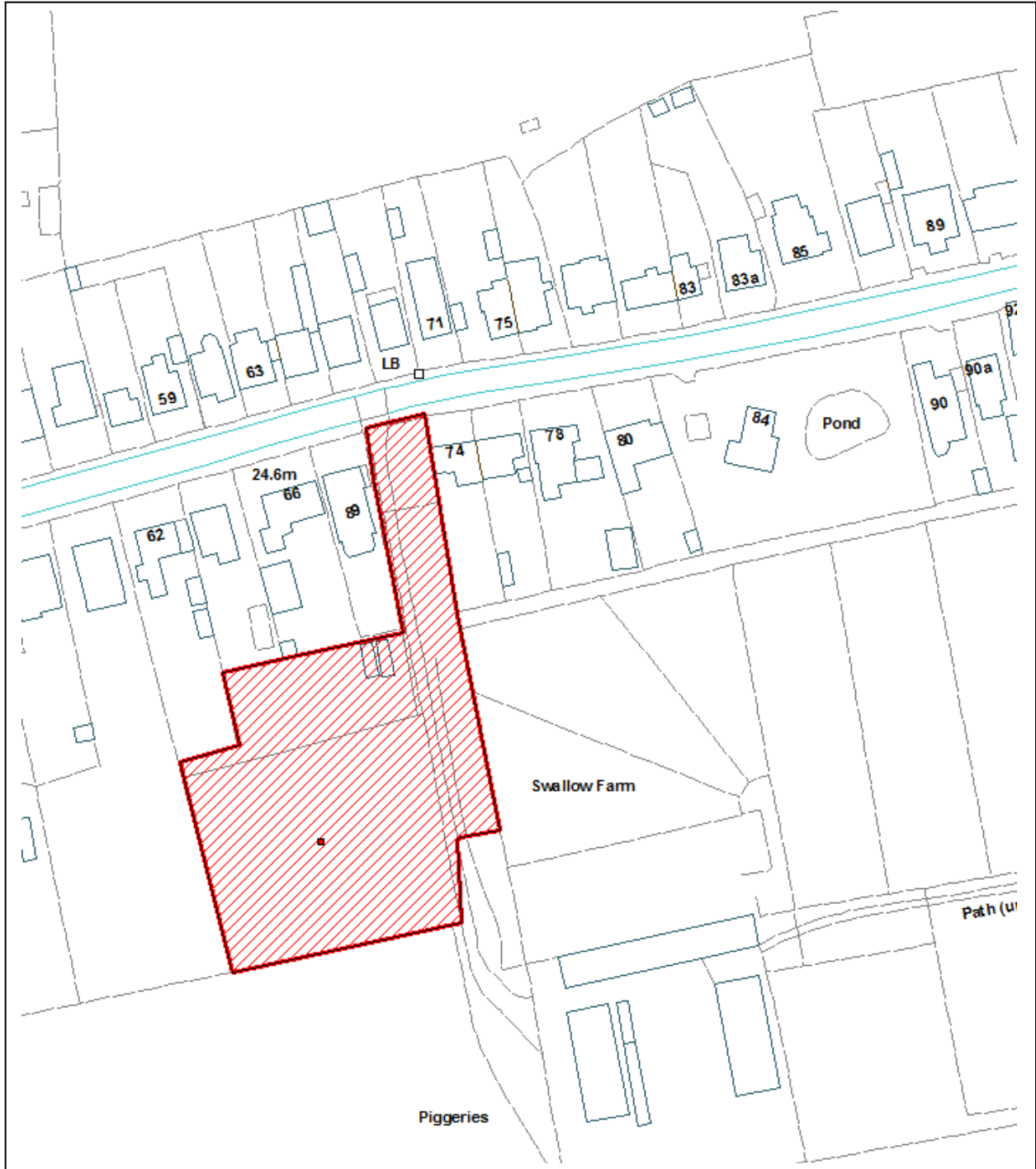


PLANNING COMMITTEE

9 April 2019

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 18/01585/OUT - LAND TO THE REAR OF 62 TO 68 HOLLAND ROAD LITTLE CLACTON CO16 9RS



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Application:	18/01585/OUT	Town / Parish: Little Clacton Parish Council
Applicant:	Mr Swain	
Address:	Land to The rear of 62 to 68 Holland Road Little Clacton	
Development:	Erection of 8 bungalows.	

1. **Executive Summary**

- 1.1 This application is before the Planning Committee for determination at the request of Councillor Bray due to the site being partly located outside of the settlement development boundary, the road being ill equipped to deal with increased road use of more development, and due to the lack of services nearby all journeys undertaken by future residents would require the use of a private car thus meaning the site is socially unsustainable. The size of the development means that any positive impact will not outweigh the harm.
- 1.2 The access lies within the Little Clacton Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007, with the remainder of the site being outside. The Settlement Development Boundary for Little Clacton as defined within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 has been enlarged from the adopted plan and now encompasses an area to the rear of 64 to 68 Holland Road, as well as the access, with the remainder of site being located outside. The site also lies within the Local Green Gap within the Adopted Tendring Local Plan 2007 carried forward into the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 as a Strategic Green Gap.
- 1.3 The proposal would result in conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site's location beyond the settlement development boundary. However, whilst the National Planning Policy Framework advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise. Recent appeal decisions demonstrate that a site falling outside of a Settlement Development Boundary is not in itself sufficient to justify refusing applications for proposed development.
- 1.4 The application site lies to the rear of existing dwellings fronting Holland Road, adjacent to existing residential development approved in recent years (set out in section '3. Relevant Planning History below). The backland siting of the dwellings cannot therefore be considered materially harmful to the residential character of the area.
- 1.5 The development would be bound on its northern and western sides by existing development and adjacent to existing development to the north-east and south-east. The development would be viewed against a backdrop of existing built form and does not extend beyond the abutting development. Therefore, the development would not compromise the integrity of the Local Green Gap.
- 1.6 Having regard to the site context being in close proximity to the existing settlement and amenities, the principle of development for 8 bungalows is considered to constitute sustainable development resulting in no material economic, social or environmental harm.

Recommendation: Approval (subject to legal agreement)

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):
 - Financial Contribution towards RAMS
 - Open Space Contribution
- b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate).
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such a 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 completed s106 planning obligation.

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 access, appearance, layout, scale and landscaping (the reserved matters)
4. Single storey only.
5. Removal of PD for openings or additions to the roofs of the dwellings.
6. Submission and approval of a Construction Method Statement
7. Visibility splay with dimensions of 2.4 metres by 43 metres in both directions provided prior to occupation.
8. The reserved matters shall provide for a vehicular access and footway constructed in accordance with Drawing No. 143 01 to be provided prior to occupation.
9. No unbound materials used in surface treatment within 6m of highway.

Informatives:

1. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.
2. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
3. 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.

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Colchester Highways Depot,
653 The Crescent,
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2. Planning Policy

National Planning Policy Framework 2019
National Planning Practice Guidance

Adopted 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
EN1 Landscape Character
EN2 Local Green Gap
EN6 Biodiversity
EN11A Protection of International Sites European Sites and RAMSAR Sites
EN13 Backland Residential Development
HG1 Housing Provision
HG3 Residential Development within Defined Settlements
HG6 Dwelling Size and Type
HG9 Private Amenity Space
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP4 Housing Layout
LP8 Backland Residential Development
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL6 Strategic Green Gaps

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

3. Relevant Planning History

No site specific planning history.

Residential development at adjacent sites:

Rear of 56, 58 & 60 Holland Road, Little Clacton

- Outside Adopted SDB
- Within emerging SDB

17/02009/FUL	Erection of 9no. Bungalows with associated parking facilities.	Delegated Approval	16.01.2018
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Land South of 54 Holland Road, Little Clacton

- Outside Adopted SDB
- Within emerging SDB

15/00988/OUT &	Construction of one bungalow	Delegated	21.08.2015
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16/02075/DETAIL and garage.

Approvals

13.02.2017

Little Clacton Tennis Club, 52 Holland Road, Little Clacton

- Outside Adopted SDB

- Within emerging SDB

15/00961/OUT & Construction of six bungalows.
16/02076/DETAIL

Delegated
Approvals

22.10.2015
08.02.2017

4. Consultations

ECC Highways Dept

The documents accompanying the planning application have been duly considered. Given the scale of the proposed development and the area to be available for parking within the site, which complies with Tendring District Council's adopted parking standards, the proposal is acceptable to the Highway Authority, subject to the following requirements;

1. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road access and those in the existing public highway in the interest of highway safety in accordance with Manual for Streets (MfS) and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The development shall not be occupied until the proposed vehicular access and footway has been constructed in accordance with Drawing No. 143 01 and the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner 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.

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informatives

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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.

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UU Open Spaces

Current Position

There is currently a deficit of 2.22 hectares of equipped play in Little Clacton. However, there is adequate formal open space in the area to cope with some future development.

There is one play area in the village which is located along London Road. This play area is designated a Local Equipped Area for Play, but is limited in size. To cope with any additional usage it would be necessary to increase the play provision at this site.

Recommendation

Due to the significant lack of play facilities in the area, a contribution towards play is justified and relevant to the planning application and that this money would be spent at the only play area in Little Clacton. Any contribution would be used to improve the facilities at:

Harold Lilley Playing Field- Little Clacton

Tree & Landscape Officer

The main body of the application site is set to grass with a few trees to the northern part of the site where the land appears to be associated with the dwellings in Holland Road. These include Poplar, Silver Birch and Oak with a few other small decorative trees.

The largest tree is the Poplar that is situated on the perimeter of the site in the north western corner of the land. The crown of the tree has been partially reduced leaving a one-sided and un-balanced specimen. The position of the tree is such that it does significantly constrain the development of the land. If the tree is to be retained it would be prudent to reduce the crown by approximately 50% to reduce the likelihood of large branches failing and to improve its shape and appearance.

None of the trees feature prominently in the street scene and their amenity value is such that they do not merit protection by means of a tree preservation order.

There are established hedgerows on the western boundary of the site, adjacent to an existing drainage ditch and on the northern boundary. It appears that both these hedges could be retained.

Although the application is in outline form the applicant has provide a site layout plan showing the potential positions of dwelling and soft landscaping.

If planning permission is likely to be granted then further details of soft landscaping should be secured by a planning condition.

5. Representations

5.1 Little Clacton Parish Council strongly recommend refusal on the following grounds:

- Backland development;
- 5 year housing land supply reached;
- Cumulative effect on the use of back land to the south of Holland Road has now reached a level of oversaturation; and,

- Recently refused 18/01272/OUT mirrors this application and it should be refused for the same reason.

5.2 There have also been 7 letters of representation (6 objections, 1 neutral) received raising the following objections and potential issues:

- Backland development;
- Creeping development;
- Exacerbate traffic congestion;
- Lack of infrastructure for the area;
- Harmful to highway and pedestrian safety from construction traffic and new dwellings;
- Poor visibility;
- Noise and disturbance to neighbours from traffic movements and lights;
- Erodes village identity from too much development;
- Loss of green space;
- Harm to habitat for wildlife.

6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development (including backland and appeal decision considerations);
- Layout, Design and Appearance;
- Impact on Neighbouring Amenities;
- Tree and Landscape Impact (including Green Gap impact);
- Highway Safety;
- Financial Contribution toward Open Space/Play Space;
- Ecology, and;
- Habitat Regulations Assessment.

Site Context

- 6.1 The application site extends approximately 0.49 hectares in size and lies to the south of Holland Road, Little Clacton to the rear of numbers 62 to 68. The site comprises the existing access to Swallow Farm between numbers 68 and 74 Holland Road, land to rear/part garden of number 66 and part of the field beyond.
- 6.2 The main body of the application site is set to grass with a few trees to the northern part of the site within the extended garden area of number 66. There are established hedgerows on the western and southern boundary of the site providing a natural boundary. The access forms the eastern boundary of the site.
- 6.3 A number of bungalows are currently under construction on land to the rear of No's 30 to 38 Holland Road, and a further development of 6 bungalows is underway on land previously forming part of the Little Clacton Tennis Club and to the rear of 40 to 54 Holland Road, while planning permission has recently been granted for a further 9 dwellings on land rear of 54 to 60 Holland Road, abutting the current application site.

Proposal

- 6.4 This application seeks outline planning permission for the erection of 8 detached bungalows with all matters reserved for subsequent approval.

- 6.5 The reserved matters, namely access, appearance, landscaping, layout and scale are all reserved for consideration as part of a future detailed application.

Principle of Development

- 6.6 The access lies within the Little Clacton Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007, with the remainder of the site being outside. The Settlement Development Boundary for Little Clacton as defined within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 has been enlarged from the adopted plan and now encompasses an area to the rear of 64 to 68 Holland Road, as well as the access, with the remainder of site being located outside. The site also lies within the Local Green Gap within the Adopted Tendring Local Plan 2007 carried forward into the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 as a Strategic Green Gap.
- 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. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.
- 6.8 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.
- 6.9 At the time of this report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.
- 6.10 Whilst it is recognised that there would be some conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being mostly sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply 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 and it is important to consider whether any circumstances outweigh this conflict.
- 6.11 Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below.

Economic:

- 6.12 It is considered that the proposal for 8 bungalows would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic objective of sustainable development.

Social:

- 6.13 Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 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. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas.
- 6.14 Little Clacton is identified as a 'Village' within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a 'Rural Service Centre' within Policy SPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) in recognition of its size and range of local services. For these settlements, the emerging Local Plan identifies opportunities for smaller-scale growth. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Little Clacton has been extended. This includes part of the site with the remainder of the site directly abutting the extended settlement development boundary.
- 6.15 The development would consolidate an existing residential area of the village which, whilst outside the settlement boundary, is within walking and cycling distance of a wide variety of services in the village and benefits from reasonable links to public transport giving access to wider services and facilities.

Recent Appeal Decisions:

- 6.16 There have been a number of appeal decisions that have demonstrated that an application site being located outside of a Settlement Development Boundary is not in itself sufficient justification to refuse an application for residential development, some of which are highlighted below.
- 6.17 Within planning reference APP/P1560/W/17/3187802 (Land north of 2 Martins Gate Cottage, Colchester Road, St Osyth) the inspector concluded "that while there would be some conflict with Policy QL1 of the Local Plan, because the dwelling would be located outside St Osyth's settlement boundary, this site would be an appropriate location for a dwelling. I therefore find that there would be no unacceptable conflict with the Local Plan."
- 6.18 Within planning reference APP/P1560/W/17/3183189 (Site adj Malting House, Station Road, Thorpe-le-Soken) the inspector stated the following: "that the appeal site is outside a settlement boundary is not a decisive factor in this appeal and the conflict with Policy QL1 carries only limited weight in the planning balance."
- 6.19 Further, within planning reference APP/P1560/W/17/3188055 (Land rear of The Laund, Heath Road, Bradfield) the inspector concluded the following: "I find that the adverse impacts in this case, arising from the location of the appeal site outside the development boundary for Bradfield, do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole."

6.20 Also, within planning reference APP/P1560/W/18/3209480 (Land South of Frinton Road, Thorpe Le Soken, CO16 0HS) the inspector concluded “The proposed development would be contrary to Saved Policy QL1 of the Local Plan. However, the proposed development would meet the aims of the NPPF to provide new housing in appropriate locations and would not cause harm to the character and appearance of the countryside. I would conclude that these are material considerations that would indicate making a decision that is not in accordance with the development plan.”

Environmental:

6.21 The environmental role is about contributing to protecting and enhancing the natural built and historic environment. In this instance, the backland siting of the proposal and location with the Local Green Gap form material considerations.

Backland Residential Development:

6.22 The development involves the construction of 8 detached bungalows in a 'backland' location to the rear of the established residential frontage along Holland Road. Saved Policy HG13 of the adopted Tendring District Local Plan 2007 and emerging Policy LP8 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) therefore become relevant.

6.23 The main problems that can arise as a result of backland development include undermining the established character of an area, dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings.

6.24 There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

6.25 Saved Policy HG3 of the Adopted Plan (as echoed within emerging Policy LP8) states proposals for the residential development of backland sites must comply with certain criterion. This is set out and addressed below:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
 - *The site is not located within a defined settlement boundary in the saved plan and only partly within the emerging local plan boundary. The site is not designated for any particular use.*
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
 - *The site includes a part of an existing garden but this does not compromise the access, parking or private amenity space standards for the donor dwelling. The indicative layout plan demonstrates how acceptable access, turning, parking and private amenity space can be achieved for the new dwellings. The proposal is for*

single storey development (which can be controlled by an appropriately worded condition) minimising any impact upon the amenities of existing residents.

- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
 - *Safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Although the scheme does involve a long, narrow driveway, this already exists.*
- iv. the proposal does not involve "tandem" development using a shared access;
 - *The proposal does not involve a "tandem" form of development using a shared access.*
- v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
 - *The site is of a regular shape and would not compromise a more comprehensive development solution.*
- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
 - *The development of the site would not form a hard urban edge to the settlement as the land is surrounded by residential development to the east, south and west.*
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.
 - *The development would not set a harmful precedent as the development is not harmful in its own right and each case must be assessed on its own merits. Furthermore, in this instance, the application site lies adjacent to existing residential development approved in recent years. The backland siting of the dwellings cannot therefore be considered materially harmful to the residential character of the area.*

Local Green Gap:

- 6.26 The development involves the residential development within an area designated as a Local Green Gap within the adopted Tendring District Local Plan 2007 carried forward as a Strategic Green Gap Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Policy EN2 of the Adopted Local Plan and draft Policy PPL6 of the Emerging Local Plan therefore become relevant.
- 6.27 Saved Policy EN2 (echoed within emerging Policy PPL6) states that Local Green Gaps will be kept open and essentially free of development to prevent the coalescence of settlements and to protect their rural settings.
- 6.28 The development would be bound on its northern and western sides by existing development. The residential development fronting Holland Road and the farm buildings serving Swallow Farm extend beyond the application site to its north-east and south-east. The development

would be viewed against a backdrop of existing built form and does not extend beyond rear boundary of the abutting residential development to the west. The site is not rural in character and the proposed development would not result in an amalgamation of settlements. Therefore, the development would not compromise the integrity of the Local Green Gap designation.

Conclusion:

- 6.29 The proposed development would be contrary to Saved Policy QL1 of the Local Plan. However, the proposed development would meet the aims of the NPPF to provide new housing in appropriate locations and would not cause harm to the character and appearance of the area or countryside.

Layout, Design and Appearance

- 6.30 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).
- 6.31 The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application. As such no elevational drawings have been submitted. Design within any future application should look to be in-keeping and not detrimental to the character of the surrounding area. The description of the development details 'bungalows' which is considered the most appropriate approach to the development of the site. A condition for single storey development only is considered necessary in this instance to minimise landscape and visual impact and to ensure the development is in keeping with the immediate residential character.
- 6.32 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 suggests 8 three bedroom bungalows. The indicative layout plan provided demonstrates that private amenity space for each dwelling can be achieved in accordance with the aforementioned standards.

Impact on Neighbouring Amenities

- 6.33 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).
- 6.34 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. As stated above, the description of the development details 'bungalows' which is considered the most appropriate approach to the development of the site. A condition for single storey development only is considered necessary in this instance to minimise the impact upon residential amenities. This together with a condition removing permitted development rights for openings or additions to the roof will safeguard neighbouring amenity.

- 6.35 The dwellings will be accessed via the existing access retaining a good distance to neighbouring properties fronting Holland Road. It is not considered that the comings and goings of vehicles associated with 8 dwellings would be significantly harmful in terms of noise or disturbance given the number of dwellings and the built up character of the area.

Tree and Landscape Impact

- 6.36 Saved Policy EN1 of the Local Plan states that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted.
- 6.37 None of the trees feature prominently in the street scene and their amenity value is such that they do not merit protection by means of a tree preservation order. There are established hedgerows on the western boundary of the site, adjacent to an existing drainage ditch and on the northern boundary. It appears that both these hedges could be retained. Although the application is in outline form the applicant has provide a site layout plan showing the potential positions of dwelling and soft landscaping.
- 6.38 The development would be bound on its northern and western sides by existing development. The residential development fronting Holland Road and the farm buildings serving Swallow Farm extend beyond the application site to its north-east and south-east. The development would be viewed against a backdrop of existing built form and does not extend beyond the rear boundary of the abutting residential development to the west. The single storey height of the properties further minimises the landscape and visual impact.
- 6.39 The development would not significantly harm the landscape character or quality and through the submission of a reserved matters application including a soft landscaping scheme would suitably soften and blend the development with its surroundings.

Highway Safety

- 6.40 Paragraph 108 of the National Planning Policy Framework 2018 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Furthermore, the Essex County Parking Standards 2009 require 2 parking spaces 5.5 metres by 2.9 metres for the proposed and donor property.
- 6.41 Essex County Council Highways have been consulted. They raise no objections subject to conditions including visibility splays, parking, provision of a widen access and footway. As this application is in outline form with all matters reserved, these matters regarding the access will be communicated through informatives to ensure these are incorporated into the reserved matters stages of the application. The conditions relating to no unbound materials, a travel pack and construction method can be included as part of the conditions attached to the outline permission.
- 6.42 It is considered that the highway network could safely accommodate the additional traffic generated from 8 dwellings being served by an existing, spacious access that can accommodate appropriate visibility splays and controlled by suitable conditions.

Financial Contribution toward Open Space/Play Space

- 6.43 The Council's Open Space Team has confirmed that there is a deficit of 2.22 hectares of equipped play in Little Clacton. However, there is adequate formal open space in the area to cope with some future development. Therefore, to ensure the facilities are adequate and able to cope with the additional usage a contribution is relevant and justified to this application and would be used for improvements to the current play equipment at Old Road Play Area
- 6.44 Due to the significant lack of play facilities in the area, a contribution towards play is justified and relevant to the planning application and that this money would be spent at the only play area in Little Clacton. Any contribution would be used to improve the facilities at Harold Lilley Playing Field.
- 6.45 The recommendation seeks to secure this within six months of a committee resolution to approve; otherwise planning permission would be refused in the absence of the required financial contribution being secured in accordance with saved Policy COM6 of the adopted Tendring District Local Plan 2007.

Ecology

- 6.46 The site is laid to grass devoid of any habitat rich features. The submission of a Phase 1 Habitat Survey was not considered necessary in this instance.
- 6.47 The development allows for the existing boundary hedgerows to be retained and a landscaping scheme approved at the reserved matters stages will allow for enhancement of features suitable for wildlife.

Habitat Regulations Assessment

- 6.48 Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The HRA has therefore been amended to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The recommendation seeks to secure this by way of legal agreement within six months of a Committee resolution to approve, otherwise planning permission would be refused in its absence on the grounds that there is no certainty that the development would not adversely affect the integrity of European Designated Sites.
- 6.49 The recommendation seeks to secure this within six months of a committee resolution to approve; otherwise planning permission would be refused in its absence on the grounds that there is no certainty that the development would not adversely affect the integrity of Habitats sites.

Background Papers

- 6.50 None.