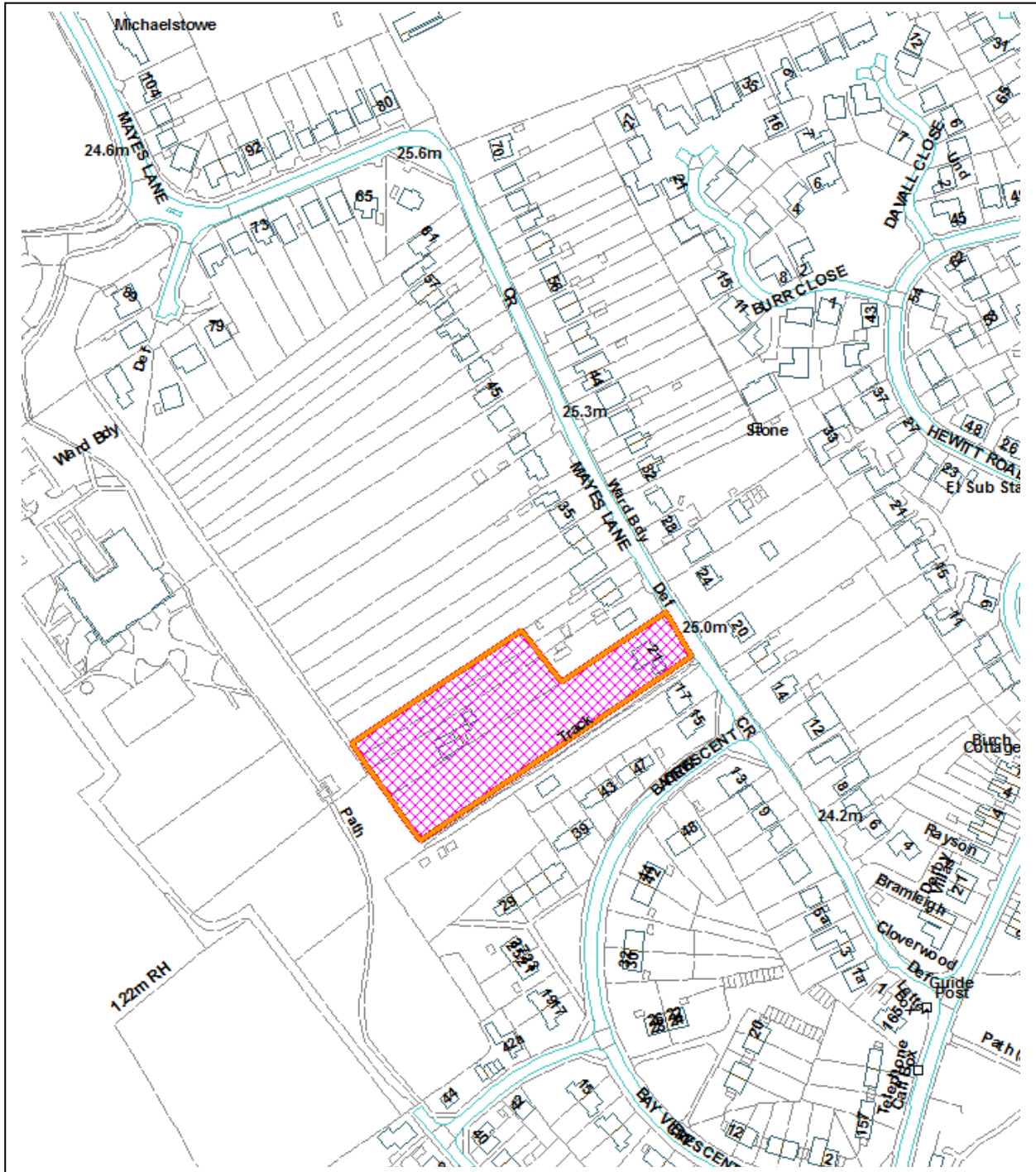


PLANNING COMMITTEE

14<sup>TH</sup> JUNE 2016

REPORT OF THE HEAD OF PLANNING

**A.6 PLANNING APPLICATIONS - 16/00223/OUT - LAND REAR OF 21 - 27 MAYES LANE, RAMSEY, HARWICH, CO12 5EJ**



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<b>Application:</b>	16/00223/OUT	<b>Town / Parish:</b> Little Oakley Parish Council
<b>Applicant:</b>	Mr T Palmby - Tocia Properties	
<b>Address:</b>	Land rear of 21 - 27 Mayes Lane, Ramsey, Harwich CO12 5EJ	
<b>Development:</b>	Demolition of one dwelling and erection of residential development of up to 13 houses and bungalows.	

## 1. **Executive Summary**

- 1.1 This application is referred to Planning Committee at the request of Cllr. Howard and as it represents a departure from the Development Plan being located outside the Settlement Development Boundary in the adopted Tendring District Local Plan 2007.
- 1.2 This application seeks outline planning permission with all matters reserved for the construction of up to 13 dwellings.
- 1.3 The application site is situated outside of, but adjacent to, the defined settlement development boundary as set out in the Tendring District Local Plan (2007); but wholly within the boundary in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012).
- 1.4 The National Planning Policy Framework however sets out that 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.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.6 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.7 The site is considered to be located in a socially sustainable location and would meet the economic strand of sustainability. In respect of the environmental impact, subject to the detailed design being acceptable, it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations.
- 1.8 The development attracts a financial contribution in respect of public open space improvements in the locality. A unilateral undertaking is being drafted to secure this contribution.

### **Recommendation: Approve**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement/unilateral undertaking under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Financial contribution toward play provision

b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate).

**Conditions:**

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary treatments
- 6) Submission of hard/soft landscaping scheme
- 7) Implementation of landscaping scheme
- 8) Estate road to be provided with 10 metre radius kerbs, a carriageway with a width of 5.5 metres and flanking footways 2 metres in width.
- 9) Visibility splays of 43 metres by 2.4 metres by 43 metres on junction with Mayes Lane
- 10) Visibility splays of 25 metres by 2.4 metres by 25 metres on internal estate road junctions
- 11) Vehicle turning facilities for service and delivery vehicles
- 12) 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
- 13) No unbound materials in first 6m of accesses
- 14) Individual accesses being 3.7m in width and double accesses being 5.5m in width
- 15) Carriageway widths of 5.5m between kerbs or 6m where access without kerbs
- 16) Footways being minimum of 2m in width
- 17) Details of communal refuse store provided
- 18) Timing of vegetation clearance as set out in Phase 1 Habitat Survey
- 19) Lighting details
- 20) Surface water drainage scheme as part of reserved matters application

c) That the Head of Planning be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through planning obligation, contrary to saved policy COM6 of the Tendring District Local Plan (2007) and draft policy PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

## **2. Planning Policy**

### National Policy

NPPF National Planning Policy Framework  
National Planning Practice Guidance

### Local Plan Policy

#### **Tendring District Local Plan 2007**

- QL1 Spatial Strategy
- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG4 Affordable Housing in New Developments

HG7 Residential Densities  
 HG9 Private Amenity Space  
 HG13 Backland Residential Development  
 COM6 Provision of Recreational Open Space for New Residential Development  
 EN1 Landscape Character  
 EN6 Biodiversity  
 EN13 Sustainable Drainage Systems  
 TR1A Development Affecting Highways  
 TR4 Safeguarding and Improving Public Rights of Way  
 TR5 Provision for Cycling  
 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  
 SD4 Smaller Rural Settlements  
 SD5 Managing Growth  
 SD8 Transport and Accessibility  
 SD9 Design of New Development  
 PEO1 Housing Supply  
 PEO2 Housing Trajectory  
 PEO3 Housing Density  
 PEO4 Standards for New Housing  
 PEO5 Housing Layout in Tendring  
 PEO6 Backland Residential Development  
 PEO7 Housing Choice  
 PEO22 Green Infrastructure in New Residential Development  
 PLA1 Development and Flood Risk  
 PLA4 Nature Conservation and Geo-Diversity  
 PLA5 The Countryside Landscape

**3. Relevant Planning History**

00/01177/FUL	Proposed single storey rear extension and alterations	Approved	14.08.2000
03/00637/FUL	Convert existing garage to residential and retention of rear conservatory and detached double garage.	Approved	27.05.2003
16/00223/OUT	Demolition of one dwelling and erection of residential development of up to 13 houses and bungalows.	Current	

**4. Consultations**

- 4.1 **Anglian Water Services** - advise that records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for the flows via a gravity regime connection.
- 4.2 **Building Control and Access Officer** – raise no adverse comments at this time.
- 4.3 **Essex County Council Highways** – advise that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions and informatives:

## Conditions

- Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Mayes Lane shall be provided with 10m radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
- Prior to the proposed access to Mayes Lane being brought into use, minimum vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.
- Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction clear to ground.
- Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
- Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.
- No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or proposed highway.
- Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.
- All footways should be provided at no less than 2.0m in width.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
- Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.
- Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
- 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.

## Informatives

- There should be no vehicular access over any radius kerbs.
- The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.
- Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.
- The applicant should be requested to consider the provision and location of street lighting columns, particularly at road junctions, these should be within the adoptable areas
- Refuse freighters are unlikely to manoeuvre over Private Drives.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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](mailto:development.management@essexhighways.org) or by post to: SMO1 ' Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- Should this proposal come forward as a FULL application the Highway Authority is likely to request the following infrastructure improvements to the east bound and west bound bus stops on Mayes Lane in the vicinity of the site:
  - East bound stop; the provision of level entry raised kerbing, new post and flag, timetables and pedestrian connectivity to the bus stops new kerbing.
  - West bound stop; the provision of level entry raised kerbing, new post and flag, timetables and pedestrian connectivity to the bus stops new kerbing together with any accommodation works including adjustments in levels to the carriageway channel and additional or improved drainage, to the specifications of the Highway Authority.

4.4 **Principal Tree & Landscape Officer** – advises that because of the low visual amenity value of the trees on the land it is not considered necessary for the applicant to provide a complete Tree Report and survey. However if consent were likely to be granted for the development of the land then any retained trees should be protected in accordance with the guidelines contained in BS5837: 2012 Trees in relation to design, demolition and construction. Should consent for the development of the land be likely to be granted then a condition should be attached to secure new tree planting and soft landscaping to enhance the appearance of the development.

4.5 **Essex Wildlife Trust** - no comments received

4.6 **Natural England** – advises that if undertaken in strict accordance with the details submitted, the proposal is not likely to have a significant effect on the interest feature for which the Hamford Water Ramsar and SPA and Stour and Orwell Estuaries Ramsar and SPA has been classified. Therefore it is not required to undertake an Appropriate Assessment to assess the implications of the proposal on the sites conservation objectives.

In addition Natural England are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hamford Water SSSI and Stour Estuary SSSI have been notified.

4.7 **Essex County Council Schools Service** - no comments received.

4.8 **Essex County Council Flood & Water Management** – in the absence of a surface water drainage strategy, object to the application and recommend refusal of planning permission until a satisfactory strategy has been submitted.

4.9 **Open Space** – due to the lack of facilities in Little Oakley a financial contribution towards additional play provision at Little Oakley Play Area.

4.10 **Housing** – considers that there are not a sufficient number of properties to warrant the Council being gifted any affordable housing units and therefore a financial contribution would be preferred.

## 5. **Representations**

5.1 Cllr Howard has requested that the application be determined by Planning Committee for the following reasons:

- The application is contentious and the public should have the chance to speak for or against this application at a Planning Committee.
- Considers this application to have a reasonable probability of being considered as backland development.
- Mayes Lane was described as 'a lane' at a planning committee and this played a significant part in the decision that the houses proposed at the end of Mayes Lane and top of Church Hill, Ramsey were refused by the planning committee despite appearing in the emerging Local Plan as a development site (application 15/00964/OUT). As the road is even less accessible at the site of this application then the same logic should apply.

5.2 Ramsey and Parkeston Parish Council, as the neighbouring Parish object to the application as it is backland development and raises concerns of the impact and safety of road users on Mayes Lane with additional vehicles and the safety of pedestrians, especially school children attending the Two Village Primary School. If the development is approved it will set a precedent for similar developments in the area.

5.3 Little Oakley Parish Council object to this application for the following reasons:

- The proposal is backland development and does not meet all the criteria set out in Policy HG13; due to access, the fact it involves tandem development using a shared access, comprises of an awkwardly shaped or fragmented parcel of land, is out of character with the surrounding area and would set a precedent for other similar forms of development.
- There was an application in the TDC Plan 2011/2012 as site 206 for possible housing.
- The approximately 4 metre wide access road is not suitable for 12 dwellings, and having extra traffic joining or leaving Mayes Lane so close to Bayview Crescent is not acceptable.
- Site access during construction will cause severe traffic problems in Mayes Lane, it is a very busy access point to Little Oakley and Ramsey Village, used by residents, buses and parents taking children to and from school. There is only a footpath on the proposed development side of Mayes Lane, children walking to the school have to walk on this footpath as it is unsafe to walk on the other side.
- Access road to the 9 bungalows are only approx. 3 metres wide, making emergency vehicle access poor and making it impossible for cars to pass each other.
- The access is unacceptably close to the existing junction of Bayview Crescent and there would be an existing bus stop between them. This can therefore reasonably be considered to be a highways safety risk to both junctions, and would additionally make the existing bus stop unsafe for motorists, pedestrians and passengers using the bus stop.
- All documents submitted with the application refer to the site being in Ramsey, this is incorrect, as it is within the Parish of Little Oakley. The boundary between Little Oakley and Ramsey runs through the centre of Mayes Lane.

- In the emerging plan Little Oakley is classed as a smaller rural settlement; the emerging policy states that 'no single housing development will exceed 10 dwellings in size unless there is local town or parish council support for a larger development to achieve certain local benefits.
- There is insufficient infrastructure to support this development:
  - The school is already full to capacity
  - Little Oakley does not have a doctors surgery and therefore residents depend on those in Great Oakley and Harwich both of which are closed to new patients. Therefore any new residents will be unable to register with a local doctor.
  - There is one bus an hour to either Harwich or Clacton and Mayes Lane is the main bus route for this bus. As Mayes Lane is not very wide this already causes problems with traffic travelling in opposite directions.
  - There have been problems with some drains in Mayes Lane in the past year and adding any more properties to the existing drainage system will place even more pressure on the already problematic drainage system throughout Little Clacton.
- The proposed development with 13 properties would occupy the same site footprint as approx. two typical average existing properties within Mayes Lane and therefore be more than six times the density of neighbouring properties. This makes the proposed development out of keeping with neighbouring properties and is a clear case of overdevelopment of this site.

5.4 The Harwich Society objects to this application for intensive backland development on the fringe of the town. The proposed density and layout is out of keeping with the locality and represents piecemeal backland development. Whilst the illustrative plan suggest the potential to develop northwards across adjacent back gardens, the road type shown at the boundary does not appear to be suitable for this purpose.

5.5 In addition to the above objections two further letters have been received which raise the following additional concerns:

- TDC existing housing plan and any internet search will reveal existing and planned housing is already available in adequate numbers.
- The proposal will ruin the semi-rural buffer between the dwellings and the village school which gives such a superb socio/educational environment in which to learn.
- The site supports and abundance of wildlife.
- Impact on neighbouring properties; loss of privacy, loss of security & general disturbance.
- Lack of parking.
- There are a number of site proposed for development which would seem more suitable.

## 6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highway Considerations;
- Biodiversity; and,
- Legal Obligations.

### **Site Context**

6.1 The application site is situated on the eastern side of Mayes Lane, within the Parish of Little Oakley. The site currently comprises of a detached bungalow (No. 21 Mayes Lane) and its garden area and part of the rear gardens of Nos. 23, 25 & 27 Mayes Lane. It contains some trees and some outbuildings.



- 6.2 To the north of the site are residential properties that front onto Mayes Lane. These are a mixture of detached and semi-detached properties with long rear gardens. On the other side of the road are dwellings of a similar character. To the south of the site is No. 17 Mayes Lane which is a detached bungalow and properties which front Bay View Crescent, which are also bungalows. To the east of the site is an area of open space at the Two Villages Primary School.

### **Proposal**

- 6.3 This application seeks outline planning permission for the demolition of one dwelling and erection of up to 13 houses and bungalows on land to the rear of 21-27 Mayes Lane, Ramsey, Harwich. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application.
- 6.4 The site plan provided is therefore indicative only; however, it shows No. 21 Mayes Lane to be demolished; the erection of a new dwelling facing and served from Mayes Lane and a new access created onto Mayes Lane to serve 12 dwellings to the rear of the proposed new dwelling. The dwellings are shown as being a mixture of 2 and 3 bedroom bungalows, with 6 being detached and 6 being semi-detached.
- 6.5 This application is accompanied by the following documents:
- Design and Access Statement
  - Extended Phase One Habitat Survey
  - Bat Survey

### **Principle of Development**

- 6.6 The site lies outside, but adjacent to the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) and within the Settlement Development Boundary of the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012).
- 6.7 Given that the Tendring District Local Plan Proposed Submission Draft 2012 is not yet fully adopted and is subject to change, in accordance with a number of appeal decisions, it can only be given limited weight. It is therefore considered that in accordance with the Saved Local Plan the site lies outside any defined Settlement Development Boundary; therefore its development is contrary to the local plan policies.
- 6.8 However, the Council accepts that both the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the objectively assessed future need for housing and cannot identify a deliverable five year supply of housing sites toward meeting that requirement. Therefore, in accordance with paragraph 49 of the NPPF, relevant development policies for the supply of housing should not be considered as up to date and the 'presumption in favour of sustainable development' as set out in the NPPF should apply to housing proposals. Based on this 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 located outside the development boundary.
- 6.9 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development; economic, social and environmental and that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

### **Economic**

- 6.10 Economically the construction and habitation of up to 13 new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents could bring to the local economy.

### **Social**

- 6.11 In terms of the social role, the site is located in the area of Harwich as set out in Policy QL1 of the Saved Plan which includes Dovercourt, Parkeston, Little Oakley and Ramsey. Within this Policy the area is identified as a town, on this basis it is considered that a significant amount of growth can be supported in this location. It is noted that within the Draft Plan, Little Oakley no longer falls within the area of Harwich as is classified within Policy SD4 as a smaller rural settlement. This policy states that 'no single housing development will exceed 10 dwellings in size unless there is local Town or Parish Council support for a larger development to achieve certain local benefits'. The proposal is contrary to this policy; however, as explained above the Draft Plan can only be given limited weight, until it is formally adopted.
- 6.12 The site is within close proximity of various community services all within walking distance of the site, in particular the Two Villages Primary School to the west of the site. The area, as a whole benefits from good transport links. The nearest bus stop is located adjacent to the site with a further stop at the south end of Mayes Lane close to the site. The location has provision to public transport that provides accessibility to Colchester. The railway station, which is approx. 3.2km away provides connections to London. Overall, this site has good access to services, facilities and public transport. It is therefore considered that the site is within a socially sustainable location with a number of local facilities within relatively close proximity to the site or accessible by public transport.

### **Environmental**

- 6.13 Environmental sustainability is about contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.14 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site is close to the Settlement Development Boundary in the 2007 Plan and is within it in the 2012 Draft Local Plan with development to the north of the site. The proposed development will make further sense in terms of settlement shape.
- 6.15 As a result, development would be comparable with existing development in the locality, as far as environmental impact is concerned. On this basis, and given the inclusion of the site within the defined settlement boundary in the draft Local Plan, Officers consider that a more positive approach is justified in this instance to development, as the development of this site can be achieved in keeping with the aims and objectives of National Planning Policy Framework.
- 6.16 In local Policy terms, different residential-based policies are considered throughout this report. However, the backland element of the proposed development is considered primarily against policy HG13. This policy states:
- 6.17 Proposals for the residential development of "backland" sites 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;
  - 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;
  - 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;
  - iv. the proposal does not involve "tandem" development using a shared access;

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

6.18 It is considered that the first criterion is addressed above. The proposal does not constitute an unusual shaped plot or development that would prejudice another area. It is considered that the proposal may well lead to other similar developments within the locality, however the potential harm any of these may cause is not known at this stage. The principle for development within any of the rear gardens at Mayes Lane will be a similar consideration as to what is stated here above. Parking, access, the tandem nature of the development and private amenity space, are covered elsewhere in this report. The impact of the proposed development on the countryside and the urban/rural divide is considered elsewhere in this report.

### **Visual Impact**

- 6.19 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, in indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design.
- 6.20 Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft 2012 (Draft Plan) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.
- 6.21 As this application is in outline form, matters such as layout, scale and appearance are not under consideration at this stage, the information provided on these matters is indicative only.
- 6.22 The development of the site to the rear of existing properties if compared solely to the properties to the north of the site in Mayes Lane would appear out of character with the existing pattern of development. However, it is considered that the proposed development is better related to the development to the south of the site in Bay View Crescent which comprises of bungalows set on smaller plots.
- 6.23 The layout is not being considered as part of this application and the plan submitted is indicative only. However it shows that the site is capable of accommodating up to 13 dwellings at a density that does not appear out of character with the nearby development at Bay View Crescent, dependent on the design, appearance and layout, which will be subject to a future application.
- 6.24 The proposal involves the demolition of No. 21 Mayes Lane, this is a detached bungalow which is not any significant historic interest nor of a high quality design. On this basis there is no objection to its demolition.

### **Neighbouring Amenity**

- 6.25 The NPPF, at 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 Saved Plan 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 Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

- 6.26 The appearance of the proposed dwellings is not included within this application, so it is not possible at this stage to fully assess the impact on neighbour's amenities. Although based on the information provided an initial assessment can be made.
- 6.27 The proposed site access is situated between two residential properties; one proposed as part of the development (replacing No. 21) and No. 17. The site access in this location has potential to result in an adverse impact on the residential amenity of these residents due to the coming and going of vehicles. There is potential for some mitigation measures to be incorporated along the boundary with No.17; any measures proposed will form part of the reserved matters application. Although, notwithstanding any mitigation measures proposed there is a distance of approx. 9 metres between the proposed site access and the existing bungalow at No. 17. It is considered that this is a sufficient distance especially as the garage is the nearest part of the dwelling and there is sufficient space for planting within the garden of No.17 if further planting is considered necessary. It should be noted that No. 17 is outline in blue on the site plan and is therefore in the ownership of the applicant. With regard to the impact on the proposed dwelling (plot 1), it is considered that the dwelling could be designed in a way that minimises any impact and therefore on balance, this relationship is considered acceptable. Furthermore, as the proposed dwelling forms part of the development, any potential occupier will be aware of the situation before purchasing the property.
- 6.28 The indicative layout plan shows the proposed bungalows approx. 35 metres from the rear boundary of properties in Bay View Crescent. The Essex Design Guide states that 'with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'. In this case the distance is above the minimum recommendation and as the proposed dwellings are indicated to be bungalows (which could be controlled as part of the reserved matters application), it is considered that the proposal would not result in any significant adverse impact on the amenities of neighbouring residents in Bay View Crescent.
- 6.29 It is also considered that there is sufficient distance from the adjoining properties in Mayes Lane not to result in any significant adverse impact on neighbour's amenities.

### **Highway Considerations**

- 6.30 Policy QL10 of the Saved Plan 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.
- 6.31 Essex County Council Highways were consulted on the application; they raise no objection in terms of highway safety subject to the conditions set out above. It is possible that all these requirements can be met. On this basis, given the lack of objection for the highway authority, officers consider that the application is acceptable in highways terms and it is not possible to substantiate a reason for refusal on these grounds.
- 6.32 Some of the conditions recommended such as off-street parking being in accordance with Parking Standards, the position of garages and details for the provision of cycle storage do not need to be imposed as they will be dealt with by any future reserved matters application.
- 6.33 Whilst the lack of parking has been raised as a concern, this will be dealt with as part of the reserved matters application. However, from the indicative layout plan it appears to be possible to provide sufficient off-street parking in accordance with the Councils Adopted Parking Standards.

### **Impact on Trees/Landscaping**

- 6.34 The front garden of 21 Mayes Lane is well populated with established conifers. They make a pleasant contribution to the appearance of the area but their amenity value is not so great that they merit protection by means of a Tree Preservation Order.

- 6.35 The rear gardens are set to grass and are populated with a reasonable range of fruit and ornamental trees as well as garden shrubs and hedging. The trees are pleasant features in their setting however only those closest to the rear of the existing dwelling can be seen from a public place and therefore the contribution that they make to the amenity of the locality is commensurately low.
- 6.36 Because of the low visual amenity value of the trees on the land it is not considered necessary for the applicant to provide a complete Tree Report and survey at application stage. However, a condition is recommended to ensure that any retained trees are protected in accordance with the guidelines contained in BS5837: 2012 Trees in relation to design, demolition and construction. The details of proposed landscaping will form part of the reserved matters application. It is considered that landscaping will enhance the appearance of the development.

### **Biodiversity**

- 6.37 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances.
- 6.38 A Phase 1 Habitat Survey was submitted as part of the application. This concluded that:
- The scattered trees, hedgerows and dense scrub on site were suitable habitat to support nesting birds.
  - The scrub and hedgerow boundaries provided limited, suitable reptile habitat within the application site.
  - The outhouse with a pitched, interlocking clay tiled roof was deemed to be of low roosting bat potential, due to a broken tile on the northern façade.
  - The habitats within the zone of influence of the proposed development site are generally unsuitable for otter, water vole, white-clawed crayfish, great crested newt.
  - The site location is not suitable for dormice and no signs of badgers were identified.
- 6.39 This survey set out recommendations which included that one bat emergence survey or one dawn re-entry survey is undertaken of the outhouse identified as being of low roosting bat potential.
- 6.40 The Bat Survey concluded that no bats were observed emerging from the outbuilding and no evidence of bat presence was identified during the Preliminary Roost Inspection, indicating likely absence of roosting bats. Four bat species were identified foraging within the application site during the dusk emergence survey. The application site comprises predominantly of garden habitats and is relatively unlit within the surrounding landscape, therefore within the locality of the emergence survey, adjacent habitat was deemed to be of low to moderate quality for foraging and commuting bats.
- 6.41 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.42 Natural England indicated that the proposal, if undertaken in strict accordance with the details submitted, it is not likely to have a significant effect on the interest features for which the Hamford Water Ramsar and SPA and Stour and Orwell Estuaries Ramsar and SPA has been classified. Therefore it is not required to undertake an Appropriate Assessment to assess the implications of the proposal on the sites conservation objectives.
- 6.43 In addition Natural England are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hamford Water SSSI and Stour Estuary SSSI have been notified.
- 6.44 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

## **Flood Risk & Drainage**

- 6.45 Policy EN13 of the Saved Local Plan and Policy PLA3 Draft Local Plan requires that all new development, excluding householder development, to incorporate Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the green infrastructure network and providing amenity benefit. Justification must be given for not using SuDS.
- 6.46 In this regard officers consulted with Essex County Council Flood and Water Management, who have objected to the proposal in the absence of a surface water drainage strategy. As this application is on site under 1 hectare and it outline form with all matters reserved it is considered that it is reasonable to condition that this information is submitted as part of the reserved matters application.

## **Legal Obligations**

- 6.47 Policy COM6 of the Tendring District Local Plan 2007 requires proposals for residential development on sites below 1.5 hectares in size to contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built. The financial requirement must accord with the provisions of the Council's Supplementary Policy Document (SPD). A similar policy stance is taken in draft plan Policy PEO22.
- 6.48 A consultation response from the Council's Open Space manager states that "due to the lack of facilities in Little Oakley it is felt that a contribution towards play and formal open space is justified and relevant to this planning application". The project that the contribution is to be applied to is the provision of additional play provision at Little Oakley Play Area.
- 6.49 Saved Policy HG4 of the Tendring District Local Plan 2007 states that the Council will expect 40% of new dwellings to be made available in the form of affordable housing to be normally provided on site, in the following cases:
- a) In settlements of over 3,000 population: housing development for 15 or more dwellings or residential sites of 0.5 hectares or more;
  - b) In settlements with a population of 3,000 or fewer housing developments which have the potential for 5 or more dwellings or residential sites of 0.15 hectares or more.
- 6.50 The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that 25% (as contained within emerging Policy PEO10) is more realistic. The threshold under Saved Policy HG4 will therefore be applied but the percentage will be 25% as detailed under emerging Policy PEO10.
- 6.51 The Council's Housing Department have confirmed that an off-site financial contribution would be preferred in this instance. However, as in the Saved Plan the site forms part of the wider area of Harwich as defined by Policy QL1, the population of this area is over 3,000 and therefore as the development is below 15 dwellings no contribution is required.
- 6.52 The applicant has agreed to provide the public open space and on this basis a unilateral undertaking is being drafted to secure this contribution. The recommendation reflects the need to obtain a completed unilateral undertaking prior to the issuing of any planning permission.
- 6.53 Essex County Council made a request for works to bus stops to be carried out, after further investigation; it appears that these works have already been carried out. Therefore, it is not necessary for a request to be made as part of this application.
- 6.54 No financial contribution is being sought from Essex County Council in terms of education contributions. This is due to the number of other large residential schemes under

consideration in the area and the limitations imposed by the Community Infrastructure Levy Regulations.

- 6.55 NHS England have advised that they only wish to be consulted on application for 50 or more dwellings. Therefore no comments have been received with regard to the health facilities and no financial contribution has been requested.

### **Other Issues**

- 6.56 Concerns have been raised regarding the capacity of the drainage system. Anglian Water has confirmed that there is sufficient capacity in the area for the additional foul water drainage and sewerage.
- 6.57 The support documents refer to the site as being within Ramsey, this is incorrect as the site falls within the parish of Little Oakley and the application has been assessed on this basis. However, it is clear that all documents are referring to the same site and therefore this is not considered to be fundamental in the determination of this application.
- 6.58 Within the letters of objection, it has been stated that there are number of other more preferable development sites within the surrounding area. This may be the case, however, each application has to be considered on its own merits and whilst there is a lack of a 5 year housing supply it not possible to refuse a residential development on the basis that other sites are available.

### **Conclusion**

- 6.59 In the absence of an up-to-date Local Plan and the subsequent need to consider the proposal against the NPPF presumption in favour of sustainable development, the proposal achieves an appropriate balance between economic, social and environmental considerations. It is considered that the proposal represents sustainable development.
- 6.60 It is considered that the site is capable of accommodating up to 13 dwellings (depending on size and design) whilst resulting in no significant material harm to the character of the surrounding area, preserving the amenities of neighbouring residents and meeting the requirements of Essex County Council Highways for a suitable access that would not result in harm to highway safety.

### **Background Papers**

None.