

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	25/09/2018
Planning Development Manager authorisation:	SCE	26.09.18
Admin checks / despatch completed	AP	26/9/18

Kil

Application: 18/01272/OUT **Town / Parish:** Little Clacton Parish Council

Applicant: Mr & Mrs Chillingworth

Address: Land rear of 8A Holland Road Little Clacton Clacton On Sea

Development: Proposed erection of 5 Bungalows.

1. Town / Parish Council

Little Clacton Parish Council

This is back land development which will lead to further application to the land adjacent which is marked in blue on the Local Plan, a creeping development split into phases to avoid S106 or CIL payments. The Local Plan states long and narrow access would not be allowed with concerns for Emergency vehicles being able to access. Concerns over visibility splays. Applicant cherry picks policies from the 2007 Local Plan, that same plan would refuse back land development like this. There is sufficient housing supply to refuse this application. Little Clacton Parish Council strongly recommend refusal of this application.

2. Consultation Responses

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:

Prior to the proposed access being brought into use, minimum vehicular visibility splays of 160m easterly by 2.4m by 70m westerly as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

All carriageways should be provided at 5.5m where vehicular access is taken but without kerbing.

All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, 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.

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

3. Planning History

18/01272/OUT Proposed erection of 5 Bungalows. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

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. 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 with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the southern side of Holland Road within the settlement of Little Clacton. The site comprises of a long narrow access track that serves the applicant's property no. 8a, which is a bungalow located in a setback position, and no. 6 which fronts onto Holland Road. The track also serves the remainder of the application site which is an area of paddocks situated to the south of no. 8a and in the same ownership. This area of land also accommodates several open faced and run down sheds/stables. To the east of the site is a further area of paddock land which is also in the applicant's ownership. Immediately to the north of the paddocks are the gardens of no's 8-14 Holland Road and to the south is Firs Caravan Park. Further to the east in setback position from Holland Road are a total of 23 no. bungalows under construction.

The site is located outside of any defined settlement boundary in both the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Proposal

This application proposes the construction of 5 no. detached bungalows on the land. The application is in outline form with all matters reserved. An indicative layout plan is provided which shows each bungalow being detached and served by a garage and open parking space. The bungalows are shown to front onto a private drive which is served by the current access from Holland Road and an 8m x 8m turning area present at the entrance into the land. Passing bays are shown to be provided along the access to the front of no. 8a.

Appraisal

Principle

The application site is located outside of the Settlement Development Boundary for Little Clacton as defined within the saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Policy QL1 of the Tendring District Local Plan (2007) seeks to direct development towards larger urban settlements defined within the Local Plan. 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.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework (2018) state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Furthermore the NPPF (2018) 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 application, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery 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.

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. Little Clacton is categorised in Policy SPL1 of the plan, along with six other villages, as a 'Rural Service Centre' in recognition of its size and range of local services available. The emerging Plan has identified opportunities for small scale growth and a modest increase in housing stock where appropriate at a level that is fair, achievable and sustainable. Consequently the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundaries for Little Clacton has been extended to accommodate the growth envisaged over the plan period. However, their extended defined boundaries do not include the proposed application site. As such the application site location is not considered to be a sustainable location for growth.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth. The proposed development however, due to its location outside of any defined settlement development boundary, is not considered sustainable. Furthermore, the development is unnecessary since the council can demonstrate a 5 years housing land supply and there is no derived public benefit that might warrant the proposal being considered in an exceptional light.

Layout/Visual Impact

The proposal relates to 5 no. bungalows to be sited in paddock land located behind existing residential properties that front Holland Road to the north. The development would be accessed via a narrow shared track which runs along the western side of the existing properties. 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.

In this case the proposed bungalows would encroach into the undeveloped space to the rear of no. 8A Holland Road. This area is currently open and spacious in character. Whilst in outline form the submitted indicative plan fails to demonstrate that 5 no. bungalows can be accommodated on the site without the development appearing cramped and overly urban in form. The plot sizes serving the bungalows appear uncharacteristically small in relation to surrounding plots and consist of shallow depth and the siting of the private drive hard up against the northern boundary of the site would contribute towards the cramped feel of the development. The development would also be served by a narrow and long access drive located in close proximity to existing properties. Overall the cramped and incongruous layout of the proposal set behind an existing residential frontage and served by a narrow and convoluted vehicular access would be at odds with the pattern of built form in the vicinity and significantly harm the character and appearance of the area contrary to the aforementioned local and national planning policies.

Whilst it is noted that there are other developments that are set to the south of Holland Road to the east, these developments are more comprehensive in nature and are served by specifically designed accesses that are sympathetic to the character of the locality.

Residential Amenities

The bungalows would retain sufficient spacing to the existing properties to the north and west to ensure there wouldn't be an adverse impact upon amenity. The single-storey nature of the development and the presence of existing vegetation means that privacy levels are maintained.

In terms of traffic movements, whilst the access is situated in close proximity to no. 8A and no. 8, due to the fact that the development comprises of 5 no. bungalows the level of traffic would be low and therefore, on balance, would not cause noise and disturbance to existing residents.

No. 8a would retain its existing parking area adjacent to the entrance to the site and sufficient amenity space.

Highway Considerations

Essex County Council originally submitted a holding objection on the basis that additional information was needed to ascertain the extent of the visibility splays present for the site access on Holland Road. This information was subsequently provided and ECC-Highways confirmed that they have no objections to the development subject to the following requirements;

- 160m easterly by 2.4m by 70m westerly visibility splays are provided to the site access;
- no unbound materials used in the first 6m of the access;
- private drive width to be 5.5m in width;
- off-street parking to be in accordance with current parking standards; and
- the submission of a CMS.

However whilst ECC-Highways have confirmed no objections it is clear from the plans submitted that the required access width of 5.5m cannot be achieved. The section of the access adjacent to no. 8 Holland Road measures 3.5m in width which is too narrow and would mean that vehicles cannot pass side by side. This could potentially result in vehicles being backed up into Holland Road to detriment of highway safety.

In regards to the parking provision, 2 no. spaces per property through garaging and open bays is considered to be acceptable.

Trees/Ecology

The site is laid to grass but there are mature trees present on the perimeters of the site. As such any reserved matters application would need to show tree protection measures to ensure these trees are suitably retained.

As the site is predominantly laid to grass and the outbuildings to be removed are open faced and dilapidated there is no requirement for any ecology reports.

Other Considerations

Little Clacton Parish Council provides the following comments;

- This is back land development which will lead to further application to the land adjacent which is marked in blue on the Local Plan, a creeping development split into phases to avoid S106 or CIL payments. The Local Plan states long and narrow access would not be allowed with concerns for Emergency vehicles being able to access. Concerns over visibility splays. Applicant cherry picks policies from the 2007 Local Plan, that same plan would refuse back land development like this. There is sufficient housing supply to refuse this application. Little Clacton Parish Council strongly recommend refusal of this application.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 The application site is located outside of the Settlement Development Boundary for Little Clacton as defined within the saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Policy QL1 of the Tendring District Local Plan (2007) seeks to direct development towards larger urban settlements defined within the Local Plan. 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.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework (2018) state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Furthermore the NPPF (2018) 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 application, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery 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 with the plan-led approach.

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. Little Clacton is categorised in Policy SPL1 of the plan, along with six other villages, as a 'Rural Service Centre' in recognition of its size and range of local services available. The emerging Plan has identified opportunities for small scale growth and a modest increase in housing stock where appropriate at a level that is fair, achievable and sustainable. Consequently the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundaries for Little Clacton has been extended to accommodate the growth envisaged over the plan period. However, their extended defined boundaries do not include the proposed application site. As such the application site location is not considered to be a sustainable location for growth.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth. The proposed development however, due to its location outside of any defined settlement development boundary, is not considered sustainable. Furthermore, the development is unnecessary since the council can demonstrate a 5 years housing land supply and there is no derived public benefit that might warrant the proposal being considered in an exceptional light.

- 2 Saved Policy HG13 of the adopted Tendring District Local Plan (2007) and draft policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) relate to backland residential development. These policies require, amongst other things, that proposals for residential development of backland sites must not be out of character with the area or out of character in its particular setting. The policy also states that long or narrow accesses will be discouraged.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that new development relates well to its site and surroundings and the size, scale, design and appearance of new development are in keeping. Draft Policy SPL3 states that new development should be well designed and maintain or enhance local character and distinctiveness.

Paragraph 127 of the National Planning Policy Framework (Framework) states that planning policies and decisions should ensure that developments; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials.

In this case the proposed bungalows would encroach into the undeveloped space to the rear of no. 8A Holland Road. This area is currently open and spacious in character. Whilst in outline form the submitted indicative plan fails to demonstrate that 5 no. bungalows can be accommodated on the site without the development appearing cramped and overly urban in form. The plot sizes serving the bungalows appear uncharacteristically small in relation to surrounding plots and consist of shallow depth and the siting of the private drive hard up against the northern boundary of the site would contribute towards the cramped feel of the development. The development would also be served by a narrow and long access drive located in close proximity to existing properties. Overall the cramped and incongruous layout of the proposal set behind an existing residential frontage and served by a narrow and convoluted vehicular access would be at odds with the pattern of built form in the vicinity and significantly harm the character and appearance of the area contrary to the aforementioned local and national planning policies.

- 3 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Furthermore, saved Policy TR1a requires new development to be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic.

It is clear from the plans submitted that the required access width of 5.5m cannot be achieved. The section of the access adjacent to no. 8 Holland Road measures 3.5m in width which is too narrow and would mean that vehicles cannot pass side by side. This could potentially result in vehicles being backed up into Holland Road to detriment of highway safety.

Therefore, insufficient information is provided within the application to demonstrate that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency contrary to the aforementioned national and local planning policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	(NO)
Are there any third parties to be informed of the decision? If so, please specify:	YES	(NO)