

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	RD	26.02.2020
Planning Development Manager authorisation:	TF	26.02.2020
Admin checks / despatch completed	CC	26.02.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	26/2/2020

Application: 19/01726/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Mr Hubble

Address: 35 Holland Road Little Clacton Clacton On Sea

Development: Demolition of the existing bungalow and associated outbuildings and construction of 10no. bungalows (resulting in a net gain of 9no. residential dwellings), improvement of existing access and enhancement of existing landscaping features.

1. Town / Parish Council

Little Clacton Parish
Council

Provide the following comments,

The application for this site is located outside the development boundary of Little Clacton as defined in the saved TDC Local Plan 2007 and the TDC local Plan 2013-33 and beyond publication draft (June 2017).

This application is classic backland against saved policy HG13 and policy LP8, and would have a detrimental effect in the way of volume and access to neighboring residents of Holland Rd

Saved Policy QL1 seeks to direct larger urban developments towards larger urban settlements within the Local Plan. This development of this scale is in our view an over development for the area that it is within.

The NPPF 2018 states that the planning process should be plan led and this application is not part of the emerging Local Plan.

The application site is similar to refused application 18/01272 Holland Rd which PO said was unsustainable, and with no bus service along Holland Rd it would lead to constant use of motorized vehicles against NPPF and would act to the detriment of neighbouring residents.

The area of this application lies within a flood plain which assists in the disposal of surface water from properties along that side of Holland Rd and with recent problems with climate change this issue cannot be overlooked.

2. Consultation Responses

ECC Highways Dept

Provide the following comments,

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, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.
2. Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan 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.
3. 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.
4. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary with 1.8 metre width footways to connect to the existing footways on both sides of the junction with Holland Road.
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.
5. Prior to the first occupation of the development, the proposed private drive serving properties 3, 4, 8, and 9 shall be constructed to a width of 4.1 metres to the satisfaction of the Local Planning Authority.
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.
6. There shall be no discharge of surface water onto the Highway.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.
7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority.

The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

8. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

9. 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.

10. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

11. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: There is an existing telegraph/ electrical pole located at the front of the site within the existing footway that is like to need re-locating prior to the site access being finalised.

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 and is a designated LEAP plus the Parish Playing Field has open space and used for all sports.

Recommendation

Due to the significant lack of play and open spaces facilities in the area, a contribution is justified and relevant to the planning application. The contribution would be used towards creating additional facilities and improvements at the Parish Playing Fields.

Essex Wildlife Trust

No comments

Natural England

Provide the following comments;

It has been identified that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Anglian Water Services
Ltd

Provide the following comments;

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood risk assessment The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and

Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

CONDITION No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website
<http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

Development hectare size

Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -
<http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation>. For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)

Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

Building Control and

No comments

Access Officer

No comments

Waste Management

Access road to be of sufficient width to allow access of 26 tonne refuse HGV and allow vehicle to manoeuvre and turn so vehicle can drive in and out. Access road to also be constructed to standard to withstand weight of 26 tonne refuse collection vehicle.

Environmental Protection

No comments

Tree & Landscape Officer

The application site currently appears to be the curtilage of 35 Holland Road and land associated with the host property. It is not clear whether or not all of the land forms part of the residential curtilage of that property.

The front garden and area immediately surrounding the existing dwelling does not contain any trees or other significant vegetation. This part of the application site is dominated by metalled surfacing.

The land to the rear of the existing dwelling is set to grass with some boundary trees and trees on immediately adjacent land, comprising of primarily White Willows. There is a short section of coniferous hedging in the main body of the application site.

In order to show the likely impact of the development on trees on the application site the applicant has provided an Arboricultural Impact Assessment (AIA). This document shows the extent to which the trees are a constraint on the development potential of the land and shows how the trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted.

This information is in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations.

The information relating to trees adequately demonstrates that the development proposal can be implemented without causing harm to the important trees on the application site or on adjacent land. Many of the White Willows, referred to in the tree report are in such a condition that remedial pruning works are required.

In terms of soft landscaping the applicant has submitted a detailed hard and soft landscaping specification that shows a satisfactory level of new planting that will adequately soften, screen and enhance the appearance of the development.

ECC SuDS Consultee

Provide the following comments;

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 4.45l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Ensure all the water leaving the site is treated by the permeable paving.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future

register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved

more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Housing Services

Provide the following comments:

The application proposes a net gain of 9 homes in total. The National Planning Policy Framework published in the Summer of 2018 states that affordable housing should be delivered on sites classed as "major developments". In the NPPF, major developments are defined as sites delivering 10 or more homes or sites that are greater than 0.5 hectares in area. Although this application proposes 9 homes, the site is 0.88 hectares in area and therefore it is classed as a major development and an affordable housing requirement is triggered.

The council's emerging Local Plan states that on eligible sites, 30% of the homes should be provided as affordable housing. As this site proposes a net gain of 9 homes, 30% of 9 homes equates to 2.7 homes which is rounded up to 3 affordable homes in total. There is a high demand for housing in Little Clacton and we currently have 74 households on the housing register seeking a 2 bedroom bungalow in the village and 61 households seeking a 3 bedroom bungalow in the village.

The council's preference is that affordable housing is provided on site and in the first instance, another registered provider should be sought to take on the 3 affordable homes. If another registered provider cannot be identified, the council will consider taking on the homes as an alternative.

Essex County Council
Archaeology

Provide the following comments;

The proposed development lies to the east of the historic settlement at Little Clacton. The Parish Church dates from the 12th century and the settlement is probably medieval in origin. Adjacent to the site cropmark features are recorded on the HER from aerial photographic evidence, the features include ditches and pits which may be

associated with settlement activities, a barrow is recorded close to the proposed development site, its exact location and status are unknown from existing records. There is potential for evidence relating to the adjacent cropmark features to extend into the development site which may be disturbed or destroyed by the proposed development. The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.
2. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.
3. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
4. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

Third Party Representations

81 letters of objection have been received raising the following points;

- This application is purely for personal monetary gain and not to help the village or the current housing shortage
- The site at the moment is prone to flooding not only during the winter months but also spring and autumn and if built on I worry where all that water is going to end up (possible on my land)
- This application is gross overdevelopment of a road that is already badly overdeveloped and suffers from poor drainage (as no developer so far seems willing to upgrade our main sewer system) resulting in constant flooding of the road .
- On the north side of Holland Rd there are many properties as No 35 with gardens that stretch down to the foot path and if permission were given to this proposal I fear that a

precedent would be set and the flood gates would be opened as you could not say yes to one and not the other (the villagers were assured that the development at No 36 would not set a precedent or open the flood gates and look what happen there.

- The proposed buildings are like nothing seen in Holland Rd or for that matter as far as I know anywhere in the area and not in keeping with the rest of the village they would look more at home in a holiday camp.
- The Transport Statement presumes that residents will swop their cars for bicycles and peddle to Wheele, Thorpe, or Great Clacton to shop if this were credible why do the residents of Holland Rd not already not partake in this ludicrous assumption, this whole transport statement is ridicules but sounds good for the developer.
- The application for this site is located outside the development boundary of Little Clacton as defined in the saved TDC Local Plan 2007 an the TDC local plan 2013-33 and beyond publication draft (June 2017).
- The NPPF 2018 states that the planning process should be plan led and this application is not part of the emerging Local Plan.
- This application is classic backland development against policy HG13 and LP8, and would have a detrimental effect in the way of volume and access to neighbouring residents of Holland Rd.
- Saved Policy QL1 seeks to direct larger urban developments towards larger urban settlements within the Local Plan.
- A development of this scale is in our view an over development for the area that it is within.

3. Planning History

10/00660/FUL	Convert existing garage and stables into an annexe to be used in conjunction with existing dwelling.	Refused	05.08.2010
19/30099/PREAPP	Proposed demolition of existing dwelling and the construction of 14 dwellings.	Refused	23.07.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG13	Backland Residential Development
COM2	Community Safety
COM21	Light Pollution
COM23	General Pollution
COM29	Utilities
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN12	Design and Access Statements
EN13	Sustainable Drainage Systems
EN29	Archaeology
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR5	Provision for Cycling
TR7	Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design

HP1	Improving Health and Wellbeing
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
LP8	Backland Residential Development
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL7	Archaeology

Local Planning Guidance

Essex Design Guide

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

The site lies outside the defined development boundary for Little Clacton. The centre of the Village is located approximately 300m to the west, at the junction of Holland Road and St Osyth Road with London Road (B1441).

Access to the site is via Holland Road or the public footpath running east-west outside the northern edge of the site. The footpath connects Tan Lane (to the east) with London Road.

The site comprises the plot of 35 Holland Road, currently occupied by a bungalow and its garage and outbuilding, plus an open grassed area to the north which is fringed by hedges and trees.

The site is predominantly flat, with Coniferous hedges lining the rear side garden boundaries to No 35. The rear grassed area has trees next to its western boundary, hedgerow along the northern boundary and two lengths of hedge plus two trees to the east edge of the site.

The applicant has engaged in pre-application discussions with the Council (19/30099/PREAPP) and also held a Public Consultation event for local residents in October 2019 with regards to development of the site for residential purposes.

Proposal

This application proposes the demolition of the existing bungalow and construction of 10 dwellings, along with the enlargement and improvement of the existing access.

It is proposed that a new 6m wide access road with a 2m wide footway will be created, providing vehicle and pedestrian access to the development at the rear of the site.

The new dwellings will be constructed with a minimum of two off-street parking spaces, on drives or within garages. Visitor parking is to be provided to be compliant to the councils 0.25 spaces/dwelling in the locations indicated on the site layout.

Principle

The application site is located outside of the Settlement Development Boundary for Little Clacton as defined within the saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Saved Policy QL1 of the Tendring District Local Plan (2007) seeks to direct development towards larger urban settlements defined within the Local Plan. Outside Development Boundaries, the

Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework (2018) state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Furthermore the NPPF (2019) 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

The emerging Local Plan 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. Little Clacton is categorised in Policy SPL1 of the plan, along with six other villages, as a 'Rural Service Centre' in recognition of its size and range of local services available. The emerging Plan has identified opportunities for small scale growth and a modest increase in housing stock where appropriate at a level that is fair, achievable and sustainable.

Consequently the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundaries for Little Clacton has been extended to accommodate the growth envisaged over the plan period. However, their extended defined boundaries do not include the proposed application site. As such the application site location is not considered to be a sustainable location for growth.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth. However, the proposed development due to its location outside of any defined settlement development boundary, is not considered sustainable.

Layout/Visual Impact

The proposal relates to 10 no. bungalows to be sited in paddock land located behind existing residential properties that front Holland Road to the north. The development would be accessed via a new narrow shared track which runs along the western side of the existing properties. The layout shown represents backland development.

Policy HG13 of the Tendring District Local Plan 2007 states that proposals for the residential development of 'backland' sites will be permitted where; amongst other things the following criteria are met:

- The proposal does not involve 'tandem' development using a shared access;
- 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 not on the edge of the defined settlement and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

In this case the proposed bungalows would encroach into the undeveloped space to the rear of no. 35 Holland Road. This area is currently open and spacious in character. The proposed layout indicates that the 10 no. bungalows would appear cramped and overly urban in form. The plot

sizes serving some of the bungalows appear uncharacteristically small in relation to surrounding plots.

The development would be served by a narrow and long access drive located in close proximity to existing properties. Overall the incongruous layout of the proposal set behind an existing residential frontage and served by a narrow vehicular access would be at odds with the pattern of built form in the vicinity and significantly harm the character and appearance of the area contrary to the aforementioned local and national planning policies.

Whilst it is noted that there are other developments that are set on the opposite side of Holland Road these developments are more comprehensive in nature and are served by specifically designed accesses that are sympathetic to the character of the locality.

Residential Amenities

The bungalows would retain sufficient spacing to the existing properties to the south east and west to ensure there wouldn't be an adverse impact upon amenity. The single-storey nature of the development and the presence of existing vegetation means that privacy levels are maintained.

In terms of traffic movements, the access is situated in close proximity to nos. 33 and 37 Holland Road

Due to the fact that the development comprises of 10 no. bungalows officers consider that the level of traffic movements is likely to cause increased noise and disturbance to existing residents so as to warrant an objection from officers.

As such the proposal is considered contrary to policies QL9 and QL11 of the Tendring Local Plan and HP1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Highway Considerations

Essex County Council have reviewed the application and raise no objection to the proposals subject to the imposition of conditions to secure adequate visibility splays, provision of parking, provision of turning facilities and the widening and provision of a new access road.

With regards to parking provision, the proposed 2 no. spaces per property through garaging and open bays is considered to be acceptable.

Officers therefore raise no objection to the proposal on highways grounds.

Trees/Ecology

The site is laid to grass but there are mature trees present on the perimeters of the site.

In order to show the likely impact of the development on trees on the application site the applicant has provided an Arboriculture Impact Assessment (AIA). This document shows the extent to which the trees are a constraint on the development potential of the land and shows how the trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted.

This information is in accordance with BS5837 2012: Trees in relation to design, demolition and construction:

The Councils Tree Officer has reviewed the application and advises that the information relating to trees adequately demonstrates that the development proposal can be implemented without causing harm to the important trees on the application site or on adjacent land.

Many of the White Willows, referred to in the tree report are in such a condition that remedial pruning works are required.

In terms of soft landscaping the applicant has submitted a detailed hard and soft landscaping specification that shows a satisfactory level of new planting that will adequately soften, screen and enhance the appearance of the development.

As such officers raise no objection to the proposals on grounds of arboricultural or ecological issues.

Affordable Housing/RAMS and Open Space S106 Contributions

Affordable Housing

The National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market.

Emerging Policy LP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 10 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a discounted value for use as affordable housing, or as an alternative, the Council will accept a minimum of 10% if new dwellings are to be made available alongside a financial contribution toward the construction or acquisition of property for use as affordable housing (either on the site or elsewhere in the District) equivalent to delivering the remainder of the 30% requirement.

The application proposes a net gain of 9 homes in total. The National Planning Policy Framework published in the Summer of 2018 states that affordable housing should be delivered on sites classed as "major developments". In the NPPF, major developments are defined as sites delivering 10 or more homes or sites that are greater than 0.5 hectares in area. Although this application proposes 9 homes, the site is 0.88 hectares in area and therefore it is classed as a major development and an affordable housing requirement is triggered.

The council's emerging Local Plan states that on eligible sites, 30% of the homes should be provided as affordable housing. As this site proposes a net gain of 9 homes, 30% of 9 homes equates to 2.7 homes which is rounded up to 3 affordable homes in total. There is a high demand for housing in Little Clacton and we currently have 74 households on the housing register seeking a 2 bedroom bungalow in the village and 61 households seeking a 3 bedroom bungalow in the village.

The council's preference is that affordable housing is provided on site and in the first instance, another registered provider should be sought to take on the 3 affordable homes. If another registered provider cannot be identified, the council will consider taking on the homes as an alternative.

A completed Section 106 Agreement has not been provided prior to the application determination date and the application is therefore contrary to the above policy and NPPF guidance for the delivery of affordable housing.

RAMS

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.

This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), and in particular the Hamford Water Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar, and Colne Estuary SPA and Ramsar. The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation. A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.

The development is therefore contrary to Paragraph 175 of the National Planning Policy Framework, Policy EN11a in the adopted Local Plan and Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Open Space

Policy COM6 of the Tendring District Local Plan (2007) states that for residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

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 and is a designated LEAP plus the Parish Playing Field has open space and used for all sports. Due to the significant lack of play and open spaces facilities in the area, a contribution is justified and relevant to the planning application. The contribution would be used towards creating additional facilities and improvements at the Parish Playing Fields.

A completed Section 106 Agreement has not been provided prior to the application determination date and the application is therefore contrary to the above policies.

Other Considerations

Little Clacton Parish Council provides the following comments;

The application for this site is located outside the development boundary of Little Clacton as defined in the saved TDC Local Plan 2007 and the TDC local Plan 2013-33 and beyond publication draft (June 2017).

This application is classic backland against saved policy HG13 and policy LP8, and would have a detrimental effect in the way of volume and access to neighbouring residents of Holland Rd

Saved Policy QL1 seeks to direct larger urban development towards larger urban settlements within the Local Plan. This development of this scale is in our view an over development for the area that it is within.

The NPPF 2018 states that the planning process should be plan led and this application is not part of the emerging Local Plan.

The application site is similar to refused application 18/01272 Holland Rd which PO said was unsustainable, and with no bus service along Holland Rd it would lead to constant use of motorized vehicles against NPPF and would act to the detriment of neighbouring residents.

The area of this application lies within a flood plain which assists in the disposal of surface water from properties along that side of Holland Rd and with recent problems with climate change this issue cannot be overlooked.

6. Recommendation

Given the reasons outlined above the application is therefore recommended for **Refusal**.

7. Reasons for Refusal

Reason 1

The application site is located largely outside of the Settlement Development Boundary for Little Clacton as defined within the saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Little Clacton is categorised in Policy SPL1 of the plan, along with six other villages, as a 'Rural Service Centre' in recognition of its size and range of local services available.

Saved Policy QL1 of the Tendring District Local Plan (2007) seeks to direct development towards larger urban settlements defined within the Local Plan. Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

The policy also seeks to concentrate development within settlement boundaries and states that development outside those boundaries will only be permitted where it is consistent with countryside policies. There is nothing to suggest that the proposals accord with the Plan's countryside policies. As such, they conflict with Policy QL1.

Policy SPL2 defines settlement boundaries and states that development outside of those boundaries will be considered in relation to the settlement hierarchy and any other relevant policies within the plan. Given the size of the proposed housing development in relation to the scale of housing anticipated in Little Clacton, it is considered that this element of the proposal conflicts with Policy SPL2.

Officers consider that the emerging Local Plan is progressing well, the core planning principles under paragraph 15 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led apply and the Council should actively manage patterns of growth is therefore awarded significant weight. With this in mind, it is considered appropriate to seek to protect villages from unfair, disproportionate and potentially unlimited levels of new housing growth.

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.

As the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development is engaged and applications must be considered on their merits.

The emerging Plan has identified opportunities for small scale growth and a modest increase in housing stock where appropriate at a level that is fair, achievable and sustainable. Consequently the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundaries for Little Clacton has been extended to accommodate the growth envisaged over the plan period. However, their extended defined boundaries do not include the proposed application site. As such the application site location is not considered to be a sustainable location for growth contrary to local plan and national planning policies.

Reason 2

Saved Policy HG13 of the adopted Tendring District Local Plan (2007) and draft policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) relate to backland residential development. These policies require, amongst other things, that proposals for residential development of backland sites must not be out of character with the area or out of character in its particular setting. The policy also states that long or narrow accesses will be discouraged.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that new development relates well to its site and surroundings and the size, scale, design and appearance of new development are in keeping. Draft Policy SPL3 states that new development should be well designed and maintain or enhance local character and distinctiveness.

Paragraph 127 of the National Planning Policy Framework (Framework) states that planning policies and decisions should ensure that developments; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials.

In this case the proposed bungalows would encroach into the undeveloped space to the rear of no. 35 Holland Road. This area is currently open and spacious in character.

The development would also be served by a narrow access drive located in close proximity to existing properties. Overall the incongruous layout of the proposal set behind an existing residential frontage and served by a narrow vehicular access would be at odds with the pattern of built form in the vicinity and significantly harm the character and appearance of the area contrary to the aforementioned local and national planning policies.

Reason 3

The National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market.

Emerging Policy LP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 10 or more dwellings that 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a discounted value for use as affordable housing, or as an alternative the Council will accept a minimum of 10% if new dwellings are to be made available alongside a financial contribution toward the construction or acquisition of property for use as affordable housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.

The application proposes a net gain of 9 homes in total. The National Planning Policy Framework 2019 states that affordable housing should be delivered on sites classed as "major developments". In the NPPF, major developments are defined as sites delivering 10 or more homes or sites that are greater than 0.5 hectares in area. Although this application proposes 9 homes, the site is 0.88 hectares in area and therefore it is classed as a major development and an affordable housing requirement is triggered.

The council's emerging Local Plan states that on eligible sites, 30% of the homes should be provided as affordable housing. As this site proposes a net gain of 9 homes, 30% of 9 homes equates to 2.7 homes which is rounded up to 3 affordable homes in total. There is a high demand for housing in Little Clacton and we currently have 74 households on the housing register seeking

a 2 bedroom bungalow in the village and 61 households seeking a 3 bedroom bungalow in the village.

The council's preference is that affordable housing is provided on site and in the first instance, another registered provider should be sought to take on the 3 affordable homes. If another registered provider cannot be identified, the council will consider taking on the homes as an alternative.

A completed Section 106 Agreement has not been provided prior to the application determination date and the application is therefore contrary to the above policy and NPPF guidance for the delivery of affordable housing.

Reason 4

Saved Policy COM6 of the Tendring District Local Plan (2007) states that for residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

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 and is a designated LEAP plus the Parish Playing Field has open space and used for all sports. Due to the significant lack of play and open spaces facilities in the area, a contribution is justified and relevant to the planning application. The contribution would be used towards creating additional facilities and improvements at the Parish Playing Fields.

A completed Section 106 has not been provided prior to the application determination date and the application is therefore contrary to the above policy.

Reason 5

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. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and in particular the Hamford Water Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar, and Colne Estuary SPA and Ramsar. The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.

The development is therefore contrary to Paragraph 175 of the National Planning Policy Framework, Policy EN11a in the adopted Local Plan and Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

8. Informatives

Proactive Statement

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