for other similar forms of development.

Draft Policy PEO6 contains highly comparable criteria with the exception of criterion a) which is linked to draft Policy PEO4 and objections state that policy is too rigid. The remainder of the policy is sound and it is therefore afforded significant weight.



- 6.17 The proposed development is therefore considered acceptable in terms of its detailed design and visual impact on the surrounding area.

### **Highway Safety**

- 6.18 Each dwelling is provided with two off street car parking spaces in accordance with the adopted parking standards.
- 6.19 Highway Authority comments are still pending and will be detailed on the Update Sheet.
- 6.20 Saved Policy TR4 states that development affecting a PROW must accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate. The proposal shows re-direction of the PROW approximately 4 metres to the west closer to the boundary hedge line. This is a small diversion which would not significantly affect users of the footpath which is currently a mown track in this area and reflects the previous position as shown in 1981. Around 65 metres of the path will be affected with the rear gardens of Plots 3 to 6 abutting the footpath. To the rear of Plots 5 and 6 the PROW is around 5 metres wide. Beyond this point it narrows to around 1.6 metres wide and in this approximately 45 metre long section the boundary treatment reduces to 1.2 metre high post and rail fencing to prevent urbanisation of this section of countryside PROW. Permitted development rights for fencing are recommended for removal to prevent high level boundary treatments adjacent to the PROW. 1.5 metres wide is the standard width for a PROW, but can be acceptable at 1 metre wide, as confirmed by the PROW Officer.

### **Residential amenity**

- 6.21 Plots 1 and 2 are around 6.5 metres back from Clacton Road with a pumping station to the east, public car park to the west, and farmland to the rear so would result in no harm to neighbouring amenity.
- 6.22 The rear elevation of Plots 5 and 6 faces the side elevation of the neighbouring bungalow Pat-Ron which has only an obscure glazed side door on the facing elevation and a group of outbuildings in its side garden. There is 13-21 metre separation to the shared boundary and minimum 26.5 metre separation between the bungalow and the dwellings on Plots 5 and 6. Therefore preventing any material loss of light, privacy or outlook.
- 6.23 Each dwelling is provided with the minimum 100 square metres private amenity space required by Saved Policy HG9.

### **Ecological impact**

- 6.24 The applicant has submitted a tree report and survey that has been carried out in accordance with the British Standard. The site mainly comprises rough grassland with rank and ruderal vegetation with trees situated on the external boundaries. The trees with the greatest visual amenity value are the group of mature Oaks situated in the south eastern corner of Plot 3 with the large single Oak at the tip of Plot 3 being the most important tree in terms of the contribution it makes to the character of the area. A single Oak is proposed for removal next to the building on Plot 3, whilst it would be desirable to retain this tree its amenity value is not so great that it merits protection by means of a Tree Preservation Order. The recommendations of the tree survey (protection) are secured by condition.
- 6.25 Landscaping is shown on the submitted plans with planting areas breaking up the shared block paved parking and turning area, and retention of the majority of existing trees and hedging already on site. Conditions are recommended to secure the existing landscaping

as shown and details and implementation of the proposed landscaping to soften the impact of the development at the edge of the defined settlement boundary.

- 6.26 The previous application was withdrawn to enable a Phase 1 habitat survey to be undertaken. The habitat survey confirms that the retention of the majority of the existing trees and hedgerows on site will maintain the primary features of ecological interest. The main body of the site is of low ecological value and no evidence of protected species were found. The recommendations of the habitat survey (timing of site clearance, and construction and lighting controls) are secured by condition. The proposal would therefore be acceptable in terms of ecological impact.

#### Background Papers

None.