



## PLANNING COMMITTEE

**DATE:** Tuesday 1 November 2016  
**TIME:** 6.00 pm  
**VENUE:** Council Chamber, Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

<b>Councillor White (Chairman)</b>	<b>Councillor Fowler</b>
<b>Councillor Heaney (Vice-Chairman)</b>	<b>Councillor Gray</b>
<b>Councillor Baker</b>	<b>Councillor Hones</b>
<b>Councillor Bennison</b>	<b>Councillor Hughes</b>
<b>Councillor Everett</b>	<b>Councillor McWilliams</b>
<b>Councillor Fairley</b>	

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686 585.

**DATE OF PUBLICATION: MONDAY 24 OCTOBER 2016**

## AGENDA

### 1 **Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### 2 **Minutes of the Last Meeting (Pages 1 - 4)**

To confirm and sign as a correct record, the minutes of the special meeting of the Committee, held on 18 October 2016.

### 3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and nature of it, in relation to any item on the agenda.

### 4 **A.1 - Planning Application - 16/00838/OUT - Land to South of Frinton Road, Thorpe-le-Soken, CO16 0JF (Pages 5 - 26)**

Outline Application for the construction of up to 49 houses together with access road.

### 5 **A.2 - Planning Application - 16/01137/FUL - Site West of Edwards Drive, Thorrington, CO7 8JN (Pages 27 - 42)**

Full application for 16 new bungalows.

### 6 **A.3 - Planning Application - 16/01370/OUT - Land adjacent 6 Manningtree Road, Little Bentley, CO7 8SP (Pages 43 - 52)**

Outline application for the construction of 6.No detached dwellings.

### 7 **A.4 - Planning Application - 16/01373/OUT - Carbria, Tendring Road, Little Bentley, CO7 8SH (Pages 53 - 62)**

Outline permission for the construction of two detached dwellings.

### 8 **A.5 - Planning Application - 16/01385/FUL - Homefield, Church Road, Brightlingsea, CO7 0QT (Pages 63 - 74)**

Construction of 4 No. Bungalows and garages on land to rear of Homefield including a new garage to Homefield.

### 9 **A.6 - Planning Application - 16/01400/OUT - Land adjacent Hollyoak, Pork Lane, Great Holland, CO13 0JE (Pages 75 - 84)**

Residential development of 0.2HA of land to create up to three detached bungalows.

**10**     **A.7 - Planning Application - 16/00871/DETAIL - Land Rear of White Hart, Harwich Road, Wix, CO11 2SA (Pages 85 - 92)**

Reserved Matters application for approval of landscaping and appearance, for construction of 10 no. houses with associated access and parking, including discharge of condition 7 (site levels), 15 (Bicycle storage), 16 (on site parking/loading) and 17 (wheel and underbody cleaning facilities) of Planning Permission 12/01135/OUT.

**11**     **A.8 - Planning Application - 16/01441/FUL - 36 Harwich Road, Little Oakley, CO12 5JF (Pages 93 - 96)**

Single storey rear extension.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Wednesday, 30 November 2016.*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

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**MINUTES OF THE SPECIAL MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY 18 OCTOBER 2016 AT 6.00 PM,  
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors White (Chairman) (except item 63), Heaney (Vice-Chairman) (acting as Chairman for item 63), Baker, Bennison, Everett, Fowler, Gray, Hones, Hughes, McWilliams and Nicholls
<b>Also Present:</b>	Councillor Michael Talbot
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Gary Guiver (Planning Manager), Nigel Brown (Communications Manager), Charlotte Parker-Smith (Solicitor) (Property, Planning and Governance) and Katie Sullivan (Committee Services Officer)
<b>Also In Attendance:</b>	Paul Drury (Heritage Consultant)

**60. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor Fairley (with Councillor Nicholls substituting).

**61. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Tuesday 4 October 2016, were approved as a correct record and signed by the Chairman.

**62. DECLARATIONS OF INTEREST**

Councillor White declared a Non-Pecuniary Interest in relation to Planning Applications 16/00656/FUL and 16/00671/FUL by virtue of the fact he was a local Ward Member for St Osyth and Point Clear, a St Osyth Parish Councillor, a resident of St Osyth and by virtue of the fact that he was pre-determined. Councillor White informed the Committee that in line with the Council's Constitution he would be handing over Chairmanship to the Vice-Chairman (Councillor Heaney) for item 4 on the Agenda.

Councillor Talbot, present in the public gallery declared in relation to Planning Applications 16/00656/FUL and 16/00671/FUL he was a local Ward Member for St Osyth and Point Clear.

**63. A.1 - PLANNING APPLICATIONS - 16/00656/FUL AND 16/00671/FUL - ST OSYTH PRIORY, THE BURY, ST OSYTH, CLACTON-ON-SEA, ESSEX, CO16 8NZ**

Councillor White had earlier declared a Non-Pecuniary Interest in relation to Planning Applications 16/00656/FUL and 16/00671/FUL by virtue of the fact he was a local Ward Member for St Osyth and Point Clear, a St Osyth Parish Councillor, a resident of St Osyth and by virtue of the fact that he was pre-determined. Councillor White therefore withdrew from the Committee and sat in the public gallery, whilst the Committee heard the Officer's presentation.

Councillor Talbot, present in the public gallery had earlier declared in relation to Planning Applications 16/00656/FUL and 16/00671/FUL he was a local Ward Member for St Osyth and Point Clear.

Councillor Heaney (acting as Chairman), informed the Committee that Councillor McWilliams would sit next to her so that she could note down those who wanted to speak, but that she would not be acting as Vice-Chairman.

It was reported that Planning Applications 16/00656/FUL and 16/00671/FUL were for 'enabling development' within and adjoining the grounds of St. Osyth Priory. One application comprised an estate of 72 dwellings on agricultural land to the west of the Priory (the 'West Field' development) and the other comprised 17 dwellings for either residential or holiday use located either individually or in groups, in different parts of the Priory's parkland, each of bespoke design (the 'Parkland' development).

It was reported that the purpose of enabling development was to generate funds to be utilised for the repair of a heritage asset (typically a Listed Building(s)). Enabling development, in planning terms, was development which contravened normal planning policies. The National Planning Policy Framework (NPPF) can make an allowance for such developments where the public benefits of securing the future conservation of a heritage asset outweighs the 'disbenefits'.

Members were informed that both applications were submitted on 27 April 2016 and were due for determination on 7 September 2016. The applicant had appealed to the Secretary of State against non-determination and both applications were now the subject of determination by the Planning Inspectorate. A Public Inquiry was scheduled for November 2016 for consideration of both applications and previous applications for enabling development for which the Inspectors decision to dismiss those applications was quashed.

Members were reminded that because the applications were now for determination by the Planning Inspectorate rather than the Council, the Planning Committee was asked to decide whether or not it would have granted planning permission.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of both applications.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) Fifteen additional letters of objection in relation to Planning Application 16/00656/FUL, which had raised objections that had already been outlined in the Officer's report and two further points raised;
- (2) Sixteen additional letters of objection in relation to Planning Application 16/00671/FUL, which had raised objections that had already been outlined in the Officer's report and two further points raised; and
- (3) A Consultation response which had been received from Essex County Council SUDS in relation to Planning Application 16/00671/FUL.

Councillor Heaney (acting as Chairman), informed Members that in line with the Council's Public Speaking Scheme, she would be allowing extra time on this occasion as the item was fairly unusual by the fact it was for two applications. All speakers would be granted 6 minutes except for Ward Councillors who would be granted 10 minutes. Councillor Heaney also informed Members that she and the Monitoring Officer had given Councillor White permission to speak as a local Ward Member for St Osyth and Point Clear and that he would be invited to speak first.

Councillor White, a local Ward Member for St Osyth and Point Clear, spoke against the applications and then returned to the very back of the public gallery.

Mrs Beverley Lynn, a local resident on behalf of 'Save our St Osyth', spoke against the applications.

Councillor Sonia Grantham, Chairman of St Osyth Parish Council, spoke against the applications.

Councillor Talbot, a local Ward Member for St Osyth and Point Clear, spoke against the applications.

Following on from Councillor Talbot's speech, the Council's Head of Governance and Legal Services informed Members that their decision should be based on the applications before them and not in regards to any personal references made about the Sargeant family (the applicants). It was acknowledged that there was reference within the Report to the amount of money to be generated from the enabling development which would be directed towards the conservation deficit and this was relevant.

Members' raised questions which were answered by Officer's and the Heritage Consultant (Paul Drury) where appropriate.

For clarity, the Council's Planning Manager (GG) confirmed that the combined number of new homes for both applications was 89 in total and that the previous number quoted had been incorrect.

Some Committee members raised concerns to part B of the Officer's recommendation outlined in the report. Through the discussion, the Council's Head of Governance and Legal Services sought to address these concerns and suggested alternative wording.

Following discussion by the Committee, it was moved by Councillor Hughes, seconded by Councillor Everett and **RESOLVED** that:

**(A) the Planning Committee endorses the view that the applications in their current form, based on the applicant's current approach and the latest information that has been provided, would have been REFUSED because the harm to the setting and significance of St. Osyth Priory, the registered parkland and the wider Conservation Area are not outweighed by the benefits of either proposal.**

**(B) the Planning Committee also endorses the view that approval of planning permission would have been agreed, in line with the advice of the Council's heritage and business planning advisors, if the applicants committed to enter into a Section 106 legal agreement to secure the following:**

- 1) The preparation and subsequent approval by the Council of a medium-term (10-year) business strategy for the Priory, which should include a role for a charitable trust and appropriate public access;**
- 2) Completion of the repair and reuse of all of the principal buildings and structures within the Priory complex, in line with an agreed survey of condition and order of priority, in addition to the works already secured under the Section 106 agreement related to the Wellwick development, within 10 years namely:**

- i) Darcy House;
  - ii) The Gatehouse (completion of works);
  - iii) Abbot's Tower, chapel and 'Rivers wall';
  - iv) Brewhouse;
  - v) West Barn;
  - vi) Tithe barn, cart shed and dairy;
  - vii) Rose garden walls; and
  - viii) Northern section of wall (with gate and windows) on the west side of the Bury.
- 3) A regular review mechanism within the Section 106 agreement to allow flexibility to take into account changes in economic conditions, other potential sources of funding and other relevant changes in circumstances.

The Meeting was declared closed at 8.45 pm

**Chairman**

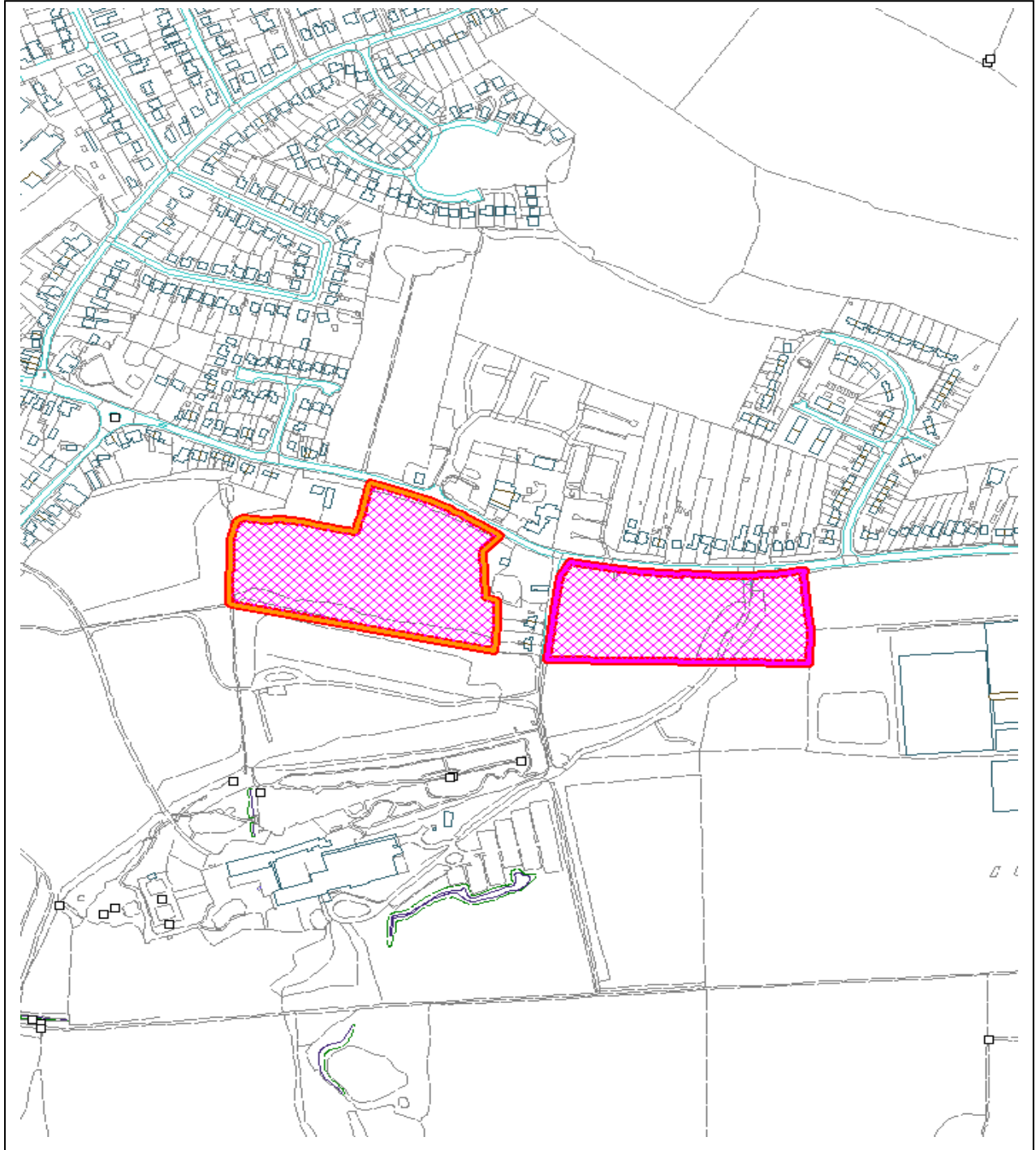


## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### A.1 PLANNING APPLICATION – 16/00838/OUT - LAND TO SOUTH OF FRINTON ROAD, THORPE-LE-SOKEN, CO16 0JF



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<b>Application:</b>	16/00838/OUT	<b>Town / Parish:</b> Thorpe Le Soken Parish Council
<b>Applicant:</b>	Drury Investments Ltd.	
<b>Address:</b>	Land to the south of Frinton Road, Thorpe Le Soken, CO16 0JF	
<b>Development:</b>	Outline Application for the construction of up to 49 houses together with access road.	

## 1. **Executive Summary**

- 1.1 The is an outline planning application seeking approval for the principle of developing up to 49 dwellings with all other matters, with the exception of access and layout, reserved for approval through a detailed application at a later date. As a departure from the Local Plan, this application is before the Committee for a decision. Councillor Land, as the Ward Councillor for Thorpe Le Soken, has also specifically requested that the application be determined by the Committee.
- 1.2 The application site measures some 5.20 hectares in area and lies outside of the defined settlement development boundary for Thorpe Le Soken as set out in both the Council's adopted and new emerging Local Plans. The site is effectively set in two parcels of land bisected by Hall Lane. The western portion of the site is located within the Thorpe Le Soken Conservation Area. An area of Grade II Registered Landscape which previously formed the gardens serving Thorpe Hall is located further to the south of the western part of the application site. Thorpe Le Soken has been identified as one of six 'Rural Service Centres' in the new draft Local Plan that contain a relatively good range of local services and facilities with potential for limited growth in homes and jobs.
- 1.3 Whilst the position is improving, the Council is still, at the time of writing, unable to demonstrate a 5 year supply of deliverable housing sites and the National Planning Policy Framework (NPPF) therefore imposes a presumption in favour of sustainable development whether a site forms part of the Local Plan or not. It requires that planning permission be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Taking into account the location of part of the site being within the Conservation Area and close to an area of Registered Landscape when weighing the planning balance, Officers are recommending that the scheme does meet the requirements of the NPPF and can be approved.

### **Recommendation: Approve Outline Planning Permission**

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):
- Council/affordable housing;
  - Education contributions;
  - Public open space and play and its transfer and maintenance.

- 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 (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:
1. Standard 3 year time limit for submission of reserved matters application;
  2. Standard 2 year limit for commencement of development following approval of reserved matters;
  3. Details of appearance, scale and landscaping (the reserved matters);
  4. Development in accordance with submitted indicative plans;
  5. Development to contain up to (but no more than) 49 dwellings;
  6. Highways conditions (as recommended by the Highway Authority);
  7. SUDS and drainage conditions as requested by Essex County Council;
  8. Hard and soft landscaping plan/implementation;
  9. Ecological mitigation - wildlife/tree protection measures;
  10. Construction methods plan;
  11. Details of lighting, materials and refuse storage/collection points; and
  12. Archaeological investigation and report works;
  13. Site lighting strategy, and;
  14. Broadband.
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## 2. **Planning Policy**

### National Policy:

#### NPPF National Planning Policy Framework (2012)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
  - a social role, and;
  - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states “*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*”.

Local Plan Policy:

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

**Tendring District Local Plan (Adopted November 2007)** – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy defines Thorpe Le Soken as a village.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness, including listed parks and gardens.

EN4: Protection of the Best and Most Versatile Agricultural Land

Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN17: Conservation Areas

Requires development within Conservation Areas to preserve or enhance the character or appearance of the Conservation Area.

EN29: Archaeology

Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

## **Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)**

Relevant policies include:

### SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

### SP4: Infrastructure and Connectivity

Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

### SP5: Place Shaping Principles

Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

### SPL1: Managing Growth

Identifies Thorpe Le Soken as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

### SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

### SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

### HP1: Improving Health and Wellbeing

Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

### HP4: Open Space, Sports and Recreation Facilities

Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

### LP1: Housing Supply

Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site falls within one of the areas proposed for residential and mixed use development.

### LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

### LP3: Housing Density

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

### LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing

Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills

Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology

Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL8: Conservation Areas

Requires that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

CP1: Sustainable Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

**Other Guidance**

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice



### 3. Relevant Planning History

15/01452/OUT Outline application for the construction of up to 49 houses together with access road. Withdrawn 21/11/2015

### 4. Consultations

TDC  
Principal Tree &  
Landscape  
Officer Initial concerns were raised in respect to the loss of trees to the site frontage at the point of the proposed new access road. Further assessment has concluded that subject to a re-planting scheme removal and protection of trees in that part of the site is now considered acceptable.

In order to show the potential impact of the development proposal on the character and appearance of the landscape the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA establishes that the site lies within the Clacton and the Sokens Clay Plateau as defined in the Tendring District Council Landscape Character Assessment. The landscape is noted as being sensitive to change as a result of its open and rural character. The viewpoints selected in the LVIA adequately demonstrate the extent of the impact of the development proposal on the character and appearance of the local landscape character. Taking into account the topography of the locality it is considered that development proposal could sit relatively comfortably in its setting if an adequate level of soft landscaping is carried out. If planning permission is likely to be granted then it will be important to secure a comprehensive soft landscaping scheme to ensure that the development is assimilated into its setting. In addition to the soft landscaping referred to above it will be particularly important to secure a strong landscape/screening belt on the boundary with Frinton Road to replicate the screening value of any vegetation that may need to be removed to facilitate sight lines either side of the proposed new access.

TDC  
Regeneration No specific comments but request a condition seeking superfast fibre broadband.

TDC Open  
Space and Play There is an identified need to provide additional play equipment due to the significant lack of provision within the area. It is felt that a contribution, in line with the schedule set out in PE022, is justified and that this money would be spent at the closest play area being Lady Nelson Playing Fields. Public Open Space equating to 10% of site area shall be provided within the development site.

TDC Housing Note there are currently 17 families on the housing register seeking a 4 bed property in Thorpe Le Soken. It is preferable to have the housing delivered on site. Under policy LP5 of the emerging Local Plan 30% of properties should be provided as affordable housing - this would equate to 14 dwellings.

TDC  
Environmental  
Health No objection subject to need for condition ensuring provision of construction method statement.

ECC Highways No objection to the proposed scheme subject to various highway conditions.

ECC Schools	<p>A development of this size can be expected to generate the need for 4.4 early years and childcare places, 14.7 primary school places and 9.8 secondary places. The proposed development is within the catchment of Rolph Primary School which does not currently have capacity for additional places. A contribution for additional primary school places is therefore requested of £179,605 representing £12,218 per place. No secondary school contribution is sought.</p>
Anglian Water	<p><u>Assets affected:</u> Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p><u>Wastewater treatment:</u> The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows.</p> <p><u>Foul Sewerage Network:</u> The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.</p> <p><u>Surface Water Disposal:</u> The proposed method of surface water management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought.</p>
Natural England	<p>Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England refer the Local Planning Authority to the standing advice on protected species.</p>
Essex County Council Flood Authority	<p>Having reviewed the Flood Risk Assessment and subsequent submitted information we do not object to the granting of planning permission subject to conditions relating to the following:</p> <ul style="list-style-type: none"> <li>• a detailed surface water drainage scheme;</li> <li>• a scheme for minimising offsite flooding during construction works;</li> <li>• a maintenance plan for the surface water drainage scheme; and</li> <li>• keeping an on-going log of maintenance.</li> </ul>
Essex County Council Archaeology	<p>The Essex Historic and Built Environment Manager notes that the proposed development lies within an area of archaeological interest. There is potential for Bronze age and Roman heritage assets.</p> <p>It is noted that the western boundary of the development area lies within the Thorpe Le Soken Conservation Area and the Registered Park and Garden of Thorpe Hall. It is considered that the proposed development would cause some harm to the significance of the nationally important heritage asset due to adverse impacts on the setting of the historic garden and would have a significant impact on the character of the Conservation Area. The Council will need to weigh the perceived harm against the benefits that will arise from the proposed development.</p> <p>It is recommended that if the application is approved then a programme of trial trenching followed by open excavation should be secured by condition.</p>

Essex Gardens Trust      The Essex Gardens Trust note that the application has a material impact on the setting of the grade II registered landscape at Thorpe Hall. They consider that the gardens have been well preserved and are maintained as an important feature of the visitor experience at the Lifehouse hotel. It is stated that the application site originally provided an open rural or parkland setting to the site of Thorpe Hall. It is considered that the development is bland in nature and would change the character of the locality. They note at the closest point the gardens are 150 metres from the application site. The gardens and Hall were originally seen as providing a rural edge to the existing conservation area. The development would erode this character to the detriment of the Conservation Area. They conclude by suggesting that the harm to the heritage assets would not be balanced by public benefit of the development and therefore recommend refusal.

## 5. Representations

5.1 Thorpe Le Soken Parish Council are in favour of the application but suggest the following matters should be taken into consideration when the application is determined.

- The proposed application is within proximity of the remaining Historic Park and Gardens of the former Thorpe Hall and a Safeguarded Green Space known as The Playing Field that is currently leased to the Parish Council for the benefit of the village. The Parish Council are also of the opinion that should the application be approved it would be outside the Village Development/Conservation Area.
- With reference to one of the entrances: should the application be considered for approval, could the entrance adjacent to the already approved development on The Allotment site also along Frinton Road be combined with a mini roundabout being installed for the benefit of both entrances.
- The Environmental Impact will exacerbate the already strained local services and infrastructure.

5.2 As noted this application has been called into Committee by Cllr Land who also submitted an objection to the application. The following comments have been made:

- Part of the development is in the conservation area of Thorpe Hall.
- This proposal sits on the historic park and gardens site of Thorpe Hall (now currently a country lifestyle spa called Lifehouse). Lord and Lady Byng entertained royalty around the site of this proposal and the whole of the area has held significant historical value throughout the years and is part of Thorpe's future moving forward.
- This development (however it may end up), will bring further added pressure onto the congested roads each day. Thorpe is a bottle neck of traffic from the neighbouring villages/towns of Frinton, Walton, Kirby-le- Soken, Kirby Cross and Great Holland.
- The proposed accesses onto this development would take the number of accesses to over 10 from Station Road to Byng Crescent - one access is on a blind bend and totally inconsiderate to the established tree line and another is very close to the already established entrance at Lifehouse spa - an entrance that part of this development would use, why not both sides?
- Under current local plan proposals, sites at the Allotments (opposite this proposal) and the Maltings (by the station) already have planning permission and would see in excess of 100 dwellings built as part of Thorpe's allocation For a small village of our size that allocation would stretch the infrastructure to the limits and therefore this proposed

development would only place greater pressure on some of the points listed below for consideration:

Highways:

- bottle necked traffic through the village at school collection times
- poor road surfacing through the High Street
- surface water flooding from Tendring Road to Byng Crescent
- Poor visibility from the proposed access points on Frinton Road

Sustainability:

- no school places
- Colchester hospital full
- poor bus service

Environmental:

- establish trees along Frinton Road (oaks)
- bats in area
- badgers
- next to historic park and gardens of Thorpe Hall
- part of site in Conservation Area

5.3 79 individual objections have been submitted in response to this planning application which include the following concerns:

- Undesirable access to the Lifehouse due to new dwellings.
- Lack of infrastructure.
- Unsustainable housing growth.
- Inappropriate location next to Historic Park and garden/conservation area.
- Outside defined settlement boundary.
- Surface water problems.
- Sewer lack of capacity.
- No requirement for additional housing.
- Adverse impact on existing properties.
- Environmentally damaging.
- Traffic generation and additional highway dangers.
- Loss of views.
- Impact on wildlife.
- Impact on trees.
- Inadequate public transport.
- Lack of local employment.
- Contrary to emerging planning policy.

## 6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Housing Density and Mix;
- Layout;
- Residential Amenity;
- Traffic, access and highway safety;
- Impact on Heritage Assets;
- Ecology;
- Arboriculture/Landscaping;

- Drainage and Flood Risk; and,
- Other Material Considerations (including Section 106 Obligations).

### **Site Context**

- 6.2 The site lies to the east of the main central area of Thorpe Le Soken and extends to 5.20 hectares in area. The site is relatively level in nature. The site consists mainly of existing agricultural land and is split into two distinct development areas either side of Hall lane.
- 6.3 The west parcel of land immediately adjoins the Lady Nelson Playing field and is set within part of the Conservation Area. A new site access is formed direct from Frinton Road to serve this part of the development. The east portion of the site is set either side of Lifehouse Drive which forms the main entrance to the Lifehouse hotel and spa, which in turn is located to the south of the application site.
- 6.4 The application site lies some 150 metres to the north of the grade II registered landscape relating to the gardens originally associated with Thorpe Hall.
- 6.5 A number of mature trees and hedging line the site frontage to the main highway which are protected by a Tree Preservation Order. Some trees will be removed to enable the new road access to be constructed. A significant number of other trees are located within the main body of the site, including a tree belt to the southern boundary.
- 6.6 The north side of Frinton Road consists of predominantly frontage residential development with a mix of bungalow and two storey dwellings. There are five existing dwellings located on Hall Lane. To the west of the application site on the opposite side of Abbey Street, is the site for an approved development for 40 dwellings, granted permission under reference 13/01481/FUL.

### **Proposal**

- 6.7 The application has been submitted in outline form with all matters apart from access and layout reserved for later consideration. The scheme proposes the erection of up to 49 dwellings together with access roads.

### **Principle of Development**

- 6.8 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.9 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be

considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

- 6.10 The application site is located immediately to the south and east of the existing built form of Thorpe Le Soken and is adjacent to but outside the village's settlement development boundary as defined within both the adopted and emerging Local Plans. The boundary aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.11 Because the site lies outside of the settlement development boundary and is not allocated for development in either the adopted or emerging Local Plans, this proposal for residential development is clearly contrary to local planning policy. However, paragraph 47 of the NPPF also requires local planning authorities to boost significantly the supply of housing by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In areas where there has been persistent under delivery of housing, an additional 20% 'buffer' is also required to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.12 For Tendring, the housing requirement is 550 dwellings per annum, as based on the evidence contained within the 'Objectively Assessed Housing Needs Study' (July 2015) and supplementary evidence that was presented to the Local Plan Committee on 21<sup>st</sup> January 2015. At the time of writing, and despite the publication of the new draft Local Plan, the Council are still only able to identify an approximate 4.5 year supply and thus there still remains considerable (albeit quickly reducing) shortfall. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered 'up to date' if it is not possible to demonstrate a five year supply of deliverable housing sites and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged.
- 6.13 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.14 Due to the lack of a five-year supply of housing sites and the subsequent engagement of the presumption in favour of sustainable development, the Council would not be justified in refusing planning permission purely on the basis of the application site being outside of the settlement development boundaries. The application must therefore be judged on its merits against the NPPF.
- 6.15 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".
- 6.16 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Thorpe Le Soken is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'strategic urban settlements', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one).

Therefore, a level of housing development for Thorpe Le Soken could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.

### **Housing Density and Mix**

- 6.17 One of the key issues in determining this outline application is whether the site can reasonably accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy LP3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal, allowing for some informal open space within the site, is just under 10 dwellings to the hectare which is relatively low. However dwellings to the north of Frinton Road are characterised by large garden areas and taking into account the location of the site on the edge of the village a lower density is considered appropriate.
- 6.18 As this is an outline application with some matters reserved including scale and appearance the exact housing mix would not be finalised until the reserved matters stage however the applicant has indicated that all the dwellings would be 4 bedroom houses. The Housing team have identified the need for larger family size affordable homes within the locality. On this basis the suggested housing mix is considered acceptable.

### **Layout, Scale and Design**

- 6.19 In support of the overarching aims and objectives of the NPPF the policies in both the adopted and emerging Local Plans set out the Council's commitment to sustainable development and good quality design. This planning application is submitted in an outline form with all matters, except access and layout, reserved for later consideration by the Council. The development's detailed design is one of the matters to be considered at 'reserved matters' stage.
- 6.20 The NPPF requires new development to have good connections with the existing built environment. In this regard the development is well served by existing footpaths leading along Frinton Road to the centre of the village a short distance from the site. The site also adjoins the Lady Nelson Playing Fields immediately to the west of the site as well as the existing scout hut. The close proximity of the site to the village centre and local services highlights the fact that the site is in a very sustainable location.
- 6.21 With regards to scale, the applicants have indicated that proposed development would be two-storey in height but this detail is a reserved matter consideration. As previously noted the west section of the application is served by a new access point onto Frinton Road which results in the loss of a small number of protected trees. Additional planting is shown within the gardens of the proposed plots and the periphery of the site. Surface water swales are shown close to the southern boundary of the site. Feeder roads are shown leading off the main access drive from Frinton Road serving individual dwellings. Each dwelling has parking and garaging provided and as noted above are served by quite generous garden areas.
- 6.22 The eastern part of the scheme is split by the access drive serving the Lifehouse but reflects a similar pattern of development to the western section. Formal open space has not been provided due to the close proximity of the Lady Nelson Playing Fields but informal areas have been created adjoining the proposed access roads and areas close to the southern site boundary. The site layout is therefore considered acceptable.

### **Residential Amenity**

- 6.23 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 SPL3 in the emerging Local Plan 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'.
- 6.24 The proposed layout has been carefully considered and although Officers note the concerns raised by adjoining neighbours, adequate separation has been provided between proposed and existing dwellings avoiding the creation of adverse impacts. At detail stage the appearance and position of fenestration will be considered but it is clear from the submitted layout plan that this can be achieved without having adverse impacts on existing amenity.
- 6.25 Clearly there will be some impact to neighbours during the construction period but conditions would be applied to the development to minimise impacts if the Committee is mindful to approve the application.

### **Traffic, Access and Highway Safety**

- 6.26 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people, and ;
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.27 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.
- 6.28 The current application has been submitted in outline form although access does form part of the current application to be considered. In order to gain a full understanding of the likely impacts of the current proposal on the highway network the applicants have submitted a Transport Statement in support of the application. This document considers the proposed access points into the site from Frinton Road as well as highway safety and capacity in the wider area.
- 6.29 As noted a new access is proposed to serve the west section of the scheme with the existing Lifehouse Drive serving the eastern section. As noted the Highway Authority raise no objection to the proposed access points although do require some improvements to the width of the Lifehouse Access. The scheme is able to provide the required visibility splays which can be achieved without removal of the existing tree belt fronting Frinton Road. There will be a minimal loss of trees at the point where the new junction is formed.
- 6.30 Officers note the concerns raised by local residents in terms of additional traffic movements but the Highway Authority are satisfied that there is existing highway capacity to serve the proposed scheme.



- 6.31 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy CP1 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### **Impact on Heritage Assets**

- 6.32 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible. Policy PPL7 of the draft Local Plan requires archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Policy PPL8 of the emerging Local Plan requires development within or affecting the setting of a Conservation Area to only be permitted where they have regard to the desirability of preserving or enhancing the special character and appearance of the area.
- 6.33 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.34 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the County Council Historic and Built Environment Manager has requested that if members are minded to approve the application then a condition is applied requiring a programme of trial trenching followed by open area excavation.
- 6.35 The western part of the application site is located within the Thorpe Le Soken Conservation Area with the east section of the site abutting the eastern edge of the Conservation Area. The development therefore has a clear impact on the Conservation Area and this impact must be balanced against the need for additional housing.
- 6.36 The Conservation Area Character Appraisal, adopted by the Council in March 2006, summarises the existing character of the area immediately south of Frinton Road as follows: *'The other side of the (Frinton) road is screened by mature trees and comprises access to the recreation ground, a group of modern pavilions and pasture. At the eastern end of the Area, Dairy Cottage and two pairs of semi-detached dwellings line Hall Lane in an informal manner: the latter are much altered and extended with a variety of frontage treatments'*. The Appraisal also provides detail of the former Thorpe Hall and the 'pleasure gardens' which were formal gardens set around the original hall site. The grounds of the Hall are classed as Grade II Registered Landscape. It should be noted that although part of the application site is located within the Conservation Area it is located outside the registered landscape and is set some distance from the 'pleasure gardens'. The nearest Listed Building to the site is Elm Farmhouse, a Grade II listed building located opposite Hall Lane, approximately 40 metres to the north of the site on the northern side of Frinton Road. The development is not considered to adversely affect the setting or appearance of this listed building.
- 6.37 The applicant has provided a Landscape and Visual Appraisal as part of the application documents which concludes that there would be no material effect on the wider landscape or countryside of the area, nor would there be any notable direct effect on the Registered

Park and Garden. Officers have considered the content of the Visual Appraisal and would agree that the impact of the development is mitigated in particular by a relatively mature tree belt to the southern site boundary effectively screening the development from the registered parkland and wider Conservation Area.

- 6.38 Officers consider that the proposed development would not harm the character or setting of the Conservation Area. Although the application site does fall within the Conservation Area designation it is somewhat divorced from both the registered landscape and the more historic core of the Conservation Area. The site is therefore considered well contained and capable of supporting a sympathetically designed scheme.
- 6.39 Based on the above assessment it is considered that the development of this site can be achieved without harm to the identified heritage assets, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Ecology**

- 6.40 Policies within Chapter 6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan 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, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.
- 6.41 No part of the development site or any land that it abuts has any type of statutory or non-statutory nature conservation designations and Natural England have indicated that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.42 A Preliminary Ecological Appraisal, Bat and Reptile survey have been submitted as part of the application detail. The Appraisal concluded that Parcels 2, 3 and 4 of the proposed development have been listed as a 'potential local wildlife site'; however based upon the initial survey undertaken, the majority of the habitat present within the parcels of land are considered common habitats that do not appear to be floristically diverse. This does not, however, exclude these habitats from offering suitable habitats for protected species. The Appraisal recommended that further surveys be undertaken to assess the presence of Bats and Reptiles on the site but did not consider the site suitable for Badger, Water Voles, Otters and Dormice in terms of other protected species.

### **Bats**

- 6.43 The Bat Survey noted the presence of Common and Soprano Pipistrelles close to sunset/sunrise and it was assumed that the roosts for these species were close to the site. The report noted that no bats were seen entering or egressing from the trees to be affected by the new access road from Frinton Road. The report also noted that the removal of a small section of the northern boundary treeline to provide access will have no negative impact providing the majority of this feature is retained. It was also considered that other mature trees which may have roost potential within or close to the site are in fact to be retained. Areas considered to be potential foraging locations for bats again were to remain and would not be affected by the development.

### **Reptiles**

- 6.44 The submitted Reptile Survey concludes that the habitats on site are considered important for reptiles on a local scale. It is considered likely that the removal of vegetation and construction of the proposed residential development, without appropriate mitigation will have a negative impact on a local scale. The report therefore recommends that it will be

necessary to take precautions before site clearance or building begins to prevent reptiles from being harmed. A finalised mitigation plan which will include the translocation of reptiles from the site will be required once a receptor site for reptiles has been decided.

#### Breeding Birds

- 6.45 Due to the fact that the majority of existing trees and boundary features are to be retained as part of the scheme it is considered there will be limited opportunity for harm to birds whilst breeding and additional soft landscape planting will further contribute to the maintenance of the site for breeding birds post-development.
- 6.46 Given the site's edge of village location in proximity to the wider countryside, and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such ecological enhancement opportunities could be secured by condition.

#### Arboriculture/Landscaping

- 6.47 The proposals have been assessed by the Council's Tree and Landscape Officer who has concluded that, having assessed the Landscape and Visual Landscape Assessment, has recommended that a comprehensive soft landscape scheme be secured in order for the development to be assimilated into its setting. Part of the landscape scheme should be the enhancement of the existing tree belt fronting Frinton Road. Initial concern was raised in respect of tree removal at the point of the new access but on further assessment this is now considered acceptable subject to a replanting scheme as mitigation.

#### Drainage and Flood Risk

- 6.48 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.49 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Following submission of additional detailing the County Council supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.50 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.51 In addition, Anglian Water has commented upon the application, and confirms the foul drainage from the development is in the catchment of the Colchester Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for these flows. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development

compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

### **Other Material Considerations (including Section 106 Obligations)**

#### Open Space and Play

- 6.52 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in Thorpe Le Soken. As such a contribution in line with HP4 is considered appropriate and would be spent at the closest play area being the Lady Nelson Playing Fields.
- 6.53 As noted there are informal areas of on-site open space proposed within the development site. If this land is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Committee is minded to approve this application, Officers will engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

#### Affordable Housing/Affordable Housing

- 6.54 Adopted Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). 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 between 10% and 30% (as contained within emerging Policy LP5) is more realistic. The thresholds under adopted Policy HG4 will therefore be applied but the percentage will be between 10% and 30% as detailed under emerging Policy LP5.
- 6.55 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Thorpe Le Soken based on evidence from the local housing register. It is noted that there are currently 17 families on the housing register seeking a 4 bedroom property in Thorpe Le Soken. There is a severe need more widely across the District for this size of affordable housing. It has been suggested that another registered provider, other than the Council, be approached to take on the appropriate number of new properties. If this is not possible, then either a smaller number of gifted units or a financial contribution could be secured. If the Committee is minded to approve this application, Officers will negotiate and agree an appropriate level of affordable housing to be secured through a s106 legal agreement.

#### Education provision

- 6.56 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. Based on ECC's formula for calculating the number of additional places likely to be required as a result of the development, this scheme of up to 49 dwellings could generate a need for 4.4 additional early years and childcare places, 14.7 primary school places and 9.8 secondary school places. No contributions have been requested towards secondary school places however due to the lack of capacity at Rolph Primary School a contribution for additional Primary School Places

is requested which at £12,218 per place equates to a developer contribution of £179,605 to be secured through a s106 legal agreement.

#### Sewage

- 6.57 With regard to sewage capacity, Anglian Water has advised that there is sufficient capacity in the foul sewerage network to deal with the levels of effluent expected from this scheme of 49 dwellings and has made no objections to the proposal, nor has it requested any conditions.

#### Health provision

- 6.58 NHS England have not requested any financial contributions towards health provision and only tend to make such requests on schemes of 50 or more dwellings.
- 6.59 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of education and open space) or are otherwise not considered to be significant or demonstrable enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development.
- 6.60 The applicant has indicated a willingness to enter into a planning agreement to secure any financial contributions required by the development. Members are therefore requested that if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of affordable housing provision; education provision; and off-site public play space provision.

#### **Overall Planning Balance**

- 6.61 Because the Council's adopted Local Plan is out of date, the emerging plan can only carry a limited degree of weight at this time and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.62 Economic: Whilst the scheme is residential with no commercial premises provided, up to 49 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. Whilst objectors suggest the economic benefit is likely to be minimal, it is still however positive.
- 6.63 Social: The provision of up to 49 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. The impacts on Open Space and schools provision will be mitigated through financial contributions to be secured through a s106 agreement, if the application is approved.
- 6.64 Environmental: The environmental impacts of the proposal have required very careful consideration. As noted the development partly encroaches into the Thorpe Le Soken

Conservation Area and is relatively close to a Grade II Registered Parkland. In addition the presence of protected wildlife species (Bats and Reptiles) has been identified. In terms of the visual impact of the development the presence of existing mature screening to the site boundaries ensures that the development would remain relatively self-contained protecting existing views from inside the Conservation Area and from the Registered Parkland Area. With existing mature tree planting to the Frinton Road frontage the impact of the development is again softened and can be enhanced by further planting. The relatively low density level of development and the opportunity to undertake comprehensive landscape planting across the development site will again assist in softening the appearance of the development on what is an edge of village site. Subject to appropriate mitigation measures in respect of Bats and Reptiles the impact on existing wildlife and ecology is also considered acceptable.

- 6.65 In the overall planning balance, Officers consider that the adverse impacts do not significantly and demonstrably outweigh the benefits and is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

#### Background Papers

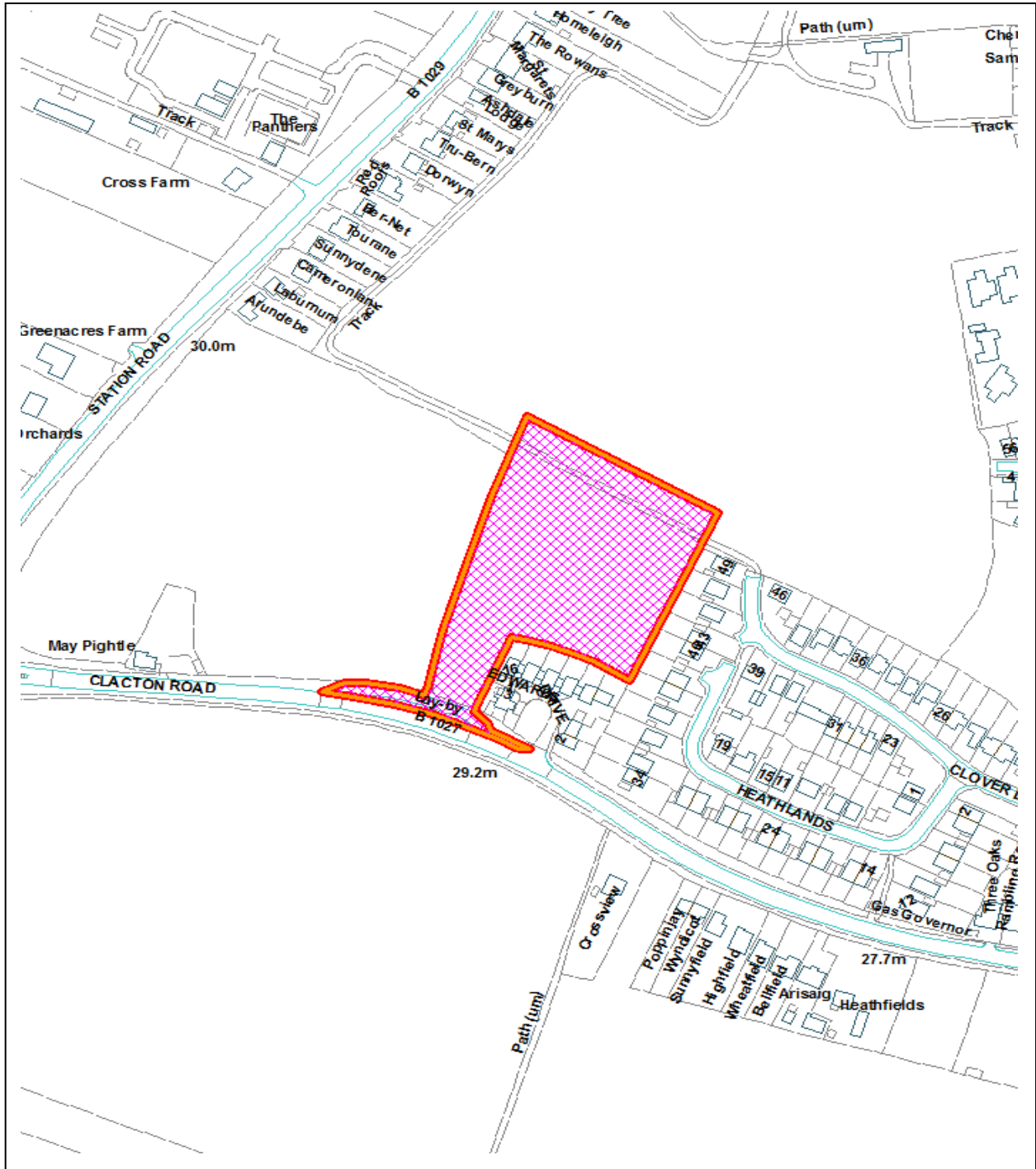
None.

## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### A.2 PLANNING APPLICATION – 16/01137/FUL – SITE TO WEST OF EDWARDS DRIVE, CLACTON ROAD, THORRINGTON, CO7 8JN



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<b>Application:</b>	16/01137/FUL	<b>Town / Parish:</b> Thorrington
<b>Applicant:</b>	Mr D Edwards	
<b>Address:</b>	Site to the West of Edwards Drive, Clacton Road, Thorrington, CO7 8JN	
<b>Development:</b>	Full application for 16 new bungalows.	

## 1. Executive Summary

- 1.1 This is a full planning application for 16 new bungalows on an existing agricultural field adjoining the existing development boundary for Thorrington. The site is predominantly square shaped in nature and partially enclosed by mature trees to the west boundary. The site measures some 1.10 hectares in area. The site is accessed via an existing layby which will be permanently closed. As a full application, the Planning Committee is being asked to approve a detailed scheme including 16 detached and semi-detached bungalows, containing 11 three bed bungalows and 5 two bed bungalows. The properties are designed in traditional style and are considered appropriate in this location.
- 1.2 As noted the site adjoins but is outside of the settlement development boundary in the adopted Local Plan and the new preferred options draft. Because the Council does not have an up to date Local Plan and is currently unable to identify a five-year supply of deliverable housing sites as required by government planning policy, this application has been considered in line with the government's 'presumption in favour of sustainable development'. Officers have needed to approach the application with a view to positively addressing, as far as possible, technical issues and other matters raised by consultees and residents.
- 1.3 Thorrington is identified as a 'smaller rural settlement' in the emerging Local Plan where only small scale developments of upto 10 dwellings would normally be supported. However taking into account that the scheme is supported by the Parish Council and the need for additional housing Officers consider that approval is justified in this case.
- 1.4 The development has attracted very little public interest with only two letters of objection to the principle of development being received. There are no objections from any statutory agencies and no financial contributions have been requested by Essex County Council or the NHS towards education or health provision. The highways arrangements have been approved by the Highway Authority who support the scheme subject to conditions.
- 1.5 The development is considered to have limited impacts on the existing landscape or ecology. The existing trees located on the west boundary of the site will be retained.
- 1.6 Officers consider that this development complies with the requirements of the National Planning Policy Framework and the recommendation is approval subject to a section 106 agreement to secure affordable housing and open space/play facilities.

### **Recommendation: Approval**

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 under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- On-site Council Housing/Affordable Housing;
  - On site or off-site open space/play equipment.
- 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 (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:**
1. Standard 3 year time limit for commencement.
  2. Accordance with approved plans.
  3. Highways conditions (as recommended by the Highway Authority).
  4. Ecological mitigation/enhancement plan.
  5. Surface water drainage/foul drainage scheme.
  6. SuDS maintenance/monitoring plan.
  7. Hard and soft landscaping plan/implementation.
  8. Details of lighting, materials and refuse storage/collection points.
  9. Broadband connection.
  10. Contaminated land.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## **2. Planning Policy**

### **National Planning Policy Framework (NPPF)**

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
  - a social role; and
  - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

### **Local Plan**

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

**Tendring District Local Plan (Adopted November 2007)** – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy categorises Thorrington as a village.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

### HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

### HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

### HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

### HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

### HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

### HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

### HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

### HG14: Side Isolation

Requires a minimum distance between detached properties.

### COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

### COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

### COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

### COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

### COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

### COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

### COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network. Requires that developments affecting an existing public right of way accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

**Tendring District Local Plan: 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to

give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013 – 2033 and Beyond Preferred Options Consultations Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SPL1: Managing Growth

Identifies Thorrington as a smaller rural settlement where smaller scale development is envisaged as part of a sustainable strategy for growth.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

HP4: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs over the next 15-20 years and in which parts of the district.

LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density and Standards

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

#### LP5: Affordable and Council Housing

Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as affordable or council housing.

#### PP12: Improving Education and Skills

Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

#### PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

#### PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

#### PPL4: Biodiversity and Geo-Diversity

Gives protection to internal, European and nationally important wildlife sites and requires existing biodiversity and geodiversity on any site to be protected and enhanced with compensation measures put in place where development will cause harm.

#### PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

#### PPL7: Archaeology

Requires that where development that might affect archaeological remains, studies and works are undertaken to identify, recover and record such remains.

#### CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

#### CP3: Improving the Telecommunications Network

Requires that new developments be served by superfast or ultrafast broadband.

### **Other Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

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

- 3.1 The site has no relevant planning history although it adjoins a recently completed scheme for ten affordable homes to the east of the application site (reference 08/01477/FUL).

### **4. Consultations**

TDC                      The development layout shows that the development proposal can be  
Principal Tree &      implemented without causing harm to any of the important trees on the

Landscape Officer	<p>application site. The applicant should be required to provide and Arboricultural Method Statement (AMS) to show how the retained trees will be physically protected for the duration of the construction phase of any planning permission that may be granted.</p> <p>Should planning permission be granted then it will be necessary to ensure that the harm caused to the character of the area is minimised by soft landscaping works. It would be desirable to secure the planting of a hedgerow comprising indigenous species on the northern boundary to soften the appearance of the development where it meets the adjacent open countryside as well as details of the indicative tree planting shown on the site layout plan.</p>
TDC Open Space and Play	No objection subject to provision of a contribution in line with policy PE022 towards improving the Chapel Lane/Church Road, Thorrington play area.
ECC Highways	No objection subject to appropriate highway conditions.
ECC Schools	The site falls under the threshold where contributions are required.
Anglian Water	<p><u>Assets affected</u>: There are no assets owned by Anglian Water or those subject to an adoption agreement within development boundary.</p> <p><u>Wastewater treatment</u>: The foul drainage from this development is in the catchment of the Thorrington Water Recycling Centre that will have available capacity for these flows.</p> <p><u>Foul Sewerage Network</u>: Available capacity to serve site.</p> <p><u>Surface Water Disposal</u>: The proposed method of surface water management is acceptable to Anglian Water.</p>
Natural England	Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
Essex County Council Flood Authority	Essex County Council as the Lead Local Flood Authority raise no objection to the proposed development subject to conditions requiring a detailed surface water drainage scheme, flood prevention scheme during construction works, maintenance scheme for the surface water strategy and record of maintenance programme.
TDC Environmental Health	No Conditions required.

## 5. Representations

- 5.1 The Parish Council support the development as being in a suitable location within the village so that it will not add to traffic congestion nor extend the boundaries of the village, being of a size that means it will provide a good number of additional homes without being so large as to be disruptive to the community (or neighbours) and being the type of housing that is consistent with the locality.
- 5.2 The Council has received three objections. The objections highlight concerns about:

- Possible overdevelopment of the site.
- Need for reduced speed limits.
- Need to retain the development as bungalows rather than two storey dwellings.
- Site lies outside the development boundary.
- Poor access to public transport and local facilities.
- Adverse impact on ecology.

## 6. **Assessment**

### **The Proposal**

6.1 The application site comprises 1.10 hectares of land on what is currently an open field in agricultural use. The site is square shaped with access gained over an existing layby off Clacton Road. There are no existing buildings on the site. The site adjoins a relatively recent development known as Edwards Drive which also represents the edge of the current settlement boundary. This is a Full application and the Planning Committee is being asked to approve a detailed scheme including:

- 5 two bed bungalows;
- 11 three bed bungalows.

6.2 The dwellings are set on a slightly curving access road and a smaller spur road leading off the main access drive. Vehicular access is retained to the field located immediately north of the site. Surface water attenuation ponds are positioned on the northern site boundary. Submitted documentation includes:

### **Architectural Drawings**

- 812/LOC – Location Plan
- 812/02G – Proposed Site Plan and street scene elevations.
- 812/02/A – Plot 1 details.
- 812/03/B – Plots 2 & 3 details.
- 812/04/A – Plots 4 & 5 details.
- 812/05/A – Plots 6 & 7 details.
- 812/06/A – Plot 9 details.
- 812/07/A – Plots 8, 10, 12, 14 & 15 details.
- 812/08/A – Plots 11 & 13 details.
- 812/09/B – Plot 16 details.

### **Reports and Technical Information**

- Planning and Design and Access Statement
- Q961-301 Overland Flow Routes
- Arboricultural Survey
- Bat Activity and Reptile Survey
- Flood Risk Assessment
- Phase 1 Contamination Report
- Preliminary Ecological Appraisal
- Transport Statement
- Pre-Planning report – Anglian Water.

### **Main Planning Considerations**

6.3 The main planning considerations are:



- The principle of development;
- Highways, transport and accessibility;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Heritage;
- Education and health provision;
- Utilities;
- Contamination
- Open space and allotments;
- Council Housing/Affordable Housing;
- Proposed layout and connections; and,
- Overall planning balance.

### **Principle of development**

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.6 The application site is not allocated for housing or mixed use development in the adopted Local Plan and it also falls just outside of the 'settlement development boundary'. There are no proposals in the emerging Local Plan to extend the settlement development boundary.
- 6.7 Because the site lies outside of the settlement development boundary of the adopted Local Plan, it is technically contrary to adopted policy. However the adopted Local Plan falls significantly short in identifying sufficient land to meet the 'objectively assessed' future need for housing which is a key requirement of the NPPF. As a result, the Council is also currently unable to identify a five-year supply of deliverable housing sites, plus a 5-20% buffer, as required by paragraph 47 of the NPPF – although the housing supply position is gradually improving as the Council has been approving more residential schemes in recent months.
- 6.8 Based on the evidence contained within the 'Objectively Assessed Housing Needs Study (July 2015) for Braintree, Chelmsford, Colchester and Tendring, the projected need for housing in Tendring is 550 dwellings per annum. Whilst this figure is still the subject of continued scrutiny by the Local Plan Committee and could change, it currently provides the

most up to date evidence on which to base the calculation of housing land supply. In applying the requirements of NPPF paragraph 47 to this requirement, the Council is currently only able to identify 4.5 year housing supply. In line with paragraph 49 of the NPPF, housing policies must therefore be considered 'out-of-date' and the government's 'presumption in favour of sustainable development' is engaged. To comply with national planning policy, the Council would not, at this time, be justified in refusing this planning application purely on the basis that it lies outside of the settlement development boundary of the adopted Local Plan.

- 6.9 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.10 One of the NPPF's core planning principles is to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". With this in mind, Policy SPL1 in emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.11 Thorrington is categorised as a 'smaller rural settlement' where the emerging plan envisages a small increase in housing stock over the plan period to 2033. To allow this to happen, settlement development boundaries have been drawn flexibly, where practical, to accommodate a range of sensible sites both within and on the edge of the villages and thus enabling them to be considered for small-scale residential 'infill' developments. Paragraph 2.55 of the emerging Local Plan notes that developments which exceed ten dwellings will not be permitted unless there is local support from the Parish Council or there is an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site' (for which there is a specific policy LP6).
- 6.12 Whilst the policies in the emerging Local Plan cannot carry the full weight of adopted policy at this early stage in the plan-making process, the approach taken in the settlement hierarchy and the extent of land being allocated for housing demonstrates strong alignment with the core planning principles in the NPPF to meet objectively assessed housing needs and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 6.13 In this case the proposed scheme has the support of the Parish Council and taking account of the need for additional housing to meet the five year housing target Officers consider that the proposed scheme does meet policy requirements and can be supported.

#### **Highways, transport and accessibility**

- 6.14 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.15 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although Thorrington has limited employment or service provision the site does have good pedestrian links to village services via the existing footpath network. Thorrington is also well served by public transport with regular bus services to Clacton and Colchester.
- 6.16 The development includes a central access from Clacton Road which crosses an existing layby. The Highway Authority have not objected to the removal of the layby – one of the recommended highway conditions is for the remainder of the layby to be ‘stopped up’ and existing footpaths to be fully reinstated in the vicinity of the site access.
- 6.17 In conclusion, although the site has limited accessibility to jobs, shops, services and facilities, it has reasonable and safe access, by foot and cycle to public transport and services in neighbouring villages and nearby towns. The proposed access has raised no objection from the Highway Authority and in this regard the scheme is considered acceptable.

#### **Landscape, visual impact and trees**

- 6.18 As noted the site is currently in use as an agricultural field and being located at the edge of the village requires the need to ensure that the impact of the scheme is acceptable in landscape and visual impact terms and properly takes into account trees that might be affected.
- 6.19 Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district’s landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings. The site does have a number of mature trees located to the western boundary of the site which are shown to be retained. Their root protection areas have also been identified on the submitted site plan. New hedging will be planted to the north boundary with some additional tree planting taking place within the site. Existing boundary fencing adjoins the eastern site boundary.
- 6.20 Due to the fact that the site is already fairly well enclosed and set level with adjoining dwellings and land, it will not have an adverse visual impact on the landscape or existing trees. In addition the Council’s Principal Trees and Landscapes Officer has assessed the proposal and has not raised objection. It is suggested that a condition is placed on the Planning Permission requiring a detailed landscaping scheme including provision of the hedging to the north boundary.

#### **Flood risk and drainage**

- 6.21 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied

by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development. The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place, including need for a Maintenance Plan to be submitted and updated annually.

### **Ecology**

- 6.22 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.23 The development would not have any significant direct or indirect affects on any formally designated wildlife sites, but the ecological value of the site itself has been given consideration through a preliminary ecological assessment as well as a detailed bat and reptile survey. The ecological assessment noted the need for separate phase II bat and reptile surveys. The assessment concluded that there was a need to protect existing trees during the construction phase and to avoid site vegetation clearance during the bird nesting season. The Bat and Reptile surveys concluded that there was no evidence of reptiles on the site and although bats were recorded foraging and commuting across the site the existing trees were not considered suitable for Bat Roosts. The presence of Bats was not considered to be a constraint to development.

### **Contamination**

- 6.24 Policy QL11 requires new developments to take into account the possibility of existing contamination or pollution and any necessary remediation strategies. The applicant has submitted a Phase 1 desk Study and Risk Assessment. The reports conclude that risk to future occupiers of the site would be low although note the possible presence of contaminants linked to agricultural practices. A soil test is recommended. It is therefore recommended that a contamination condition is attached to the planning permission requiring a full remediation strategy to be submitted and agreed by the local authority prior to commencement of development.

### **Education and Health provision**

- 6.25 Policy QL12 in the adopted Local Plan and Policies HP1, HP2 and PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education and health provision. With regard to education the site is below the threshold for which financial contributions would be sought. NHS England have not requested any financial contributions towards health provision and only tend to make such requests on schemes of 50 or more dwellings.

### **Utilities**

- 6.26 No objection has been received from Anglian Water in respect to this development.

### **Open Space and Play**

- 6.27 Policy COM6 in the adopted Local Plan and Policy PEO22 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. Although the site layout does indicate a small area of informal open space it is more appropriate to seek a provision of open space via a financial contribution.
- 6.28 The Council's open spaces team have therefore requested a financial contribution to be spent on improvements to the Chapel Road/Church Road play area at Thorrington.

### **Council Housing/Affordable Housing**

- 6.29 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on housing need and viability, requires 30% of new dwellings on large sites to be made available to the Council or a nominated partner to acquire at a discounted value for use as affordable or council housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as affordable or council housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.30 In this case a need for affordable dwellings has been identified in the area and the Housing team have requested provision of two x 2 bed bungalows and two x 3 bed bungalows to be provided on site. If the Committee is minded to approve this application, Officers will secure the required affordable housing through a s106 legal agreement.

### **Detailed Design and Layout**

- 6.31 The proposed development is served by a single access road leading directly from Clacton Road through an existing layby. As noted the Highway Authority are satisfied that the removal of the layby does not present any highway issues and via condition any remaining layby will be 'stopped up'. The access road runs in a curve to the rear of the site and serves the majority of proposed dwellings, a smaller spur road is designed to serve five of the dwellings. Attenuation ponds for surface water drainage are located to north boundary of the site where access has also been retained to the open field to the north of the site.
- 6.32 As noted the site already has a number of mature trees to the west boundary and it is proposed to plant new hedging to the north boundary. Close boarded fencing will be used elsewhere within the site and to the east boundary.
- 6.33 The proposed housing mix provides for a mix of five x 2 bedroom and eleven x 3 bedroom bungalows, including a pair of semi-detached properties. Parking space and garaging is provided for each dwelling. Garden sizes are again mixed in size but provide adequate amenity land for each dwelling.
- 6.34 Detailed design is traditional in nature, incorporating facing brick and tile finishing. Details of materials will be secured by condition.
- 6.35 Due to the nature of the development as single storey there is only limited impact on existing adjoining dwellings and will not cause loss of light, overshadowing or loss of outlook. It is considered that the layout or design does not have an adverse impact on neighbouring dwellings.

### **Overall Planning Balance**

- 6.36 Because the Council's Local Plan is out of date and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.37 Economic: The proposed dwellings would generate additional expenditure in the local economy which would be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built.
- 6.38 Social: The provision of 16 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. As noted the Parish Council also support the development.
- 6.39 Environmental: As identified through the various ecological and wildlife reports submitted with the application the harm to existing ecology is minimal and although a greenfield site this is outweighed by the need for additional housing. Existing trees on the site will be retained via condition.
- 6.40 In the overall planning balance, Officers consider that none of the limited adverse impacts of developing greenfield land would significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

### **Background Papers**

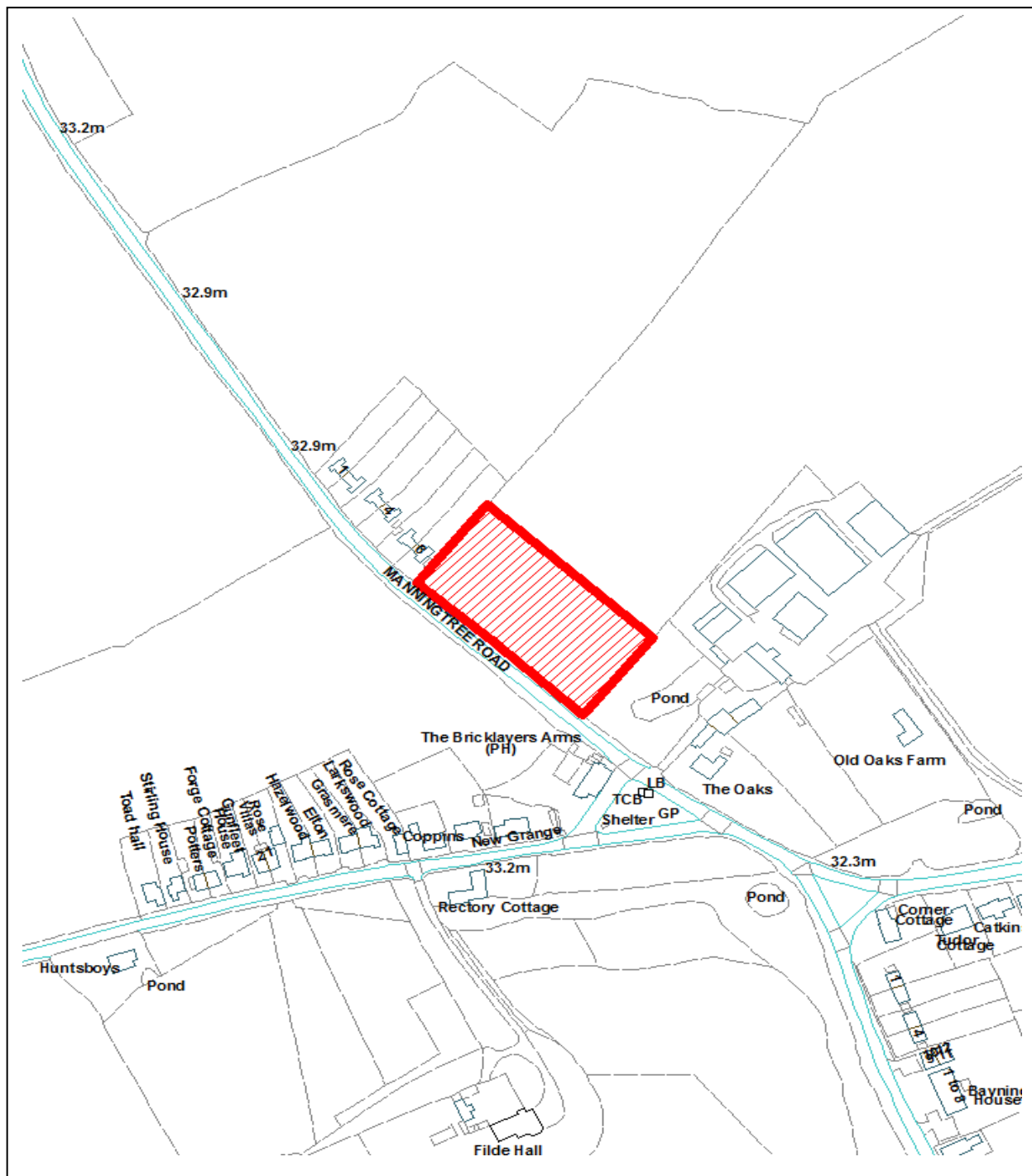
None.

## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### A.3 PLANNING APPLICATIONS - 16/01370/OUT - LAND ADJACENT 6 MANNINGTREE ROAD, LITTLE BENTLEY, CO7 8SP



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<b>Application:</b>	16/01370/OUT	<b>Town / Parish:</b> Little Bentley Parish Council
<b>Applicant:</b>	Rose Builders	
<b>Address:</b>	Land adjacent 6 Manningtree Road, Little Bentley, CO7 8SP	
<b>Development:</b>	Outline application for the construction of 6.No detached dwellings.	

## 1. Executive Summary

- 1.1 This application has been referred to committee at the request of Councillor Guglielmi as he considers that the development of 6 dwellings would make a positive contribution to the location and the wider area of Little Bentley. It is however the Officers' opinion that the proposed development should be refused as it would be contrary to National Policy in regards to Sustainable Development.
- 1.2 The application site is outside the development boundary of Little Bentley on the north-eastern side of Manningtree Road, surrounding properties are a mixture of scales and designs. The properties are predominantly semi-detached properties within spacious curtilages. Little Bentley does not offer services and facilities to sustain a residential development of six dwellings in line with the social element of Sustainable Development as highlighted within paragraphs 14 and 49 of the National Planning Policy Framework.

### **Recommendation: Refusal**

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services. The site is located within the settlement of Little Bentley. Due to the lack of facilities/services present in the village, in the saved Tendring District Local Plan (2007) Little Bentley does not have a Settlement Development Boundary, however in the draft local plan (2013-2033) it does have a Settlement Development Boundary. The boundary is located to the south of the site ceasing at the boundary of The Bricklayers Arms public house. Therefore the site is outside the development boundary in both the adopted 2007 Local Plan as well as the emerging Draft Local Plan.

In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Little Bentley, the Settlement Development Boundary of which lies to the south of the application site, is identified as a smaller rural settlement with no primary school, no GP, no defined village centre or employment opportunities. Little Bentley is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. Whilst there is a bus stop present within the village it is a hail and ride service and a two hourly service. Furthermore, the nearest rail station is at Great Bentley about 3.5 miles away. Consequently, due to the limited choice of transport modes future occupiers would be likely to rely on the use of private cars to access services.

The provision of six dwellings would make a modest contribution to the provision of housing in the district. Nonetheless, whilst it is recognised that levels of accessibility may vary from urban to rural areas, the lack of access to day to day facilities means that the site would not be in a sustainable location, and on balance it is considered that the proposal would not meet the social role. These adverse impacts would significantly and demonstrably outweigh the benefits of the



scheme. Overall the scheme would not be a sustainable form of development, and would not comply with the National Planning Policy Framework within its social element.

## 2. Planning Policy

NPPF National Planning Policy Framework

*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

HG6 Dwelling Size and Type

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

TR1A Development Affecting Highways

*Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)*

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be

considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

16/00533/OUT Construction of 8 No. detached dwellings. Refused 07.06.2016

### **4. Consultations**

4.1 The Highway Authority has no objections to the principle of the development but any reserved matters application should show the following details;

- 1) A suitably constructed shared access measuring no less than 5.5m in width and providing vehicle visibility splays measuring 2.4x90m in both directions,
- 2) No loose or unbound materials used in the surface treatment of the new access,
- 3) All parking and turning facilities in accordance with current policy standards,
- 4) Transport Information Marketing Packs for all the new dwellings

4.2 Tree and Landscape Officer has commented in regards to the potential removal of the hedgerow on the site, the comments are as follows:

The development proposal shows the removal of the boundary hedgerow adjacent to the highway. Whilst, in principle, this is unacceptable if planning permission is likely to be granted a condition should be attached to secure replacement planting that is set back from the highway to retain the rural character of the area.

The condition should also secure further details of the indicative soft landscaping shown on the site layout plan.

### **5. Representations**

5.1 No representations including Parish Comments have been received

### **6. Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Planning History;
- Principle of development;
- Ecology, Character and Appearance;
- Impact on neighbour amenities;
- Highways; and,
- Conclusion.

#### **Site description**

6.2 The application site is located on the north-eastern side of Manningtree Road in the Parish of Little Bentley. Having regard to both the Saved Tendring District Local Plan (2007) and the Draft Tendring District Local Plan: Preferred Options Consultations Document 2013 – 2033, the site lies outside of any defined Settlement Development Boundary.

6.3 The site has an area of 0.53 hectares and forms part of an agricultural field that fronts onto Manningtree Road. The site frontage is marked by a mature hedgerow and grass verge. To the north-west of the site are 3 pairs of semi-detached properties within of rendered finishes under clay tiled roofs. To the south-east is a pond and trees which forms part of Oak Farm.

This holding contains a number of large agricultural buildings that extend to the north-east of the farm buildings.

- 6.4 To the south of the site is a public house known as 'The Bricklayers Arms'. A bus service runs through the village of Little Bentley which stops at the public house.

### **Proposal**

- 6.5 This outline application with all matters reserved is for the erection of 6 no. detached dwellings. The application form indicates a housing mix of 3 and 4 + bedroom dwellings.

### **Planning History**

- 6.6 A previous application was submitted for 8 dwellings on the site under 16/00533/OUT and this was refused on 07.06.2016. The reason for refusal was on the grounds that the application did not comply with Local Plan Policy QL1 however this in itself lacked weight due to the absence of a 5 year land supply therefore the principle of development was referred to the NPPF under 'Sustainable Development'. It was found that the development failed to accord with the Social strand of Sustainable Development due to the isolated nature of the site and Little Bentley as whole and subsequently refused.

### **Principle**

- 6.7 The application site is located outside of the settlement boundary as defined within the Tendring District Local Plan, 2007 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.
- 6.8 Saved 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. However, given the limited weight that can be applied to the Draft Local Plan, and the status of Policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.9 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF says 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.
- 6.10 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.
- 6.11 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.
- 6.12 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.

6.13 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.

Economic:

6.14 It is considered that the proposal for 6 no. dwellings would make a modest contribution to the economy of the area, for example by providing employment during the construction of the development and from future occupants using the nearby public house.

Social:

6.15 The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

6.16 The site is located within the settlement of Little Bentley. Due to the lack of facilities/services present in the village, in the saved Tendring District Local Plan (2007) Little Bentley does not have a Settlement Development Boundary, however in the draft local plan (2013-2033) it does have a Settlement Development Boundary. The boundary is located to the south of the site ceasing at the boundary of The Bricklayers Arms public house. Therefore the site is outside the development boundary in both the adopted 2007 Local Plan as well as the emerging Draft Local Plan.

6.17 In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Little Bentley is identified as a smaller rural settlement with no primary school, no GP, no defined village centre or employment opportunities. Little Bentley is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. Whilst there is a bus stop present within the village it is a hail and ride service and a two hourly service. Furthermore, the nearest rail station is at Great Bentley about 3.5 miles away. Consequently, due to the limited choice of transport modes future occupiers would be likely to rely on the use of private cars to access services.

6.18 The provision of 6 dwellings would make a modest contribution to the provision of housing in the district. Nonetheless, whilst recognising that levels of accessibility may vary from urban to rural areas, the lack of access to day to day facilities means that the site would not be in a sustainable location, and on balance it is considered that the proposal would not meet the social strand of sustainability. These adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.

Environmental:

6.19 The environmental role is about contributing to protecting and enhancing the ecological, built and historic environment which is considered below under the heading Ecology, Character and Appearance.

## **Ecology, Character and Appearance**

- 6.20 The Tree and Landscape Officer has commented in regards to the potential removal of the hedgerow on the site, the comments are as follows:

*The development proposal shows the removal of the boundary hedgerow adjacent to the highway. Whilst, in principle, this is unacceptable if planning permission is likely to be granted a condition should be attached to secure replacement planting that is set back from the highway to retain the rural character of the area.*

*The condition should also secure further details of the indicative soft landscaping shown on the site layout plan.*

- 6.21 The officer notes that the removal of the boundary hedge will be required to achieve visibility splays on the site; it should not impact upon the ecology. The species present within the hedge includes a mixture of Hawthorn and Blackthorn, the removal of these to provide a visibility splay should not be a major impact upon the ecology of the site, the hedgerow is not significant in age and does not play a major role in the character of the wider area if a section were to be removed. Mitigation in the form of replacement planting achieved through a controlling condition as mentioned above should be sufficient to offset impact upon the hedge.
- 6.22 The applicant has submitted an ecological appraisal with the previous application 16/00533/OUT which noted no matters of particular concern but did mention that the hedgerows on site may provide suitable habitats for birds and foraging bats with reptiles and newts possibly present within the field margins and hedgerows as this would provide a suitable habitat. The survey concluded that additional detailed surveys are required in respect of Great Crested Newts/Reptiles, no other surveys were recommended.
- 6.23 A detailed reptile survey and mitigation strategy has been provided with this current application, it concludes the following;
- 6.24 No adult reptiles were recorded on site during the survey however; a single juvenile Grass Snake was noted during a single visit. No other reptile species was noted on site during the survey.
- 6.25 The arable field is planted with sweetcorn crop and is considered unsuitable for reptiles. It is considered likely that the field is used for rotational planting and is considered unsuitable to support a permanent population of reptiles; however the field boundaries are suitable for transient Grass Snake to move around the site and into the wider area.
- 6.26 Although no adult Grass Snakes were identified on site, the presence of a very low juvenile population means that we cannot discount the presence of a low adult population in the local area. Good working practices should be employed to avoid killing or injuring reptiles during the development works.
- 6.27 It will be necessary to take precautions before site clearance begins to prevent reptiles from being harmed.
- 6.28 The site is located adjacent to residential development to the north-west of the site and an established farm holding to the south-east. Open fields surround the site to its west and east. The Bricklayers Arms is nearby and beyond this is ribbon development that extends along Rectory Road. The site is therefore enclosed at both ends by built development and to its frontage by a mature roadside hedge.
- 6.29 The development proposed consists of 6 no. dwellings fronting onto Manningtree Road in a linear arrangement; this has been reduced from 8 under the previous application

16/00533/OUT. The current number of dwellings would lessen its visual impact over the area and would also represent an appropriate response to the pattern of built development in the vicinity. The presence of built form at either end of the site and residential development to the south adjacent to the public house ensures that the infill of this site would not adversely impact upon the character of this part of Little Bentley.

- 6.30 Whilst scale of the buildings is a reserved matter the indicative details submitted show that the dwellings would be two-storey in height. The area comprises of predominantly two-storey properties. Against this backdrop the siting of 6.no dwellings on the site would not appear out of character or prominent in this location.
- 6.31 The indicative layout provided shows that the dwellings would be served by two access points off Manningtree Road set behind an internal access road and the existing hedgerow. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality.
- 6.32 Therefore taking into consideration the current use of the site, the residential character of the surrounding area and the vegetation present on and around the site, it is considered that the proposed development would have a neutral impact upon the landscape and would also satisfy the ecological impacts within the environmental strand of sustainability as defined within the NPPF.

#### **Impact on Neighbours Amenities**

- 6.33 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 SPL3 of the Tendring District Local Plan Preferred Options Consultation (2013-2033) 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'.
- 6.34 The application is in outline form with all matters reserved 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 nearby properties or the future occupiers of the proposed dwellings. The indicative layout shows that sufficient space could be left to the adjoining properties to the north-west as to not cause any harm.

#### **Highways**

- 6.35 The Highway Authority has no objections to the principle of the development but any reserved matters application should show the following details;
- 1) A suitably constructed shared access measuring no less than 5.5m in width and providing vehicle visibility splays measuring 2.4x90m in both directions,
  - 2) No loose or unbound materials used in the surface treatment of the new access,
  - 3) All parking and turning facilities in accordance with current policy standards,
  - 4) Transport Information Marketing Packs for all the new dwellings
- 6.36 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. It is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

## **Conclusion**

- 6.37 Considered against Local and National Policy the proposal fails to satisfy the social strand of 'Sustainable Development'. It is therefore recommended that planning permission be refused.

## **Background Papers**

None.

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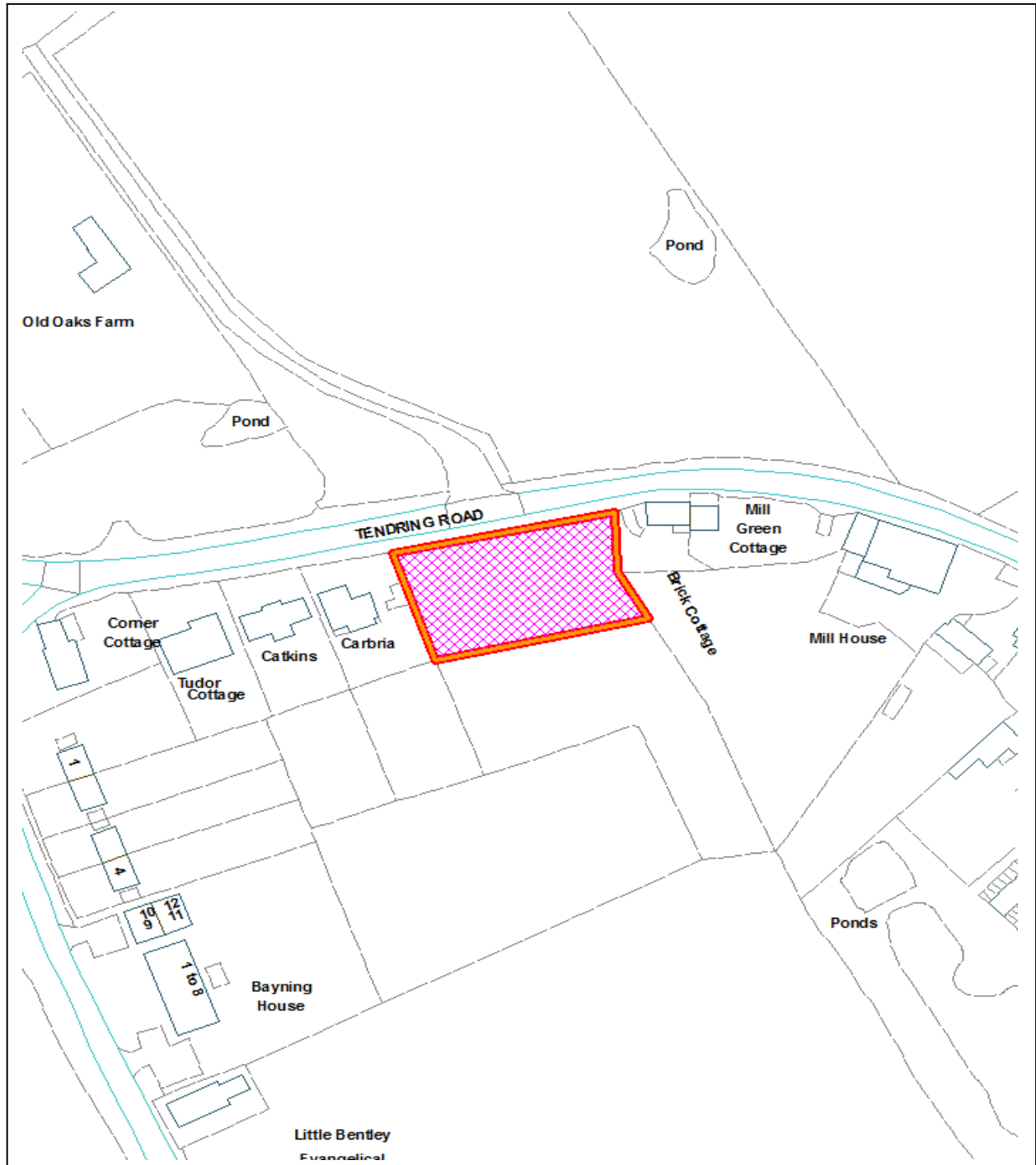


## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### A.4 PLANNING APPLICATION - 16/01373/OUT - CARBRIA, TENDRING ROAD, LITTLE BENTLEY, CO7 8SH



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<b>Application:</b>	16/01373/OUT	<b>Town / Parish:</b> Little Bentley Parish Council
<b>Applicant:</b>	Rose Builders	
<b>Address:</b>	Carbria, Tendring Road, Little Bentley, CO7 8SH	
<b>Development:</b>	Outline permission for the construction of two detached dwellings.	

## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee by Councillor Giancarlo Guglielmi on the grounds that it will make a positive contribution to the location and local economy, whilst there has been no objection from the Highways Authority.
- 1.2 The application seeks outline planning permission for the construction of two detached dwellings, with all matters reserved.
- 1.3 The application site is situated on the southern side of Tendring Road outside of the defined settlement development boundary of Little Bentley as set out in the Tendring District Local Plan (2007) and in the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).
- 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 not considered to be located in a socially sustainable location, but 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.

### **Recommendation: Refusal.**

#### **Reason for Refusal:**

The application site is located outside of the defined settlement limit as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).

Little Bentley itself has no public services, such as schools or convenience shopping and has no public footpath, which will further discourage walking. Whilst it is acknowledged there is a nearby bus stop, the nearest train station is approximately 3.5 miles away at Great Bentley

and on balance it is anticipated that most journeys will be used through the use of a private vehicle to access essentials services and facilities. On this basis, the proposal would not be considered sustainable in terms of its social impact.

The dwelling would be sited in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework

National Planning Practice Guidance

### 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

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6a Protected Species

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)*

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

15/30312/PRE APP	Erection of four bungalows, demolition of existing garage to provide new access road to site.	11.01.2015
16/01385/FUL	Construction of 4 No. Bungalows and garages on land to rear of Homefield including a new garage to Homefield.	Current

### 4. **Consultations**

Highways comments - No objection to the principle of the development but any reserved matters application should show the following details:

1. A centrally positioned shared access providing vehicle visibility splays measuring 2.4mx43m in both directions;
2. No loose or unbound materials used as surface treatment for the access;
3. A parking and turning facility in accordance with current policy standards; and
4. Transport Information Marketing Packs for the two dwellings.

### 5. **Representations**

5.1 Little Bentley Parish Council have made no comment.

5.2 Two letters of objection have been received. The points raised have been summarised below:

- Loss of privacy if windows are included in future side elevations;
- Loss of value of existing property;
- Increase of traffic on a narrow road that could lead to increased risk of accidents;
- The site is not economically, socially or environmentally sustainable.

### 6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;

- Local Plan Status;
- Principal of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highways; and,
- Biodiversity.

### **Site Context**

- 6.2 The application site is located on the southern side of Tendring Road within the Parish of Little Bentley. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016), the site lies outside of any defined Settlement Development Boundary.
- 6.3 The site has an area of 0.15 hectares and forms part of an arable field that fronts onto Tendring Road marked by a mature hedgerow and grass verge. Either side of the application site is existing residential development in linear form that extends around the corner into Church Road. Most of the dwellings are set back from the road, behind front gardens and vary in design and scale.
- 6.4 To the west of the site is a public house known as 'The Bricklayers Arms'. A bus service runs through the village of Little Bentley which stops at the public house.

### **Proposal**

- 6.5 The current application seeks outline consent with all matters reserved for the construction of two properties on the plot with associated parking. The indicative plan shows the provision of two detached dwellings to the south of Tendring Road.
- 6.6 The applicant has indicated that whilst all matters are reserved for later consideration, an indicative drawing has been submitted to show how development could be achieved within the application site. The indicative drawing shows two vehicular accesses serving the two properties from Tendring Road.

### **Local Plan Status**

- 6.7 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **Principle of Development**

- 6.8 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan 2007, 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.
- 6.9 Saved 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. However, given the limited weight that can be applied to the draft Local Plan, and the status of Policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.10 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for 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 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.
- 6.13 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 three dimensions of 'sustainable development',
- economic,
  - social and
  - environmental roles.
- 6.14 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.

### Economic:

- 6.15 It is considered that the proposal for 2 no. dwellings would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby public house, and so meets the economic strain of sustainable development.

### Social:

- 6.16 The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between

urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services. The site is located within the settlement of Little Bentley. Due to the lack of facilities/services present in the village, in the saved Tendring District Local Plan (2007) Little Bentley does not have a Settlement Development Boundary.

- 6.17 In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Little Bentley, the SDB of which lies to the south of the application site, is identified as a smaller rural settlement with no primary school, no GP surgery, no defined village centre or employment opportunities. Little Bentley is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials, although it is acknowledged that there is a bus stop present within the village at The Bricklayers Arms. However, the nearest rail station is at Great Bentley about 3.5 miles away. Consequently, due to the limited choice of transport modes future occupiers would be likely to rely on the use of private cars to access services.
- 6.18 The provision of two dwellings would make a modest contribution to the provision of housing in the district. Nonetheless, whilst it is recognised that levels of accessibility may vary from urban to rural areas, the lack of access to day to day facilities means that the site would not be in a sustainable location and, on balance, it is considered that the proposal would not meet the social role of sustainability. These adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. Overall the scheme would not be a sustainable form of development, and would not comply with the National Planning Policy Framework.

Environmental:

- 6.19 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under the heading Character and Appearance.

**Character and Appearance**

- 6.20 Either side of the application site is existing residential development in linear form that extends around the corner into Church Road. The site is therefore enclosed at both ends by built development and to its frontage by a mature roadside hedge.
- 6.21 The development proposed of 2 no. dwellings fronting onto Tendring Road in a linear arrangement therefore represents an appropriate response to the pattern of built development in the vicinity. The presence of built form either side of the site and residential development to the west adjacent to the public house ensures that the infill of this site would not adversely impact upon the character of this part of Little Bentley.
- 6.22 Whilst scale is a reserved matter, the details submitted show that the dwellings would be two-storey in height. The area comprises of predominantly two-storey properties. Against this backdrop the siting of 2 no. dwellings on the site would not appear out of character or prominent in this location.
- 6.23 The indicative layout provided shows that the dwellings would be served by their own access points off Tendring Road with the existing hedgerow retained where possible. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality.
- 6.24 Therefore taking into consideration the current use of the site, the residential character of the surrounding area and the vegetation present on and around the site, it is considered

that the proposed development would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

### **Neighbouring Amenity**

- 6.25 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 SPL3 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'.
- 6.26 The application is in outline form with all matters reserved 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 nearby properties or the future occupiers of the proposed dwellings. The indicative layout shows that sufficient space could be left to the adjoining properties to the east and west as to not cause any harm.

### **Highways**

- 6.27 Essex County Council as the Highway Authority has been consulted on the application. They raise no objection to the principle of the development and vehicular accesses from Tendring Road in this location subject to;
1. A centrally positioned shared access providing vehicle visibility splays measuring 2.4mx43m in both directions;
  2. No loose or unbound materials used as surface treatment for the access;
  3. A parking and turning facility in accordance with current policy standards; and
  4. Transport Information Marketing Packs for the two dwellings.
- 6.28 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. It is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

### **Biodiversity**

- 6.29 A Phase 1 Habitat Survey has been provided which concludes the following;

The site predominantly comprises of semi-improved grassland which is grazed to a low sward height, with an intact species-rich hedgerow along the northern boundary. No habitats which occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. There are suitable features, within the area to be affected by the proposed development, which may provide foraging and nesting habitat for breeding birds, in particular the hedgerow along the northern boundary. There are no signs of Water Voles, Otters and Dormice, and the site was not found to be suitable for these species. No signs of Badgers were noted on site at



the time of the survey. The grassland is used for grazing and is maintained to a low sward height; therefore it is considered unlikely reptiles are present on site. There are no features on site considered suitable for roosting bats; however a small number of bats may use the site for limited foraging. Given the size of the site and availability for foraging bats in the wider area, it is unlikely the removal of habitat from site would result in a negative impact on the species. The desk study identified nine ponds within 500m of the site, most of which were not accessible at the time of the survey, due to their location on private property. Two were assessed as having average suitability to support Great Crested Newt. Given Tendring Road and Church Road act as a barrier between the site and most of the ponds in the wider area as well as the lack of suitable habitat for this species onsite, the proposed development will not have a negative impact on this species.

#### Background Papers

None.

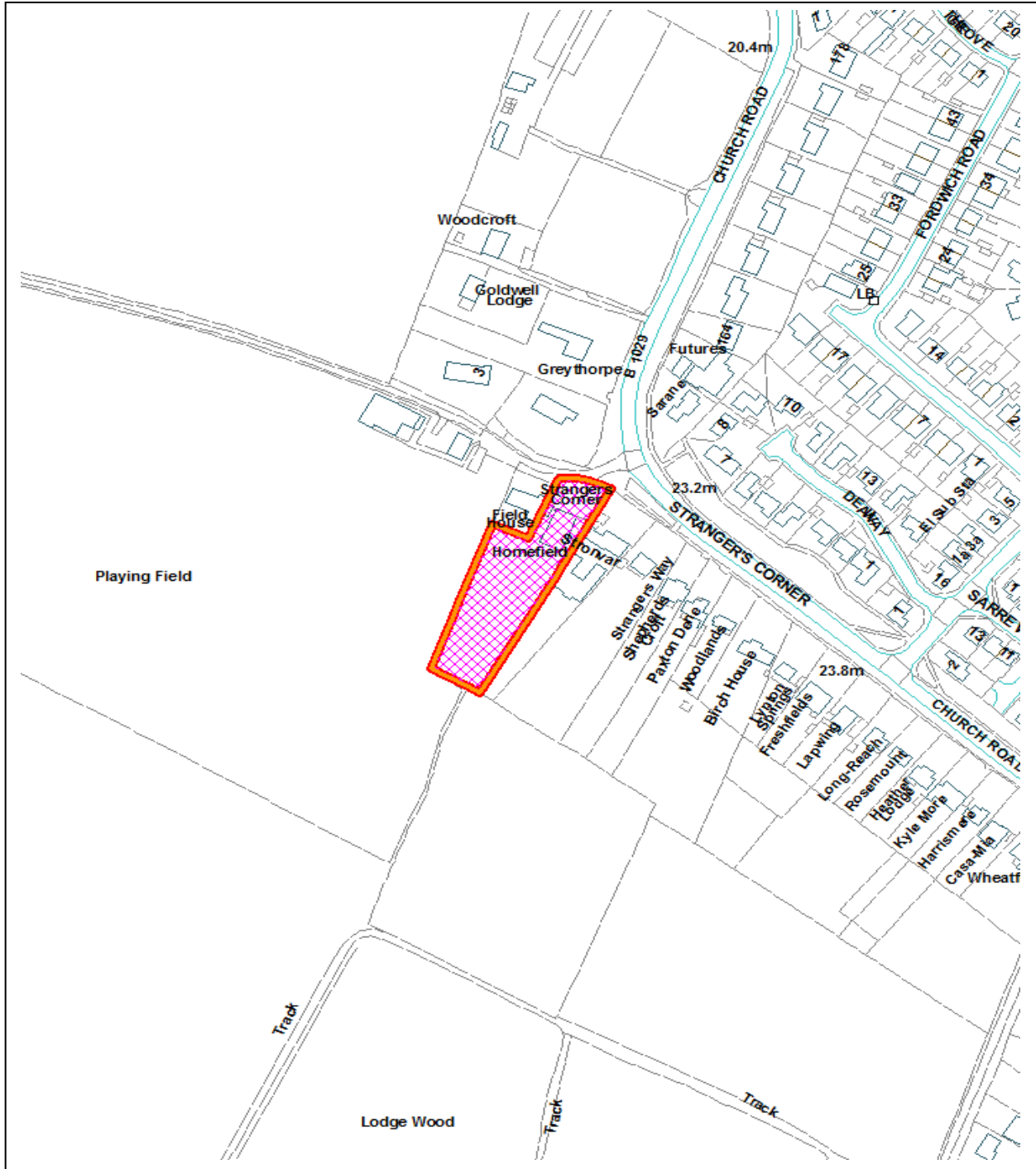
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## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### A.5 PLANNING APPLICATION - 16/01385/FUL - HOMEFIELD, CHURCH ROAD, BRIGHTLINGSEA, CO7 0QT



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<b>Application:</b>	16/01385/FUL	<b>Town / Parish:</b> Brightlingsea Town Council
<b>Applicant:</b>	South East Developments	
<b>Address:</b>	Homefield Church Road Brightlingsea CO7 0QT	
<b>Development:</b>	Construction of 4 No. Bungalows and garages on land to rear of Homefield including a new garage to Homefield.	

## 1. Executive Summary

- 1.1 This application is referred to Planning Committee by Councillor Chapman on the grounds that the proposal will create a negative impact on the urban design/ street scene of the surrounding area, will have a highways impact, a negative impact on neighbours and that the site is situated outside of a Settlement Boundary, as agreed within the Tendring District Local Plan 2007.
- 1.2 The application seeks planning permission for the construction of four detached bungalows, with associated garages and parking.
- 1.3 The application site is located on Church Road, adjacent to, but outside of any defined Settlement Development Boundary. However, the site does lie in the Brightlingsea Settlement Boundary within the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).
- 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 sustainable location, meeting the economic, social and environmental strands of sustainability. It is considered that the site can be developed without raising any objections in respect of; impact on surrounding area, layout/design, impact on neighbouring amenity, highway safety, ecology and impact on trees.

**Recommendation: Approve**

**Conditions:**

- 1) Time Limit
- 2) Approved Plans
- 3) Construction of vehicular turning facility
- 4) No unbound materials in first 6m of access
- 5) Vehicular hardstanding shall measure 5.5m x 2.9m per parking space

- 6) Single garages shall have a minimum internal measurement of 7m x 3m
- 7) Submission of a detailed transport mitigation package
- 8) Programme of trial trenching
- 9) Completion of archaeological fieldwork prior to groundwork
- 10) Post-excavation Assessment
- 11) Compliance with ecology appraisal
- 12) Soft landscaping scheme

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

### 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

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6a Protected Species

EN29 Archaeology

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)*

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

15/30312/PREAPP	Erection of four bungalows, demolition of existing garage to provide new access road to site.	11.01.2015
16/01385/FUL	Construction of 4 No. Bungalows and garages on land to rear of Homefield including a new garage to Homefield.	Current

### **4. Consultations**

ECC Highways Dept	This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:
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1. Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Any single garages should have a minimum internal measurement of 7m x 3m and all garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

5. No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable

Travel Planning team on 01245 436135 or email [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) for more information.

INF01 Highway Works - 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](mailto:development.management@essexhighways.org) or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - 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.

Essex County Council  
Archaeology

A programme of Trial Trenching followed by Open Area Excavation is recommended due to a number of cropmark complexes in the surrounding area that attest to the archaeological potential of the area of the proposed development.

## 5. Representations

- 5.1 Brightlingsea Town Council has objected to the proposal on the grounds that it is backland development, will increase traffic dangers and is in proximity of a Site of Special Scientific Interest.
- 5.2 Three letters of objection have been received. The points raised have been summarised below:
- Over-development of the site
  - Will set a precedent for other adjoining gardens to be developed
  - Overlooking
  - Access between the properties is not acceptable
  - Impact to adjacent wood to the south of the site
  - Proposal is not sustainable
  - Site is located outside of a Settlement Boundary
  - Increased likelihood of car accidents
  - Impact on neighbours
  - Bungalows not of a good design
  - Previous permission for a car park adjacent to the site refused

## 6. Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;



- Impact on Surrounding Area;
- Layout/Design;
- Impact to Neighbours;
- Highway Safety; and,
- Trees/Ecology.

### **Site Context**

- 6.2 The application site is located on Church Road, within the Parish of Brightlingsea. Having regard to the Saved Tendring District Local Plan (2007) the site lies adjacent to, but outside of any defined Settlement Development Boundary. However, the site does lie in the Brightlingsea Settlement Boundary within the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016), although it must be stressed this plan is given limited weight at this stage.
- 6.3 The site has an area of 0.35 hectares and forms part of existing garden land to the rear of 'Field House' and 'Homefield'. The character of the surrounding area is mainly that of residential properties, with a strong, linear building line running across Church Road south-eastwards. To the west of the site is a large, open playing field, with the adjacent neighbour to the east serving as a care home.

### **Proposal**

- 6.4 The current application seeks planning permission for the construction of 4 no bungalows with associated garages and parking. The submitted plans show them to be sited to the southern side of the boundaries of 'Field House' and 'Homefield', with a shared access with existing properties to the north from 'Strangers Corner'.
- 6.5 The submitted plans show that the proposed dwellings are all to be single storey, detached bungalows, each with a separate garage.

### **Principle of Development**

- 6.6 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan 2007, 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.
- 6.7 Saved 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. However, given the limited weight that can be applied to the draft Local Plan, and the status of Policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.8 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for 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.
- 6.9 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.

- 6.10 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.
- 6.11 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 three dimensions of 'sustainable development',
- economic,
  - social and
  - environmental roles.
- 6.12 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.

Economic:

- 6.13 It is considered that the proposal for 4 no. dwellings would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby public house, and so meets the economic strain of sustainable development.

Social:

- 6.14 The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services. The site is located within the settlement of Brightlingsea.
- 6.15 In the Council's "Local Plan Settlement Hierarchy" document (April 2016), Brightlingsea is identified as a smaller rural settlement with no railway station, but does have a GP surgery, a good bus route, a primary and secondary school and a defined village centre with employment opportunities. Brightlingsea is therefore classed as one of the District's better scoring settlements in terms of its sustainability credentials. It is therefore considered that due to the site being located in close proximity to the mentioned services and facilities, the majority of journeys can be achieved without the use of a private vehicle and is therefore sited in a socially sustainable location.

Environmental:

- 6.16 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under Impact on Surrounding Area.

**Impact on Surrounding Area**

- 6.17 The proposal relates to the erection of four bungalows to be sited at the rear of the existing properties, accessed via a narrow drive which would run along the southern side of the boundaries of 'Field House' and 'Homefield' (which is in the applicant's ownership). The layout shown represents backland development. Policy HG13 of the Tendring District Local

Plan 2007 states that proposals for the residential development of 'backland' sites will be permitted where; amongst other things the following criteria are met:

- The proposal does not involve 'tandem' development using a shared access;
- 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 is not on the edge of the defined settlement and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

6.18 The site is not an awkwardly shaped or fragmented parcel of land, the development of which would not prejudice a more comprehensive development solution. Furthermore, whilst the site is located on the edge of the defined settlement it would be located adjacent to an existing playing field with woodland to the south-east and given that the development would be single storey in nature and supplemented by a soft landscaping scheme, its impact upon the wider landscape character and in particular the coastal protection belt would not therefore be detrimental.

6.19 Although the character of this section of Church Road is largely linear in pattern, the adjacent property to the east is a care home and comprises of built form set back behind the existing frontage. The introduction of bungalows in this backland setting would not be in character but would also not be harmful given the low key nature of the development and its setting adjacent to a playing field to the west and woodland to the south. The dwellings would be served by a narrow access between existing dwellings, but again it is difficult to assume this would result in demonstrable harm. The dwellings to the north themselves front onto a private road, therefore the construction of an access drive between the properties would not be detrimental to visual amenity or be highly prominent.

6.20 Policy HG9 of the Tendring District Local Plan 2007 states that for a property of three bedrooms or more, there is a requirement of 100 square metres of private amenity space. The submitted plans indicate that this is comfortably achievable for all of the four new dwellings as well as the existing property 'Homefield'.

### **Layout/Design**

6.21 The layout shown on the site plan is achievable and makes efficient use of the plot. The bungalows would be sited along the private road in an arrangement which allows for the inclusion of soft landscaping around the proposed turning head and in between the properties. The bungalows would retain ample space to their side boundaries and would all be served by private amenity space meeting the requirements of HG9, as stated above.

6.22 There is planting proposed to the site entrance/frontage to the private road that will soften the appearance of the proposed access/hardstanding area.

6.23 The character of the dwellings in the surrounding area is varied. The siting of 4 bungalows would not therefore appear out of place in this location and assists in reducing their prominence from the adjoining land. Furthermore, the bungalows are all of slightly different designs which will succeed in providing variety to the development.

### **Impact to Neighbours**

6.24 The impact upon the residents at 'Field House' in respect of the use of the access would not be so adverse as to warrant a refusal of planning permission. The provision of four bungalows and the associated use of the access would not cause a sufficient intensification

to cause undue noise and disturbance to the residents. It is also evident that there is only a small obscure window and door present to the facing side elevation, which will reduce the potential adverse impact upon the residents.

- 6.25 The host property has numerous windows present within its facing side elevation. However, the inclusion of a brick wall to that side elevation and the fact the development relates only to four bungalows will reduce any potential impact, whilst the movement of traffic would be of a sufficiently low level to not result in a significantly detrimental impact to residents.
- 6.26 As the proposals are for bungalows, there is not any concern in respect of the impact upon local resident's privacy or outlook. Furthermore the development is located to ensure sufficient distance to surrounding properties, ensuring there will be no loss of light or shadowing issues.

### **Highway Safety**

- 6.27 Essex County Council as the Highway Authority has been consulted on the application. They raise no objection to the principle of the development and vehicular accesses from Tendring Road in this location subject to;
1. Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
  2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  3. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
  4. Any single garages should have a minimum internal measurement of 7m x 3m and all garages shall be retained for the purposes of vehicle parking in perpetuity.
  5. No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.
- 6.28 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. It is considered that the site is capable of accommodating this level of parking and the submitted plans demonstrate this is achievable for both the proposed dwellings and for the existing dwelling 'Homefield'.

### **Ecology**

- 6.29 A Phase 1 Habitat Survey has been provided which concludes the following;
- 6.30 The majority of the site comprises of buildings, hardstanding and semi-improved grassland. The proposed development will not adversely affect any statutory or non-statutory

designated sites. The scattered trees and defunct-species poor hedgerow provide suitable features for nesting birds. The south of the site boundary is adjacent to Wick's/Lodge Wood, Local Wildlife Site, (LWS). Despite the close proximity to this woodland there is limited habitat connectivity onto the site, due to the lack of trees and hedgerows within the site boundary. To ensure the new development does not impact this, lighting should be designed to avoid light overspill into the woodland. No habitats that occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. The habitats on site are of site significance only. The semi-improved grassland is not considered suitable habitat for reptiles, as it is maintained to a low sward height. The site is not considered suitable for Great Crested Newts, Water Voles, Otters, Badgers, Dormice or plants protected under schedule 8 of the WCA.

### **Trees**

- 6.31 There are no protected trees on the site that would need to be felled or removed as part of this application, whilst the bungalows themselves are sited far enough away from the trees to the south of the site to ensure there will not be any significant harm.

### **Background Papers**

None

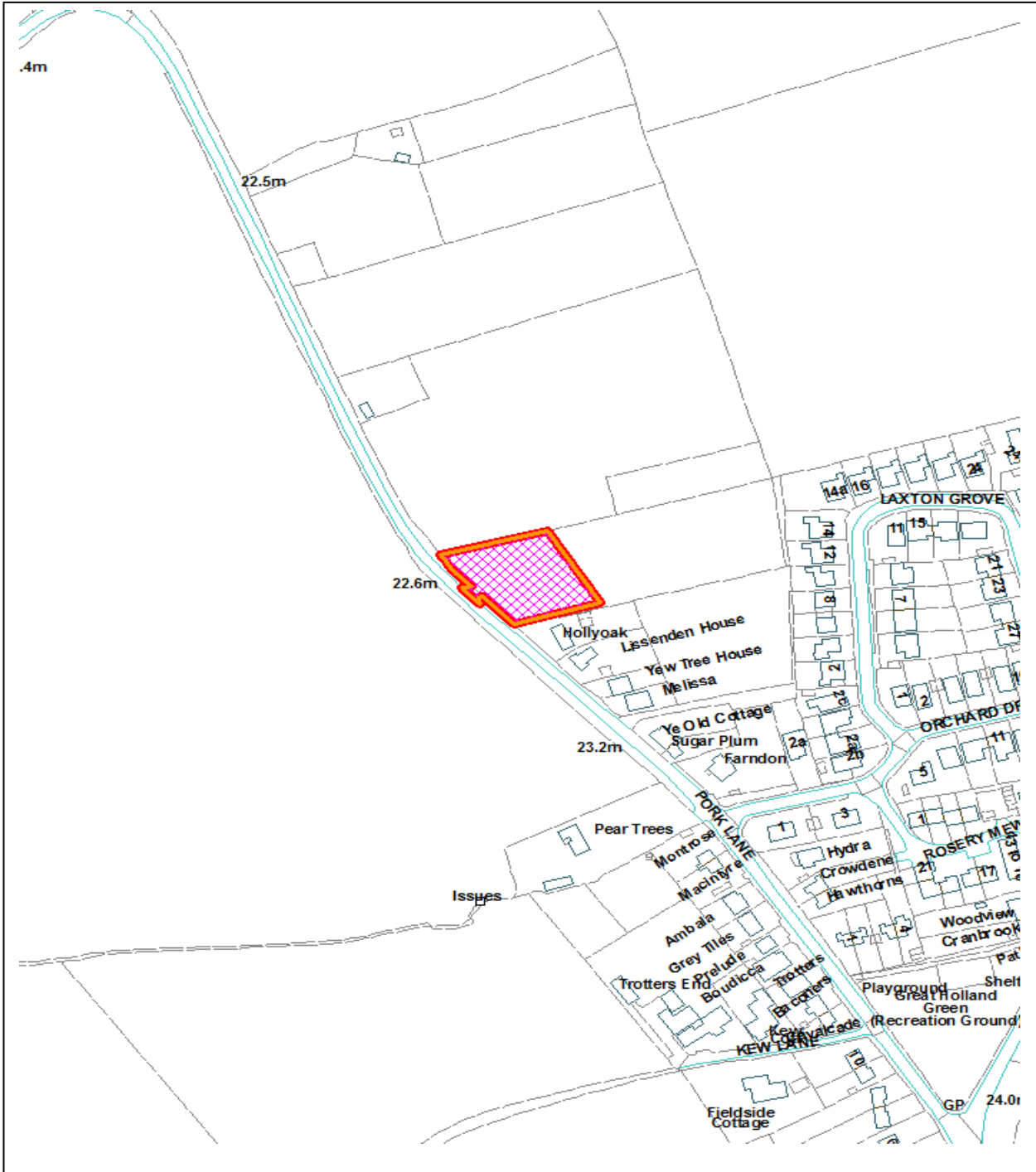
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## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### A.6 PLANNING APPLICATIONS - 16/01400OUT - LAND ADJACENT HOLLYOAK, PORK LANE, GREAT HOLLAND, CO13 0JE



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<b>Application:</b>	16/01400/OUT	<b>Town / Parish:</b> Frinton & Walton Town Council
<b>Applicant:</b>	Mr D Akers	
<b>Address:</b>	Land adjacent Hollyoak, Pork Lane, Great Holland, CO13 0JE	
<b>Development:</b>	Residential development of 0.2HA of land to create up to three detached bungalows.	

## 1. Executive Summary

- 1.1 This application seeks development of up to three detached bungalows on 0.2ha of land.
- 1.2 The site is located to the north of Great Holland, on its southern side it is adjacent to the development boundary with Pork Lane running to its west. Open countryside surrounds the site to its north and east, dwellings are a mixture of bungalows and large detached properties of a mixture of scales and design which are set back from the carriageway behind short front gardens.
- 1.3 The principle of residential development on this site is acceptable. Having regard to a recent appeal decision the site is considered to be located in a socially sustainable location and would meet the social, environment and economic strand of sustainability. 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, sustainable development and the existing hedgerow on site

### **Recommendation: Approve**

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

Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording there of 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) A suitably constructed access measuring no less than 5.5m in width and providing a parallel visibility band of 2m deep across the site frontage
- 9) No unbound materials in first 6m of access
- 10) Off-street parking in accordance with current parking standards
- 11) Garages being set back 6m from highway
- 12) Boundary hedge being setback 1m from highway and 1m behind visibility splays



## 2. **Planning Policy**

NPPF National Planning Policy Framework

*Tendring District Local Plan 2007*

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)*

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency

with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

07/01222/FUL	Change of use of agricultural land to paddock with vehicular access, as amended and amplified by drawing no. 4372a-1 Rev A, Certificate of Ownership and agents letter received on 26 September 2007.	Refused	19.10.2007
16/01400/OUT	Residential development of 0.2 ha of land to create up to three detached bungalows.	Current	

### **4. Consultations**

4.1 Essex County Council Highways no objections to this proposal but would require any Reserved Matters application to show the following;

- 1) A suitably constructed access measuring no less than 5.5m in width and providing a parallel visibility band of 2m deep across the site frontage,
- 2) No loose or unbound material used in the surface treatment of the vehicle access within 6m of the highway boundary,
- 3) Parking and turning facilities in accordance current policy standards,
- 4) Transport Information Marketing Packs for the new dwellings

4.2 The Tree and Landscape Officer has commented:

The main body of the application site is set to grass and is being used as paddock land. There are no trees or other significant vegetation on the land other than on the boundary with the highway.

The boundary and the adjacent highway is demarcated by a hedgerow containing primarily Blackthorn and bramble. There are two small Oaks in the hedgerow.

The hedgerow does not at present, at present form a strong boundary feature and the trees contained therein do not merit retention or protection by means of a Tree Preservation Order.

The information contained in the Planning Statement states that the boundary hedgerow can be retained and strengthened by additional planting and the boundary with the open Countryside to the north and east can also be planted to provide screening.

If consent is likely to be granted then details of soft landscaping should be secured by condition

## **5. Representations**

- 5.1 A single representation has been received. The main points mentioned are:
- Pork Lane is a narrow country lane, unsuitable and unsustainable for further development beyond existing boundaries.
  - Pressure on infrastructure particularly sewage.
- 5.2 The Parish Council of Frinton and Walton have submitted a refusal for this application based on unsafe access onto Pork Lane, poor sewerage in the area and that the site should remain as agricultural land.
- 5.3 Councillor Bucke has raised concerns about the potential negative affects on the surrounding area including the adjacent highway along with negative affects on neighbouring properties. The Councillor also notices that the application is outside of the Settlement Development Boundary within an unsustainable location.

## **6. Assessment**

- 6.1 The main planning considerations are:
- Site description;
  - Proposal;
  - Principle of development;
  - Design and impact on character of the area;
  - Impact on neighbour amenities;
  - Landscape;
  - Biodiversity;
  - Highways; and,
  - Conclusion.

### **Site description**

- 6.2 The site is located to the north of Great Holland, on its southern side it is adjacent to the development boundary with Pork Lane running to its west. Open countryside surrounds the site to its north and east.
- 6.3 Dwellings along Pork Lane running from the south east of the site are a mixture of bungalows and larger detached properties. These are all set back from the highway and have generously sized curtilages further to the east is a cluster of more densely packed semi detached properties arranged in a crescent shape.
- 6.4 The property known as Hollyoak is adjacent to the site and owned by the applicant, this is a single storey bungalow with detached garage that is set back.
- 6.5 The site has a frontage of around 50m and an average depth of 40m. Across part of the frontage is a hedgerow comprised of overgrown brambles and small trees.

### **Proposal**

- 6.6 This application seeks planning permission for the erection of three detached bungalows upon 0.2ha of land. Specific design details have not been submitted as the application is for all matters reserved. The submitted indicative site plan does show three dwellings including detached garages with reasonably sized curtilages.

## **Principle**

- 6.7 The Council is in a position where it cannot demonstrate a deliverable 5 year housing land supply. Therefore as stated in paragraph 49 of the National Planning Policy Framework (NPPF) the policies with regard to housing provision in the Local Plan 2007 cannot be considered up to date. Given this situation the proposal falls to be considered in accordance with the NPPF.
- 6.8 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development; in paragraph 7 it states that there are three dimensions to sustainable development; economic, social and environmental.
- 6.9 Economically, the construction and habitation of new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents will bring to the local economy. The proposal would add to local housing supply and accommodate residents who would have the potential to support local community groups and services. In this regard, the proposal would be economically as well as socially sustainable.
- 6.10 Socially it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. The site abuts the village of Great Holland which does lack some basic amenities however consequently, by rural standards, a range of transport options are available which can override deficiencies provided in other services. Where residents do use the car, larger towns and villages, such as Clacton and Kirby Cross, and the services available within them are a short distance away such that residents would not be reliant upon lengthy car journeys. Therefore, the limited range of services within the village does not dictate that the development should be resisted. A range of transport options would be available for future residents commensurate with the location of the site. In terms of the 3 dimensions of sustainable development the proposal would not lead to any significant environmental harm as a result of future travel patterns. Therefore to be consistent with recent appeal decisions, most notably 21 Manor Road land adjacent. Mon Reve, the site is considered to be within a socially sustainable location.
- 6.11 Environmentally, the site is within a row of linear development. The development of this site would not materially impact on the character of the area as it would effectively link to the existing development without appearing isolated in nature.

## **Design**

- 6.12 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is 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.
- 6.13 Policies QL9, QL10 and QL11 of the 2007 Local Plan aims to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Policy SPL3 of the Draft Plan carries forward the sentiments of these Saved Policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.
- 6.14 Specific details of design have not been submitted as this is an Outline application with all matters reserved. However indicative plans show the site accommodating three reasonably sized dwellings similar in form to existing dwellings along the Pork Lane. The plans show the 5.5m wide access from Pork Lane dividing into three driveways for each dwelling, these will

each have a detached garage with reasonably sized amenity space in excess of 100 sqm. Due to the size of the proposed dwellings the indicative plan is slightly cramped. However the application is in outline form so this is an issue for a reserved matters application.

### **Character and Appearance**

- 6.15 The site is located adjacent to residential development to the south-east with a larger cluster further to the east.
- 6.16 The development proposes up to three dwellings fronting onto Pork Lane in a linear arrangement; this represents an appropriate response to the pattern of built development along Pork Lane which is a mixture of designs and scales. The presence of a built form at one end of the site ensures the development would not adversely impact upon the character of this part of Great Holland.
- 6.17 The indicative layout provided shows that the dwellings would be served by a single access point off Pork Lane set behind an internal access road leading to each driveway with planted vegetation in front providing screening. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality, as this is an outline application detailing can be secured by condition in relation to landscaping at the reserved matters stage.
- 6.18 Taking into consideration the current use of the site, the residential character of the surrounding area and the vegetation present on and around the site, it is considered that the proposed development would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

### **Impact on Neighbours Amenities**

- 6.19 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 SPL3 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'.
- 6.20 Minimal impact will occur to neighbouring amenity, no adjacent properties are located along the sites northern boundary as it is adjacent to extensive open agricultural land. Along its south eastern boundary the property of Hollyoak is adjacent but is set a significant distance away of 5m. No neighbouring dwellings lie to its east.

### **Landscape Impact**

- 6.21 The applicant has also not provided sufficient detailing if the existing hedgerow will be completely removed along the front of the site adjacent the highway; this aspect can be dealt with at reserved matters stage.

### **Biodiversity**

- 6.22 It is an officer's opinion that the site would have no significant levels of biodiversity that would warrant protection. The majority of the site is currently used as a paddock and is considered to offer little in the way of biodiversity; the only area of contention is the boundary hedgerow adjacent to the highway. This may be used as a highway by certain species but not in any significant number due to the insignificant number of plant species present. Mitigation in the

form of replacement planting achieved through a controlling condition as mentioned above should be sufficient to offset impact upon the hedge.

### **Highways**

- 6.23 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 SPL3 of the Draft Plan.
- 6.24 Essex County Council Highways have been consulted on the application and have raised no objections in terms of highway safety subject to controlling conditions, they recommend:
- A suitably constructed access no less than 5.5m in width and providing a parallel visibility splay of 2m deep across site frontage.
  - No loose or unbound material within 6m of the highway boundary.
  - Parking and turning facilities in accordance current policy standards,
  - Transport Information Marketing Packs for the new dwellings
- 6.25 Parking and turning detailing on the site can be secured through condition at the reserved matters stage rather than at this outline stage. Transport Information Packs are not relevant to proposals of this scale.

### **Conclusion**

- 6.26 Because the Council's adopted Local Plan is out of date, the emerging plan can only carry a limited degree of weight at this time and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations:
- 6.27 Economically, the construction and habitation of new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents will bring to the local economy. The proposal would add to local housing supply and accommodate residents who would have the potential to support local community groups and services. In this regard, the proposal would be economically as well as socially sustainable.
- 6.28 Socially it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. The site abuts the village of Great Holland which does lack some basic amenities however consequently, by rural standards, a range of transport options are available which can override deficiencies provided in other services. Where residents do use the car, larger towns and villages, such as Clacton and Kirby Cross, and the services available within them are a short distance away such that residents would not be reliant upon lengthy car journeys. Therefore, the limited range of services within the village does not dictate that the development should be resisted.
- 6.29 Environmentally, the site is within a row of linear development. The development of this site would not materially impact on the character of the area as it would effectively link to the existing development without appearing isolated in nature.
- 6.30 Taking the above into account, no harm has been identified that would significantly and demonstrably outweigh the benefits of the proposal. The presumption in favour of sustainable

development at paragraph 14 of the Framework therefore dictates that planning permission should be granted.

Background Papers

None.

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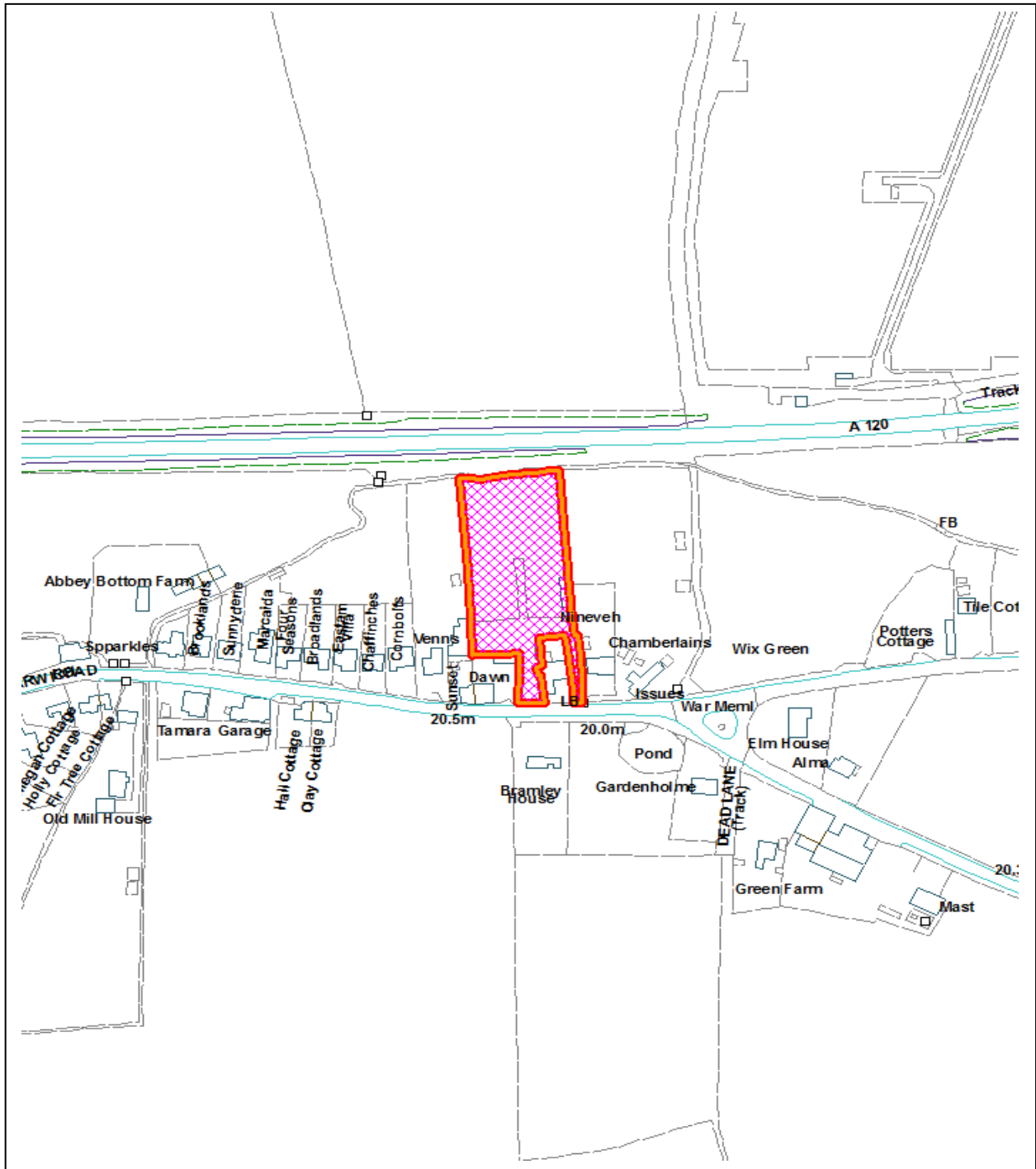


## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### **A.7 PLANNING APPLICATION – 16/00871/DETAIL – LAND TO REAR OF WHITE HART INN, HARWICH ROAD, WIX, CO11 2SA**



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<b>Application:</b>	16/00871/DETAIL	<b>Town / Parish:</b> Wix Parish Council
<b>Applicant:</b>	Mr Glenn Smith	
<b>Address:</b>	Land Rear of White Hart Inn, Harwich Road, Wix, CO11 2SA	
<b>Development:</b>	Reserved Matters application for approval of landscaping and appearance, for construction of 10 no. houses with associated access and parking, including discharge of condition 7 (site levels), 15 (Bicycle storage), 16 (on site parking/loading) and 17 (wheel and underbody cleaning facilities) of Planning Permission 12/01135/OUT.	

## 1. Executive Summary

- 1.1 In 2011 full planning permission was granted for a 36 bedroom motel on this site following previous planning permissions for an 18 bedroom motel and a 36 bedroom motel on the site. The 2011 planning permission has been implemented thereby securing that planning permission in perpetuity. In April 2013 Planning Permission was subsequently granted (under planning reference 12/01135/OUT) following Committee approval for the site to be re-developed for 10 dwellings.
- 1.2 The Outline application required matters of landscaping and appearance to be determined by Reserved Matters which are the subject of this application. The application also includes details relating to the discharge of conditions relating to site levels, bicycle storage, on site parking/loading and wheel and underbody cleaning facilities (during site development).
- 1.3 In accordance with Members' request the current application is before members seeking consent with regard to the reserved matters of landscaping and appearance.
- 1.4 This report concludes that there are no material conflicts with planning policy and since no material objections have been raised that outweigh the benefits of the proposed development the application is recommended for approval.

**Recommendation: Approve Reserved Matters and Condition details.**

**Conditions:**

1. Approved Plans

**Informative:**

The applicant is reminded that those conditions attached to outline planning permission 12/01135/OUT remain extant and of effect.

## 2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Plan Policy:

*Tendring District Local Plan 2007*

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG3A Mixed Communities
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM1 Access for All
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- TR5 Provision for Cycling
- TR7 Vehicle Parking at New Development

*Tendring District Local Plan: 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).*

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

### **Local Planning Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

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

96/01599/FUL	Erection of 18 bed Motel	Approved 07/05/1997
01/01581/FUL	Renewal of full planning permission for erection of 18 bed Motel	Approved 30/06/2003
03/02003/FUL and 03/02002/LBC	Change of use from Public House to dwelling and associated works	Refused 07/01/2004
03/02158/OUT	Erection of 8 dwellings	Refused 24/12/2003
07/00616/FUL	Erection of 36 bed Motel	Approved 30/10/2008
11/00042/FUL and 11/00043/LBC	Change of use of public house to single dwelling and associated works	Approved 25/10/2011
11/00777/FUL	Renewal of full planning permission for erection of 36 bed Motel	Approved 06/10/2011
12/01135/OUT	Construction of 10 no houses with associated access road and car parking in lieu of the erection of 36 bed motel.	Approved 22/07/2013

### **4. Consultations**

TDC  
Principal Tree &  
Landscape  
Officer

Requested details of soft landscaping (subsequently submitted by the applicant).

ECC Highways

The Highway Authority confirms that the submitted details are sufficient to enable discharge of Condition 16 (on site parking/loading) and 17 (wheel and underbody cleaning facilities) only.

Historic England Do not consider that it is necessary for this application to be notified to Historic England.

## 5. Representations

5.1 Two letters of objection have been received highlighting the following points:

- Potential impact on new dwellings due to existing trees.
- Query regarding boundary treatment
- Concern regarding sewage and surface water.
- Concerns relating to traffic generation
- Impact on visual amenity
- Impact on neighbours due to noise, disturbance, loss of privacy and overshadowing.

## 6. Assessment

6.1 The main planning considerations are:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area, this could include the planting of trees or hedges as a screen.
- **Discharge of Conditions 7 (Site Levels), 15 (Bicycle Storage), 16 (On site Parking/Loading) and 17 (Wheel and Underbody Cleaning Facilities):** Consideration of details and whether they are satisfactory to discharge these conditions.

### Site description

6.2 The site is located to the rear of the White Hart Inn, a Grade II Listed Building (currently undergoing conversion to a single dwelling) on the northern side of Harwich Road, Wix. The site extends northwards to adjoin the A120 carriageway with vehicular access being achieved either side of the White Hart Inn. The north of the site lies within flood zones 2 and 3 but only contains part of the rear gardens serving plots 4, 5 and 6.

6.3 The site is well screened to the north by mature planting, with additional sporadic mature planting to both side boundaries. The most northern part of the site is grassed with the remainder being hard-surfaced for use as car parking. Residential properties are situated to the east and west of the site fronting onto Harwich Road. The site lies outside of the proposed settlement limits for the village of Wix as shown in the draft Local Plan. The boundary runs along the southern boundary for plots 1 and 10. As noted the principle of residential development has already been established on the site.

### Proposal

6.4 This is a reserved matters application for the development of the site for 10 residential properties with associated garages, roads, car parking and landscaping.

6.5 All matters in relation to appearance, landscaping and the discharge of conditions 7, 15, 16 and 17 will be considered as part of this current application.

6.6 As was reported at outline stage the development would comprise a mixture of residential dwelling types with associated garages, consisting of four x 2 bedroom units, four x 3 bedroom units and two x 4 bedroom units.

## **Planning History**

- 6.7 Outline planning application 12/01135/OUT was approved in July, 2013 with matters relating to appearance and landscaping reserved for later consideration and now considered under the current application. Layout, Scale and Access were considered and approved as part of the Outline application. Permission was granted subject to the completion of a S106 agreement to secure:
- Affordable housing delivered on site (3 units)
  - Provision of a financial contribution towards public open space.
- 6.8 The application before members deals with the matters that were reserved for future consideration. These were appearance and landscaping. The principle of residential development on this site is not an issue that is before members for consideration.

## **Appearance and Landscaping**

### Appearance

- 6.9 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.
- 6.10 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Councils commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.11 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and the places and the integration of new development into the built environment.
- 6.12 Taking into account that the scheme adjoins a listed building it is expected that the design of the proposed dwellings is to a high standard and reflective of the existing vernacular within the locality. The proposed dwellings are therefore designed to be two storey in height and incorporate traditional materials including facing brick and white render to external walls and slates to the roofs. Details of these materials have been provided as part of the application. The designs also incorporate other detailing including brick soldier courses, introduction of dormer windows and roofs and porch details. The overall design and proposed pallet of materials is considered appropriate to this location.

### Landscaping

- 6.13 As noted the site already benefits from mature planting particularly to the east and north site boundaries. The applicant has provided detail of the proposed hard and soft landscape finishes which include provision of hedging and new tree planting within the site. The main access drive in and out of the site will be laid to tarmac but the shared surface serving the dwellings will be provided as a light red block paving with buff block paving to parking areas. 1.8 metre high close boarded fencing will be provided between the development plots and to the site boundaries where no existing boundary fencing is provided.
- 6.14 Overall, officers consider the appearance and landscaping details appropriate for a site of this scale and location and that the submitted details are acceptable.

### Residential Amenity

- 6.15 Policy QL9 and QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.16 It is noted that bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows.
- 6.17 In this instance, the layout submitted indicates the rear elevations of Units 1 and 10 which are the units sited closest to existing dwellings are set a minimum of 10 metres from the site boundary. Although each of the units has first floor bedroom windows facing towards neighbouring boundaries the distance between the new and existing dwellings will not result in any significant adverse impact upon existing residential amenity by way of overlooking nor to create loss of outlook or privacy to existing dwellings.

### Conditions

- 6.18 As noted details relating to four conditions have been submitted as part of this application.
- **Condition 7 – Site Levels:** The applicant has submitted a survey drawing which demonstrates that the site gently slopes by approximately 0.5 metres from south to north. The ridge heights of plots 1 and 10 are identified as 8.25 metres which when taking into account the fact that the site is at a lower level to existing dwellings is considered an acceptable finished roof height. Other dwellings are set at lower ridge heights by comparison. It is considered that this condition can be discharged.
  - **Condition 15 – Bicycle Storage:** Details have been supplied which show provision of a garden shed for each dwelling containing a ground anchor point for bicycle storage and security. This detail satisfies condition 15.
  - **Condition 16 – Parking and Turning Area Details for Construction Workers and Vehicles:** Details provided show allocated compound next to site entrance for this purpose – ECC Highways have approved the detail. This Condition can therefore be discharged.
  - **Condition 17 – Wheel and Underbody Cleaning:** Submitted details have been approved by ECC Highways. This Condition can therefore be discharged.

### Recommendation

- 6.19 Following careful consideration of the submitted details relating to Appearance, Landscaping and Conditions 7, 15, 16 and 17 it is recommended that the proposed details are acceptable and comply with adopted and emerging policy.

### Background Papers

None

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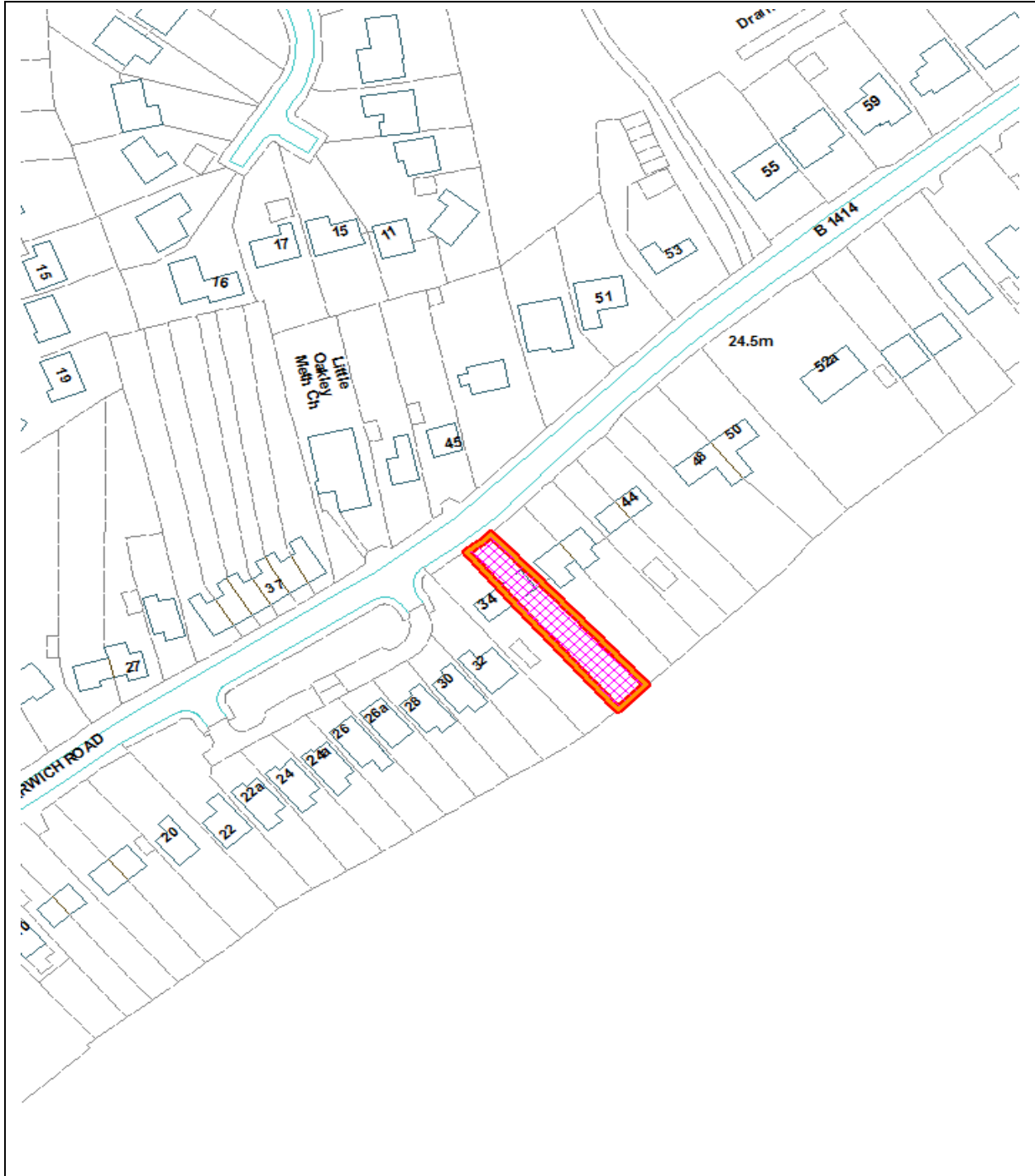


## PLANNING COMMITTEE

1 NOVEMBER 2016

### REPORT OF THE HEAD OF PLANNING

#### A.8 PLANNING APPLICATION - 16/01441/FUL – 36 HARWICH ROAD, LITTLE OAKLEY, CO12 5JF



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<b>Application:</b>	16/01441/FUL	<b>Town / Parish:</b> Little Oakley Parish Council
<b>Applicant:</b>	Adam Devaux	
<b>Address:</b>	36 Harwich Road, Little Oakley, CO12 5JF	
<b>Development:</b>	Single storey rear extension	

## 1. **Executive Summary**

- 1.1. This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2. The application is for a proposed single storey rear extension to provide bedroom and bathroom facilities for a disabled person.
- 1.3. The proposal will not result in any material harm to visual or residential amenity.

### **Recommendation: Approval**

#### **Conditions:**

1. Time Limit
2. Approved Plans

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework

National Planning Practice Guidance

### Local Plan Policy:

*Tendring District Local Plan 2007*

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

*Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)*

SPL3 Sustainable Design

## 3. **Relevant Planning History**

None.

## 4. **Consultations**

Not applicable.

## **5. Representations**

- 5.1. Little Oakley Parish Council have made no comment.
- 5.2. There has been no other letters of representation received.

## **6. Assessment**

6.1 The main planning considerations are:

- Visual impact; and,
- Highways.

### **Visual Impact**

- 6.2 The proposed development will be situated to the rear of the property and will therefore not be publically visible, thus creating a neutral impact to the character of the surrounding area.
- 6.3 The materials that are being proposed; grey single ply flat roof, LBC Rustics brickwork and white uPVC doors and windows are all in-keeping with the design of the host dwelling and will further ensure its character is not detrimentally altered.

### **Impact on Neighbouring Amenities**

- 6.4 The proposed development will be visible and will potentially impact upon the existing amenities of both the adjacent neighbour to the north-east and south-west.
- 6.5 In terms of the impact to the neighbour to the north-east, due to the single storey nature of the proposal and an approximate distance of 4 metres there is not considered to be a detrimental impact to their existing amenities.
- 6.6 With respect to the potential impact to the adjacent neighbour to the south-west, although the proposal is closer, there is still a comfortable 2.5 metres distance and again due to the single storey nature, there will be no impact in terms of any loss of privacy, daylight or any feeling of intrusion.
- 6.7 Therefore in terms of any impact to existing amenities, there is not a significant enough impact to warrant a refusal.

### **Conclusion**

- 6.8 In the absence of any material harm resulting from the development, the application is recommended for approval.

## **Background Papers**

None.

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