

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	19/07/2019
Planning Development Manager authorisation:	TF	19/7/19
Admin checks / despatch completed	OK	19/7/19
	SB	19/07/19

Application: 19/00005/OUT

Town / Parish: Little Clacton Parish Council

Applicant: Mr & Mrs Chillingworth

Address: Land rear of 8A Holland Road Little Clacton

Development: Erection of 4 bungalows.

1. Town / Parish Council

Little Clacton Parish
Council

Objects to the application. The previous application relating to this site 18/01272/OUT for the erection of five bungalows was refused by the Head of TDC Planning on 26th September 2018. It was refused on the following: Outside the Settlement Area, Back Land Development and Restricted Access to the development site. TDC has since demonstrated that they have a robust five year supply, which was not confirmed at the date of prior refusal, and the Local Plan is in a more advanced status which would not allow this type of development. This adds two more important items to restrict this development from being allowed. The reduction from 5 to 4 does not affect the previous reasons of refusal and as the developer has to make profits it would only make the properties more expensive and less desirable to the more affordable housing market. Little Clacton Parish Council strongly recommend refusal.

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:

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.
2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1

3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.1 metres for at least the first 6 metres from the back of Highway Boundary and provided with an appropriate dropped kerb crossing of the footway.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1

4. Prior to first occupation of the development two suitable vehicle passing places shall be provided within the curtilage with minimum dimensions of 5 metres wide x 6 metres in length. Details to be agreed in writing with the local Planning Authority.
Reason: To ensure that vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

5. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

Informative 1: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

18/01272/OUT	Proposed erection of 5 Bungalows.	Refused	26.09.2018
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19/00005/OUT	Erection of 4 bungalows.	Current	
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

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

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

LP8 Backland Residential Development

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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.

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 Development Boundary of Little Clacton. The application site measures 0.25 hectares and is rectangular in shape.

Immediately to the north of the site are the gardens of No's 8 to 14 while to the south is the Firs Caravan Park. A number of bungalows are currently under construction or recently completed 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.

The neighbouring properties are mainly detached or semi-detached bungalows, some of which have now been converted to form chalet or two storey properties. There are no public rights of way within the site or within close proximity.

Planning History

Planning permission was refused under planning reference 18/01272/OUT for the erection of 5 bungalows on the same piece of land. The application was refused as the site is located outside the settlement development boundary of Little Clacton, fails policy HG13 as the proposal is out of character with the surrounding area and highway concerns.

Proposal

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. Passing bays have also been provided.

All matters (access, appearance, landscaping, layout and scale) are reserved for consideration as part of a future detailed application. The proposal therefore seeks to establish the principle of four dwellings on this site.

Assessment

The main considerations for this application are:

- Principle of development
- Backland Residential Development
- Layout, scale, character
- Residential Amenities
- Highway Considerations
- Impact on Trees
- Legal Obligations - Open Space
- Habitat Regulations Assessment
- Other Considerations

Principle of Development

The site lies adjacent to the Little Clacton Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

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.

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 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.

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.

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:

It is considered that the proposal for 4 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:

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.

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.

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:

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.

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."

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."

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."

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:

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 forms the key material considerations.

Backland Residential Development:

The development involves the construction of 4 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.

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.

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.

Saved Policy HG13 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 located adjacent to the defined settlement boundary in the saved plan and 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 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 a 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;

- Whilst it could be argued that the proposal constitutes a form of "tandem" development using a shared access, in this instance the proposed configuration and relationship between existing and proposed dwellings is considered to be acceptable. Apart from the 'host' dwelling, the adjoining frontage dwellings on Holland Road benefit from long substantial rear gardens in the region of 35-40 metres in length. Accordingly, the degree of overlooking/loss of privacy will be limited, particularly given the single storey nature of the proposed development.

On this occasion, ECC Highways have raised no objection to the proposed shared access arrangement serving the development.

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 given that it would be difficult to develop the site in conjunction with adjoining land. The development of adjoining land would require the use of an alternative means of access given the limitations of the proposed access.

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 north, 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.

Conclusion:

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, scale, character and impact

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 within Policy SPL3 of the emerging Local Plan.

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.

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 4 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.

Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

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.

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 4 dwellings would be significantly harmful in terms of noise or disturbance given the number of dwellings and the built up character of the area.

Highways Considerations

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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Essex County Council Highways have been consulted. They raise no objections subject to conditions including vehicular turning facility, no unbound materials, width of the drive, vehicle passing bays and garage measurements. 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.

Trees/Ecology

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.

Landscaping will be secured at the reserved matters stage. There is scope for planting to the front of each dwelling and for planting around the perimeter of the application site. There is also some vegetation along the existing boundary which will be retained and secured by condition when a detailed application is submitted.

The application site is currently undeveloped grassland and a strong feature on the southern boundary adjacent to the caravan park is a hedgerow comprising mixed species and containing a row of trees: primarily Silver Birch.

Just off-site close to the western boundary there is a mature Oak that can be seen from the highway and makes a reasonable contribution to the character and appearance of the area.

The largest tree on the application site is an early mature Oak situated to the rear of 12 Holland Road. Although the tree is a reasonable specimen it is not clearly visible from a public place and the contribution that it makes to the appearance of the area is commensurately low. For this reason it does not merit formal legal protection by means of a tree preservation order.

There are no trees on the application site that merit protection by means of a tree preservation order.

A condition will be imposed to ensure that when a detail application is submitted the construction of the dwelling closest to the Oak will not result into an incursion into the Root Protection Area (RPA) of the tree or that specialist construction techniques will be used if a minor incursion is proposed. This is necessary to ensure that issues relating to the potential obstruction to light reaching the house and garden, as well as leaf litter and debris falling from the tree does cause undue inconvenience for future inhabitants of the dwelling.

Legal Obligations - Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of -2.22 hectares of equipped play in Little Clacton.

There is one play area in the village which is located along London Road approximately 0.07 miles from the development. 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.

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.

Habitat Regulations Assessment

Following recent Natural England advice and the introduction of Zones of Influences (Zoi) around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation), within these 'zones' Natural England are now requesting financial contributions to mitigate against any recreational impact from new dwellings. 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 RAMS strategy.

A Habitat Regulations Assessment has therefore been undertaken 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 contribution is secured by unilateral undertaking.

There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

Little Clacton Parish Council have objected to the application and have raised the following concerns;

- Previous application 18/01271/UOT was refused for the erection of five bungalows. The site is outside the settlement area, backland development and restricted access to the development site. TDC can demonstrate a 5 year housing supply. The reduction of 5 to 4 does not affect the previous reasons for refusal.

8 Objections have been received and have raised the following concerns:

- Overdevelopment
- Increase in traffic
- Width of the access
- Fire Engine Access
- Impact to Oak Trees
- Drainage - falls below threshold for SUDS scheme
- Outside Settlement Boundary
- TDC can demonstrate a 5 year housing supply.
- Junction of the site exacerbated

The application form states that in terms of drainage, the surface water will be disposed of by a soakaway. The application site falls below the threshold to consult ECC SUDS and therefore this has not been taken into consideration when determining this application. Fire Engine Access is assessed under building regulations which is separate from planning. The other concerns raised above have been addressed within the report.

6. Recommendation

Approval – Outline

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

- 3 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 The dwelling hereby permitted shall be single storey only.

Reason - In the interests of visual amenity having regard to the character of Lonsdale Road and in order to minimise the visual impact of the development on the open countryside beyond.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to ensure that the site is not over-developed in the interest of the amenity of the occupants of adjacent dwellings, and in order to maintain a satisfactory appearance in the street scene in the interest of the visual amenity of the locality.

- 6 No development shall take place until the existing oak tree on the western boundary of the site has been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. If the tree is considered to be dying or becomes severely damaged as a result of any failure to comply with these requirements it shall be replaced with a tree(s) of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the tree.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017

Highways

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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