

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	13/11/19
Planning Development Manager authorisation:	TF	15/11/19
Admin checks / despatch completed	CC	15.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	[Signature]	15/11/19

Application: 19/00581/OUT **Town / Parish:** Alresford Parish Council

Applicant: Mr Ellis

Address: Columbia Ford Lane Alresford

Development: Proposed demolition and replacement of dwelling including two new bungalows.

1. Town / Parish Council

Alresford Parish Council Objects to this application for the following reasons:
* Back land development
* Over development of the site
* Access to the properties will be parallel with the entrance to the primary & pre-school, serious safety concerns for those accessing the school.

2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.

The proposal would lead to the intensification of an existing and substandard access onto Ford Lane where the lack of width of the access would mean opposing vehicles being unable to pass clear of the limits of the highway or enter and leave the highway in a controlled manner resulting in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

As far as can be determined from the submitted plan, the applicant does not appear to control sufficient land to provide a wide enough vehicle access for a grouping of dwellings served by a common access, to be used where it is required that opposing vehicles are able to turn into and out of the access and pass clear of the limits of the highway.

This in turn would have the potential to introduce additional slowing and turning movements on Ford Lane due to merging, diverging and weaving manoeuvres. This would likely lead to increased conflict and risk of collisions for both emerging and approaching vehicles in addition to increased hazard to other highway users in the vicinity of

the site access to the detriment of highway safety.

The proposal is therefore contrary to policy DM1 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes

1. The existing vehicular access currently serves one dwelling this proposal would lead to the intensification of the existing and substandard access. The proposal to introduce two additional dwellings will in some degree conflict and interference to the passage of through vehicles that currently does not occur. The resulting intensification of that conflict and interference would lead to deterioration in the efficiency of Ford Lane as a traffic carrier to the detriment of highway safety.

2. The proposed driveway access is shown on drawing PA.002 however there is no detail provided on the proposed width of the access. A private drive serving more than one property should be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway. This is 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.

3. Due to the distance of the proposed two new bungalows from the vehicle access and as far as can be determined from the submitted plans the provision of a suitable vehicle passing place should be provided within the curtilage with minimum dimensions of 5 metres wide x 6 metres in length, however, the only location that this could be located is within the curtilage of the garden for the replacement dwelling.

The Highway Authority may consider a revised/ reduced proposal that has a lesser impact on the proposed access, subject to the proposal conforming to policy DM1 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

3. Planning History

18/02090/HHPNO T	Proposed rear extension, 6.310m depth and 4m height.	Approved	
19/00017/FUL	Proposed single storey rear extension and front porch.	Approved	15.02.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 (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 relates to Columbia, which is a bungalow that lies to the front of the application site and sits towards the site frontage. To the south of the site is Alresford Primary School, with residential properties to the north and east. The surrounding area consists of established residential dwellings.

Proposal

The application seeks outline planning permission for the demolition and replacement of one dwelling and the erection of two dwellings.

This application is considering the access, layout and scale. Landscaping and appearance is therefore reserved for subsequent approval as part of a detailed application.

An indicative layout plan has been submitted with this application which demonstrates three detached dwellings; one dwelling to replace 'Columbia' and plot 2 and 3 situated to the rear of the application site.

Assessment

The main considerations for this application are;

- Principle of development;
- Backland development;
- Trees and Landscaping;
- Financial Contribution - Open Space/Play Space;
- Financial Contribution - RAMS; and
- Representations.

Principle of development

The site lies within the Settlement Boundary for Alresford , as outlined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

Backland Residential Development

'Backland' forms of development can undermine the established character of an area, particularly if that character predominantly comprises linear street fronting development as is the case here. Allowing such development, especially if similar schemes were to be repeated elsewhere in a locality, will undermine the character of the area and set an undesirable precedent. Development behind an established building line can also appear incongruous, forming an inappropriate tandem and cramped form of development. To avoid such problems, backland development requires careful consideration, including the need for an appropriate means of access to 'backland' plot, which is in a form which is safe and convenient for both drivers and pedestrians.

Paragraph 127 of the Framework requires that development should respond to local character and history, and reflect the identity of local surroundings and materials and adds that it is proper to seek to promote or reinforce local distinctiveness. Saved Policy HG13 of the adopted 2007 Local Plan and emerging Policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 are of particular relevance in this instance due to the nature of the development constituting backland development. Saved Policy HG13 states that proposals for the residential development of backland sites must comply with certain criteria (echoed in emerging Policy LP8) which 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 plot is located within the Settlement Development Boundary of Alresford and is not safeguarded or allocated for any use other than residential.

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;

- Highways and Parking

Paragraph 108 of the National Planning Policy Framework 2019 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 on this application and raise an objection to the proposed development as; the proposal would lead to the intensification of an existing and substandard access onto Ford Lane where the lack of width of the access would mean opposing vehicles being unable to pass clear of limits of the highway or enter and leave the highway in a controlled manner resulting in an unacceptable degree of hazard to all road uses to the detriment of general highway safety. The applicant also does not appear to control sufficient land to provide a wide enough vehicle access for a grouping of dwellings served by a common access, to be used where it is required that opposing vehicles are able to turn into and out of the access and pass clear of the limits of the highway. As a result, the proposed development would have the potential to introduce additional slowing and turning movements on Ford Lane due to merging, diverging and weaving manoeuvres. This would lead to increased conflict and risk of collisions for both emerging and approaching vehicles in addition to increased hazard to other highway users in the vicinity of the site access to detriment of highway safety.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. Parking provision has been provided for all three dwellings with two parking spaces which are in line with Essex Parking Standards.

- Private Amenity Space

To accord with Saved Policy HG9 of the adopted Tendring District Local Plan 2007 the following minimum garden sizes would be required;

- 1 bedroom = 50 square metres
- 2 bedroom = 75 square metres
- 3 or more bedrooms = 100 square metres

The application proposes to replace the host dwelling, 'Columbia' with a two bedroom bungalow. The dwelling will be served by a garden in excess of 75 square metres which will comply with Policy HG9. However, plot 2 and 3 comprise of two bedroom bungalows which are served by private amenity space which falls below the 75 square metre requirement as plot 2 provides approximately 58.5 square metres and plot 3 provides approximately 40 square metres of private amenity space. Therefore, plot 2 and plot 3 do not comply with Policy HG9.

- Impact on Residential Amenities

Saved Policy QL11 of the Tendring District Local Plan (2007) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed replacement of Columbia is sited approximately 3 metres away from the neighbouring boundary to the north east and approximately 1 metre away from the neighbouring boundary to the south west which complies with Policy HG14 of the Tendring District Local Plan 2007. Plot 2 and plot 3 also retain at least 1 metre to all neighbouring boundaries. No elevational

plans have been provided however, a condition will be imposed to ensure that all the dwellings are single storey to ensure that there is not overlooking onto neighbouring amenities along Ford Lane.

The proposal therefore fails to provide sufficient access, parking or private amenity space failing this criterion.

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;

The development will be served by a long narrow shared access drive that would be detrimental to the character and appearance of the locality and wholly out of character with the pattern of development in the area.

iv. the proposal does not involve "tandem" development using a shared access;

Tandem development is when a house is immediately situated behind another and shares the same access. The proposal does involve tandem development served by a shared access and therefore fails to comply with this criterion.

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;

This criterion is not considered relevant to this case as it would not open up a more comprehensive form of development.

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 site is located within the built up area surrounded by existing dwellings and would not create a hard urban edge. However, the development is considered to be out of character in its setting which is characterised by linear, road frontage development.

vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main character of Ford Lane is road frontage, linear development with an established front building line. The proposed development would represent an unacceptable form of backland development being wholly out of character with the area setting a harmful precedent for other cramped inappropriate plot sub-divisions to the rear of other properties within the street and surrounding area.

Trees and Landscaping

Paragraph 170 of the National Planning Policy Framework (2019) states planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and should protect and enhance valued landscapes.

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

The application site was cleared and there are no trees or vegetation on the land. Within the school grounds immediately to the south of the application site there are several large, well-formed trees that make a positive contribution to the appearance of the public realm. The Root Protection Areas (RPA's) of these trees are likely to cover parts of the application site. The agent for the application was asked to provide an Tree Survey and Report to show the likely impact of the development on trees on land adjacent to the application site, in order to show the extent to which the trees are a

constraint on the development potential of the land, and to show details of the way that the trees would be physically protected for the duration of the construction phase of any development. However this information was not provided.

Therefore, it has not been demonstrated that the proposed development can be constructed without causing harm to trees that make a positive contribution to the local area, and therefore fails to accord with the above national and local policies.

Financial Contribution - Open Space/Play 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". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford. Any additional development in Alresford will increase demand on already stretched play facilities. The closest play area and recreation ground to the development site is located just off St. Andrews Close, Alresford approximately 0.8 miles. This play area is designated as a Local Equipped Area for Play. To cope with additional usage, it would be necessary to increase the size of this play area. The Parish Council does has plans in place to increase the number of play items should further development take place in the village.

A completed unilateral undertaking has been provided to secure the required financial contribution towards the project.

Financial Contribution - RAMS;

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (ZoI) being approximately 1.4km away from Colne Estuary RAMSAR, SAC and SPA.

New housing development within the ZoI would be likely to increase the number of recreational visitors to the Essex Estuary and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure 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.

Representations

Alresford Parish Council objects to this application for the following reasons;

- Backland development
- Overdevelopment on site

- Access to the properties will be parallel with the entrance to the primary & preschool, serious safety concerns for those accessing the school.

6 letters of representation have been received raising the following concerns;

- Overdevelopment of the site
- Passing between the existing driveway and Green Island
- Noise from cars to new bungalow
- Entrance creates a serious danger to the children at the School
- Privacy issues onto neighbouring amenities

The concerns raised above have been addressed within the report.

6. Recommendation

Refusal - Outline

7. Conditions / Reasons for Refusal

- 1 Paragraph 127 of the National Planning Policy Framework (NPPF) requires that development should respond to local character and history, and reflect the identity of local surroundings and materials. Paragraph 192 adds that it is proper to seek to promote or reinforce local distinctiveness.

Saved Policy HG13 of the adopted 2007 Local Plan and emerging Policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 are of particular relevance in this instance due to the nature of the development constituting backland development. Saved Policy HG13 states that proposals for the residential development of backland sites will only be approved where it meets specific criteria.

Essex County Council Highways have been consulted on this application and raise an objection to the proposed development as; the proposal would lead to the intensification of an existing and substandard access onto Ford Lane where the lack of width of the access would mean opposing vehicles being unable to pass clear of limits of the highway or enter and leave the highway in a controlled manner resulting in an unacceptable degree of hazard to all road uses to the detriment of general highway safety. The applicant also does not appear to control sufficient land to provide a wide enough vehicle access for a grouping of dwelling served by a common access, to be used where it is required that opposing vehicles are able to turn into and out of the access and pass clear of the limits of the highway. As a result, the proposed development would have the potential to introduce additional slowing and turning movements on Ford Lane due to merging, diverging and weaving manoeuvres. This would lead to increased conflict and risk of collisions for both emerging and approaching vehicles in addition to increased hazard to other highway users in the vicinity of the site access to detriment of highway safety.

Plot 2 and 3 comprise of two bedroom bungalows which are served by private amenity space which falls below the 75 square metre requirement as plot 2 provides approximately 58.5 square metres and plot 3 provides approximately 40 square metres of private amenity space. Therefore, plot 2 and plot 3 do not comply with Policy HG9.

Tandem development is when a house is immediately situated behind another and shares the same access. The proposal does involve tandem development served by a shared access and therefore fails to comply with this criterion.

The main character of Ford Lane is road frontage, linear development with an established front building line. The proposed development would represent an unacceptable form of backland development being wholly out of character with the area setting a harmful

precedent for other cramped inappropriate plot sub-divisions to the rear of other properties within the street and surrounding area. The development will be served by a long narrow shared access drive that would be detrimental to the character and appearance of the locality and wholly out of character with the pattern of development in the area.

For these reasons, the proposal is considered contrary to Saved Policy HG13 criterion ii, iii, iv, vi and vii and the aims of the NPPF.

- 2 Paragraph 170 of the National Planning Policy Framework (2019) states planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and should protect and enhance valued landscapes.

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

The application site was cleared and there are no trees or vegetation on the land. Within the school grounds immediately to the south of the application site there are several large, well-formed trees that make a positive contribution to the appearance of the public realm. The Root Protection Areas (RPA's) of these trees are likely to cover parts of the application site. The agent for the application was asked to provide a Tree Survey and Report to show the likely impact of the development on trees on land adjacent to the application site, in order to show the extent to which the trees are a constraint on the development potential of the land, and to show details of the way that the trees would be physically protected for the duration of the construction phase of any development. However this information was not provided.

Therefore, it has not been demonstrated that the proposed development can be constructed without causing harm to trees that make a positive contribution to the local area, and therefore fails to accord with the above national and local policies. Avoiding the root protection areas of these trees will also impact upon the layout of the site, which will need to be carefully assessed.

8. Informatives

Positive and Proactive Statement

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

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

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