



# TENDRING DISTRICT COUNCIL

## Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

<b>AGENT:</b>	Mr Lee Scales Invent Architecture & Design East Bridge House East Street Colchester CO1 2TX	<b>APPLICANT:</b>	Mr Ellis Columbia Ford Lane Alresford Essex CO7 8AU
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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 19/00581/OUT      **DATE REGISTERED:** 11th April 2019

Proposed Development and Location of Land:

**Proposed demolition and replacement of dwelling including two new bungalows.**

**Columbia Ford Lane Alresford Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- 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 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. 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 the 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.

**DATED:** 15th November 2019

**SIGNED:**




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Catherine Bicknell  
Head of Planning

**IMPORTANT INFORMATION :-**

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

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

### 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 reason(s) for the refusal, approval has not been possible.

**The attached notes explain the rights of appeal.**

## NOTES FOR GUIDANCE

### WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

#### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
  - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

#### ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.