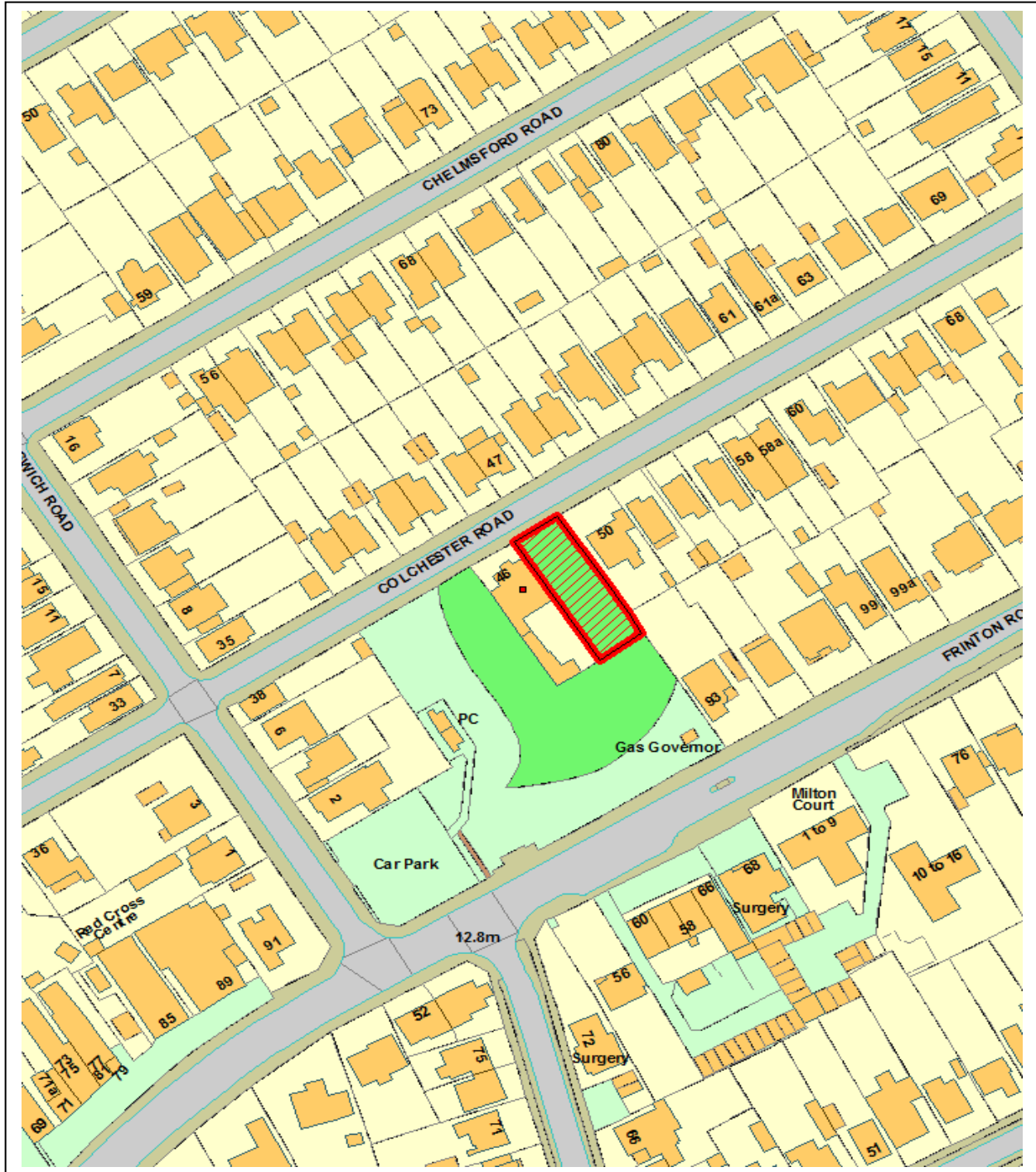


PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

**A.6 PLANNING APPLICATION – 18/00734/OUT – 48 COLCHESTER ROAD, HOLLAND ON SEA, CO15 5DG.**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

|                     |   |   |
|---------------------|---|---|
| <b>Application:</b> | 18/00734/OUT  | <b>Town / Parish:</b> Clacton-on-Sea – Non Parished |
| <b>Applicant:</b>   | Miss Vidmante Minkeviciute  |   |
| <b>Address:</b>     | 48 Colchester Road, Holland On Sea, CO15 5DG                                      |   |
| <b>Development:</b> | Outline application with all matters reserved for the construction of 1 dwelling. |   |

## 1 Executive Summary

- 1.1 This application is to be determined by the Planning Committee as the applicant is Tendring District Council and the proposal results in the loss of protected open space.
- 1.2 The application site is located within the defined Settlement Development Boundary for Holland-on-Sea, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.3 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to detailed considerations.
- 1.4 Policy COM7 of the Adopted Tendring Local Plan 2007 states development proposals will not be permitted that would prejudice the use or involve the loss of recreational open space, including children’s play areas, informal open space, parks and public gardens. Whilst it is accepted the application site falls within an area of protected open space within both the adopted and emerging local plans, the majority of the protected open space will remain, with a safer means of access approximately 10 metres to the south-west. Further, the site itself is currently overgrown and provides limited opportunities to access the main area of open space, whilst either side of the site are residential dwellings. Therefore, on balance, the small loss of protected open space is not significantly harmful.
- 1.5 The proposed dwelling is visually acceptable, will result in no significant harm to local wildlife, local landscape or neighbouring properties, and represents no highway safety risk.

### **Recommendation: Approval**

#### **Conditions:**

1. Reserved Matters standard conditions;
2. Approved plans;
3. Submission of a Construction Method Statement; and
4. Adhere to the recommendations within the Preliminary Ecological Appraisal.

## 2 Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

## Tendring District Local Plan 2007

COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

EN1 Landscape Character

EN6 Biodiversity

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

## Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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. Paragraph 213 of the NPPF (2018) 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 48 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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

In relation to housing supply:

The NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

### **3 Relevant Planning History**

N/A

### **4 Consultations**

#### **ECC Highways Dept**

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
2. No unbound materials shall be used in the surface treatment of the

proposed vehicular access within 6m of the highway boundary / throughout.

3. The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

4. Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

5. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

**Tree and Landscape  
Officer**

The application site currently forms part of a public open space that is owned and maintained by Tendring District Council. The site is well populated with mature trees comprising primarily Hawthorn with some Elder.

The site currently fulfils the function of public open space by providing a pleasant green gap in the existing settlement pattern. It is clear that the mown areas on the application site are currently being used route between Colchester Road and the land further to the south west. The development of the land appears to necessitate the removal of all of the trees on the application site and would result in the loss of public open space in Holland on Sea.

Although the trees on the land make a positive contribution to the appearance of the area their amenity value as individual trees or as a group is not so great that they merit formal legal protection by means of a tree preservation order.

Should planning permission be likely to be granted then consideration should be given to the retention of trees in the section of the application site forming part of the rear garden. This would enhance the appearance of the proposed dwelling by softening views of the

development from the remaining part of the public open space.

## **5 Representations**

- 5.1 Holland-on-Sea is non-parished so no comments are required.
- 5.2 No other letters of representation have been received.

## **6 Assessment**

### Site Context

- 6.1 The application site is located on the southern side of Colchester Road within Holland-on-Sea. The site measures approximately 0.04 hectares in size and is currently an empty site overgrown with mature vegetation. The surrounding area is characterised by a number of detached and semi-detached residential properties, which are predominantly single storey. To the south-west is an area of public open space with adjoining public conveniences and a car park, all within Tendring District Councils ownership.
- 6.2 The site falls within the Settlement Development Boundary for Holland-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Proposal

- 6.3 This application seeks outline planning permission with all matters reserved for the erection of one detached dwelling.

### Principle of Development

- 6.4 The application site is located within the defined Settlement Development Boundary for Holland-on-Sea, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.5 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.
- 6.6 Policy COM7 of the Adopted Tendring Local Plan 2007 states development proposals will not be permitted that would prejudice the use or involve the loss of recreational open space, including children's play areas, informal open space, parks and public gardens. Whilst it is accepted the application site falls within an area of protected open space within both the adopted and emerging local plans, the majority of the protected open space will remain, with a safer means of access approximately 10 metres to the south-west. Further, the site itself is currently overgrown and provides limited opportunities to access the main area of open space, whilst either side of the site are residential dwellings. Therefore, on balance, the small loss of protected open space is not significantly harmful.

### Layout, Design and Appearance

- 6.7 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate

satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

- 6.8 The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application. However, an indicative layout has been submitted which demonstrates the dwelling will be detached and accessed via Colchester Road to the north.
- 6.9 The existing building line to this section of Colchester Road is particularly strong and linear, with examples of both detached and semi-detached residential dwellings. Against this backdrop and given the character of the development around the site, the indicative siting of the dwelling would help to strengthen this existing pattern of development and would be acceptable.
- 6.10 The surrounding properties to both the north-east and south-west are all single storey bungalows. Whilst the indicative design does not show any elevational drawings, it would be expected that any future detailed application would ensure the dwelling would also be single storey in order to adhere to the areas existing character.
- 6.11 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms but does demonstrate there is approximately 200sqm of private amenity area, thereby adhering to the above measurements.

#### Impact on Neighbouring Amenities

- 6.12 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.13 Whilst the application is in outline form with all matters reserved, 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.

#### Highway Safety

- 6.14 Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to the width of the vehicular access, the use of no unbound materials, the submission of a car parking and turning area, any future garage being sited a minimum of 6m from the highway boundary and the submission of a Construction Method Statement.
- 6.15 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.
- 6.16 Access is a reserved matter so the detail of access and parking will be considered at reserved matters stage. However, the indicative site layout demonstrates sufficient space for two parking spaces meeting the above requirements. A condition requiring submission

of a Construction Method Statement is recommended as this relates to the principle of development.

#### Tree and Landscaping Impacts

- 6.17 The application site forms part of a public open space, is well populated with mature trees comprising primarily Hawthorn with some Elder, and provides a pleasant green gap in the existing settlement pattern.
- 6.18 The development would appear to necessitate the removal of all of the trees on the application site and would result in the loss of public open space within Holland-on-Sea. However, whilst the trees make a positive contribution to the appearance of the area, their amenity value as individual trees or as a group value are not so great as to merit formal legal protection by means of a Tree Preservation Order.
- 6.19 Landscaping is a reserved matter so will be covered at a later stage. However, it would be expected that within this, consideration be given to the retention of trees that would form part of the rear garden area.

#### Biodiversity

- 6.20 Due to the nature of the site vegetation and the surrounding area, a Phase 1 Habitat Survey was required to identify potential ecological constraints and opportunities.
- 6.21 The submitted Phase 1 Habitat Survey concludes that no significant ecological constraints were identified that would adversely affect the proposed development of the site which is of low ecological value.
- 6.22 However, without a mitigation strategy the proposed works would be expected to result in a net loss for biodiversity, and therefore it is recommended that a condition be attached to ensure mitigation measures and suggested enhancements incorporated into the layout to enhance the value of the site for local wildlife, resulting in a net gain for biodiversity.
- 6.23 These highlighted measures include the following:
- Inclusion of a soft landscaping scheme including the planting of new trees and hedgerows using native species;
  - warm-white lights with UV filters should be fitted as close to the ground as possible;
  - The installation of one integrated bat box;
  - Any works affecting bird nesting habitat such as management of scrub and trees would ideally need to be conducted outside of the main nesting season, which lasts from March to August. If works are planned during the bird nest season then a precautionary check of all habitats should be conducted by a qualified ecologist immediately prior to starting any work. If any nesting birds are found, an appropriate protection zone from the nest will be required and should be maintained until the young have fledged;
  - The installation of one integrated swift box, one integrated house sparrow terrace and one small bird box on a tree on site;
  - Vegetation on site should be cut and maintained short (maximum height of 10cm) until the start of works, to discourage animals from using these areas;
  - Any excavations on the construction site should be covered during the night to prevent animals from falling in;
  - Lighting of the construction site at night should be minimised as far as practicable, to reduce the risk of possible disruption to nocturnal animals such as bats and badgers; and
  - Construction materials should be stored off the ground on pallets, to prevent providing shelter for animals and subsequent harm when materials are moved.



### Conclusion

- 6.24 The principle of residential development in this location is acceptable and subject to conditions there is not considered to be any visual harm, harm to neighbouring amenities, harm to local wildlife or result in highway safety concerns. Therefore the application is recommended for approval.

### Background Papers

None.