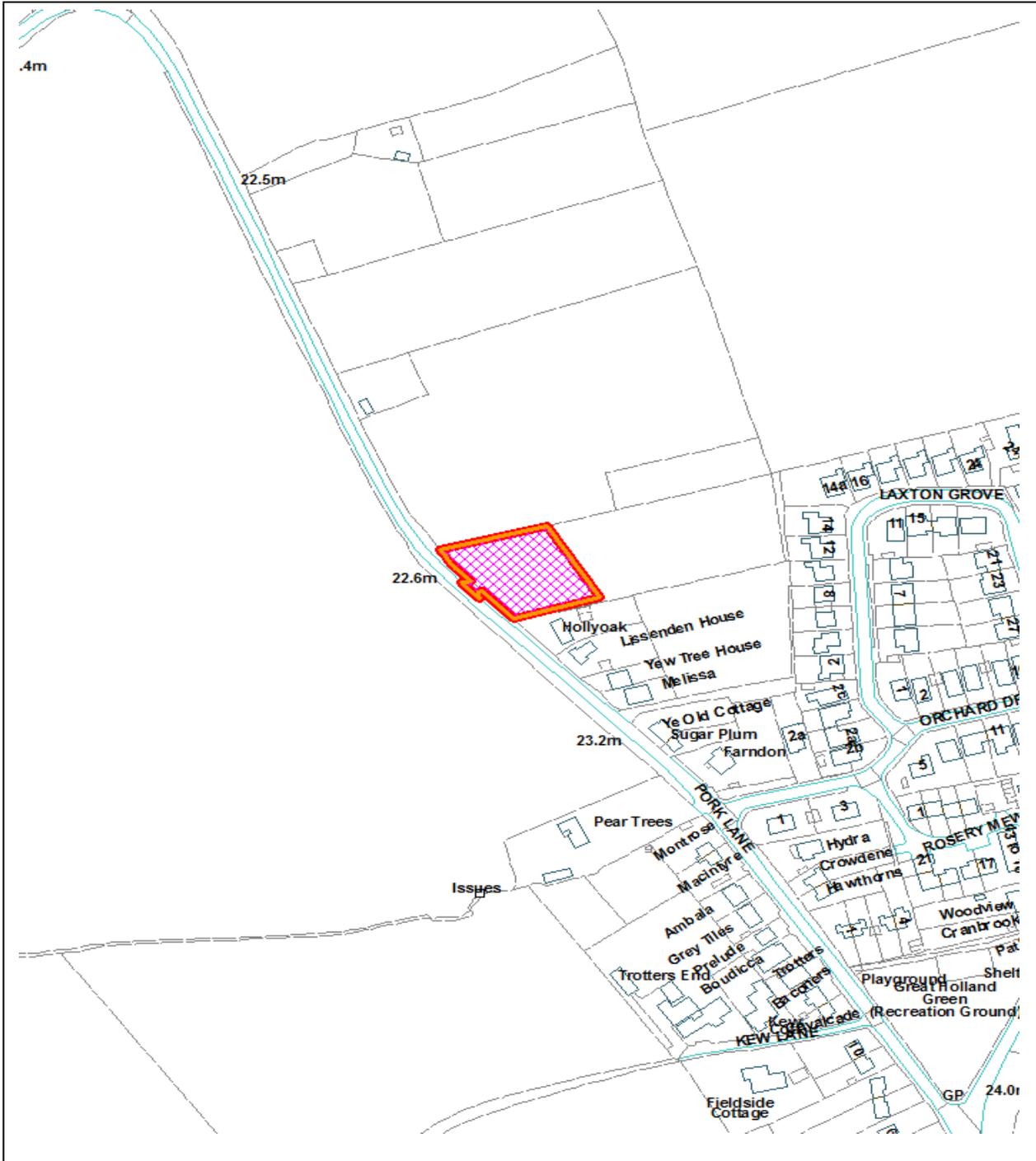


PLANNING COMMITTEE

1 NOVEMBER 2016

REPORT OF THE HEAD OF PLANNING

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



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

1. Executive Summary

- 1.1 This application seeks development of up to three detached bungalows on 0.2ha of land.
- 1.2 The site is located to the north of Great Holland, on its southern side it is adjacent to the development boundary with Pork Lane running to its west. Open countryside surrounds the site to its north and east, dwellings are a mixture of bungalows and large detached properties of a mixture of scales and design which are set back from the carriageway behind short front gardens.
- 1.3 The principle of residential development on this site is acceptable. Having regard to a recent appeal decision the site is considered to be located in a socially sustainable location and would meet the social, environment and economic strand of sustainability. Subject to the detailed design being acceptable, it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety, sustainable development and the existing hedgerow on site

Recommendation: Approve

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

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

Conditions:

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary treatments
- 6) Submission of hard/soft landscaping scheme
- 7) Implementation of landscaping scheme
- 8) A suitably constructed access measuring no less than 5.5m in width and providing a parallel visibility band of 2m deep across the site frontage
- 9) No unbound materials in first 6m of access
- 10) Off-street parking in accordance with current parking standards
- 11) Garages being set back 6m from highway
- 12) Boundary hedge being setback 1m from highway and 1m behind visibility splays

2. **Planning Policy**

NPPF National Planning Policy Framework

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

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

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

3. Relevant Planning History

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

4. Consultations

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

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

4.2 The Tree and Landscape Officer has commented:

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

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

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

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

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

5. Representations

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

6. Assessment

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

Site description

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

Proposal

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

Principle

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

Design

- 6.12 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of the National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design.
- 6.13 Policies QL9, QL10 and QL11 of the 2007 Local Plan aims to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Policy SPL3 of the Draft Plan carries forward the sentiments of these Saved Policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.
- 6.14 Specific details of design have not been submitted as this is an Outline application with all matters reserved. However indicative plans show the site accommodating three reasonably sized dwellings similar in form to existing dwellings along the Pork Lane. The plans show the 5.5m wide access from Pork Lane dividing into three driveways for each dwelling, these will

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

Character and Appearance

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

Impact on Neighbours Amenities

- 6.19 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.20 Minimal impact will occur to neighbouring amenity, no adjacent properties are located along the sites northern boundary as it is adjacent to extensive open agricultural land. Along its south eastern boundary the property of Hollyoak is adjacent but is set a significant distance away of 5m. No neighbouring dwellings lie to its east.

Landscape Impact

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

Biodiversity

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

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

Highways

- 6.23 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SPL3 of the Draft Plan.
- 6.24 Essex County Council Highways have been consulted on the application and have raised no objections in terms of highway safety subject to controlling conditions, they recommend:
- A suitably constructed access no less than 5.5m in width and providing a parallel visibility splay of 2m deep across site frontage.
 - No loose or unbound material within 6m of the highway boundary.
 - Parking and turning facilities in accordance current policy standards,
 - Transport Information Marketing Packs for the new dwellings
- 6.25 Parking and turning detailing on the site can be secured through condition at the reserved matters stage rather than at this outline stage. Transport Information Packs are not relevant to proposals of this scale.

Conclusion

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

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

Background Papers

None.