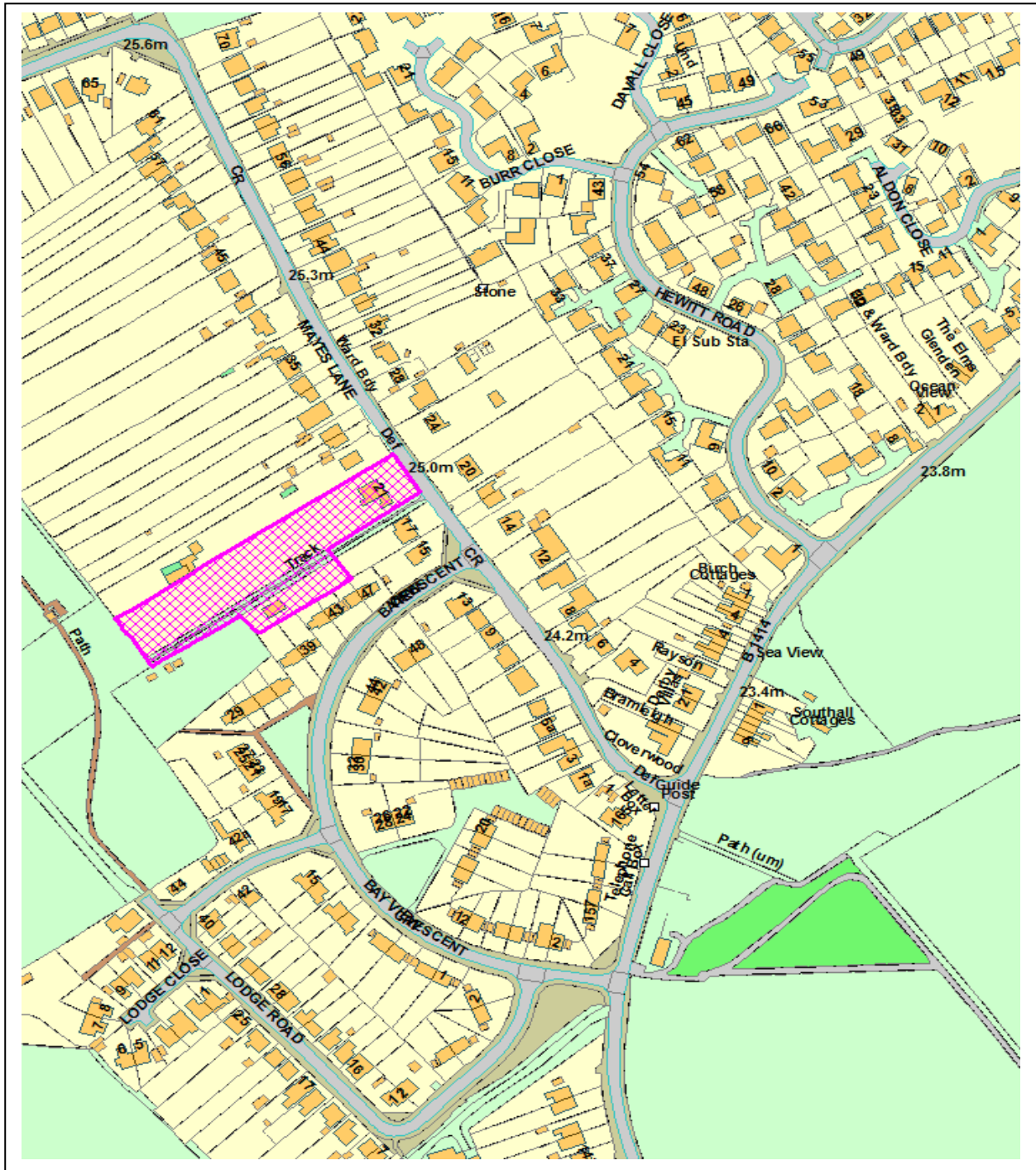


PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

**A.8 PLANNING APPLICATION - 16/02084/OUT - 21 MAYES LANE, RAMSEY, HARWICH, CO12 5EJ**



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| <b>Application:</b> | 16/02084/OUT  | <b>Town / Parish:</b> Little Oakley Parish Council |
| <b>Applicant:</b>   | Mr T Palmby - Tucia Properties                              |  |
| <b>Address:</b>     | 21 Mayes Lane Ramsey Harwich CO12 5EJ                       |  |
| <b>Development:</b> | Alteration of one dwelling and erection of 5 no. bungalows. |  |

## 1. **Executive Summary**

- 1.1 This application is referred to Planning Committee at the request of Cllr. D. Land (as the District Councillor of the neighbouring ward) as it represents a contentious application with the local community and is a revision of a previous application that was refused by the Planning Committee and where the subsequent appeal was also refused by the Planning Inspector.
- 1.2 This application seeks outline planning permission with all matters reserved for the alteration of one dwelling and the erection of 5 no. bungalows.
- 1.3 The application site is situated outside of, but adjacent to, the defined settlement development boundary as set out in the Adopted Local Plan (Tendring District Local Plan 2007); but wholly within the boundary in the Draft Plan (Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document).
- 1.4 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary of the Adopted Plan.
- 1.6 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries weight.
- 1.7 Unlike the situation for much of 2016, the NPPF obligation to release land for housing development contrary to the Local Plan is much reduced now that the Draft Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.
- 1.8 The Council must also have regard to the recent appeal decision on this site where the Inspector concluded that the main issue in the determination of the appeal was whether the housing proposal in this location would represent a sustainable form of development having regard to its effect on the character and appearance of the area and to the NPPF and Local Plan.

- 1.9 The Inspector considered the site to be located in a socially sustainable location and that it would meet the economic strand of sustainability. In respect of the environmental impact, it the Inspector considered that the density of the development at 13 dwellings would have an adverse impact on the open character and appearance of the area that would not be outweighed by the potential benefits of the residential development.
- 1.10 The current scheme proposes the erection of 5 no. single storey dwellings set within generous curtilages with ample opportunity for boundary planting/landscaping. Officers consider that, subject to the detailed design of the bungalows being acceptable, that the revised scheme has overcome the Planning Committee's and Planning Inspector's previous grounds for refusal and that the site can be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations.
- 1.11 The revised scheme for 5 no. bungalows is therefore recommended for approval.

**Recommendation: Approve**

**Conditions:**

- Time Limit – Outline
- Time Limit – Submission of Reserved Matters
- No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- Single storey dwellings only
- Materials
- Boundary treatments
- Submission of hard/soft landscaping scheme including tree protection details/scheme
- Implementation of landscaping scheme
- The access road being constructed as a 6m wide shared use route with 8m radii kerbs at the bellmouth
- Visibility splays measuring 2.4mx43m to the north and south
- No unbound materials in first 6m of accesses
- All parking and turning facilities including garages and parking space dimensions in accordance with current policy standards
- Details of communal refuse store to be provided
- Timing of vegetation clearance and bat survey as set out in Phase 1 Habitat Survey
- Lighting details
- Surface water drainage scheme as part of reserved matters application

**2. Planning Policy**

**National Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

**Local Plan Policy**

**Tendring District Local Plan 2007**

QL1 Spatial Strategy

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

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

**Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document**

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

Essex County Council Car Parking Standards - Design and Good Practice

**3. Relevant Planning History**

|              |   |          |            |
|--------------|---|----------|------------|
| 00/01177/FUL | Proposed single storey rear extension and alterations   | Approved | 14.08.2000 |
| 03/00637/FUL | Convert existing garage to residential and retention of rear conservatory and detached double garage. | Approved | 27.05.2003 |
| 16/00223/OUT | Demolition of one dwelling and erection of residential development of up to 13 houses and bungalows.  | Refused  | 12.02.16   |

The latter application was subsequently dismissed at appeal on 20.09.16 under Planning Inspectorate reference APPP1560/W/16/3154350.

#### **4. Consultations**

4.1 **Building Control and Access Officer** – raise no adverse comments at this time.

4.2 **Environmental Health** – no comments received.

4.3 **Essex County Council Highways** – advise that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- The access road being constructed as a 6m wide shared use route with 8m radii kerbs at the bellmouth
- Visibility splays measuring 2.4mx43m to the north and south
- No unbound materials in first 6m of accesses
- All parking and turning facilities including garages and parking space dimensions in accordance with current policy standards
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

4.4 **Principal Tree & Landscape Officer** – The front garden of 21 Mayes Lane is well populated with established conifers. They make a pleasant contribution to the appearance of the area but their amenity value is not so great that they merit protection by means of a Tree Preservation Order. The rear garden is set to grass and is populated with a reasonable range of fruit and ornamental trees as well as garden shrubs and hedging. The trees are pleasant features in their setting, the most prominent being an early mature Blue Cedar and a multi-stemmed Maple. However only those trees close to the rear of the existing dwelling can be seen from a public place and therefore the contribution that they make to the amenity of the locality is commensurately low. Because of the low visual amenity value of the trees on the land it is not considered necessary for the applicant to provide a complete Tree Report and survey however if consent were likely to be granted for the development of the land then any retained trees should be protected in accordance with the guidelines contained in BS5837: 2012 Trees in relation to design, demolition and construction. Should consent for the development of the land be likely to be granted then a condition should be attached to secure new tree planting and soft landscaping to enhance the appearance of the development. New tree planting, other soft landscaping and the treatment of boundaries will be key elements of the design if a successful site layout is to be achieved. New tree planting should be carried out in prominent locations with shrub borders contributing to the appearance of the public realm. Site boundaries should not be demarcated by close board or panel fences as they would be incongruous features in this semi-rural setting.

4.5 **Essex Wildlife Trust** - no comments received

4.6 **Natural England** – standard response with advisory comments that it is for the Council to consider the potential impacts on protected species and whether the proposal is consistent with national and local policies on the natural environment.

## 5. **Representations**

5.1 Cllr D. land has requested that the application be determined by Planning Committee as it represents a contentious application with the local community and is a revision of a previous application that was refused by the Planning Committee and where the subsequent appeal was also refused by the Planning Inspector.

5.2 Little Oakley Parish Council object to this application for the following reasons:

- The proposal is backland development and does not meet all the criteria set out in Policy HG13
- The development would be out of character with the surrounding area and would be detrimental to the visual amenity and character of the area setting a harmful precedent. There are several large plots in the area where developments such as this would cumulatively and significantly alter the character of the area
- The access to the site is unacceptably close to the existing junction of Bayview Crescent and there is an existing bus stop between them. It would create a highways safety risk to both junctions and the use of the bus stop
- The proposal represents overdevelopment. It is on a site half the size of the site that was refused planning permission for 13 dwellings so represents a similar density to the refused application. It will be visible from other gardens along Mayes Lane, along the access road, from the rural land behind and along the footpath towards Two Village Primary School. It would create an uncharacteristically dense and urban built form in a semi rural area and would appear cramped in relation to other properties.
- All documents submitted with the application refer to the site being in Ramsey, this is incorrect, as it is within the Parish of Little Oakley. The boundary between Little Oakley and Ramsey runs through the centre of Mayes Lane.

5.3 The Harwich Society objects to this application for intensive backland development on the fringe of the town. The proposed density and layout is out of keeping with the locality and represents piecemeal backland development. The proposal is of similar character to the previous piecemeal application for 13 dwellings overlapping this site which has recently been dismissed at appeal.

## 6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highway Considerations;
- Biodiversity; and,

- Legal Obligations.

### **Site Context**

- 6.1 The application site is situated on the eastern side of Mayes Lane, within the Parish of Little Oakley. The site currently comprises of a detached bungalow (No. 21 Mayes Lane) and its garden area and part of the rear garden of No. 17 Mayes Lane. It contains some trees and some outbuildings.
- 6.2 To the north of the site are residential properties that front onto Mayes Lane. These are a mixture of detached and semi-detached properties with long rear gardens. On the other side of the road are dwellings of a similar character. To the south of the site is the remaining garden and property to No. 17 Mayes Lane which is a detached bungalow and properties which front Bay View Crescent, which are also bungalows. To the east of the site is an area of open space at the Two Villages Primary School.

### **Proposal**

- 6.3 This application seeks outline planning permission for the alteration of one dwelling and erection of 5 bungalows. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application.
- 6.4 The site plan provided is therefore indicative only; however, it shows No. 21 Mayes Lane to be altered; and a new access created onto Mayes Lane to serve 5 detached bungalows to the rear of the altered dwelling.
- 6.5 This application is accompanied by the following documents:
- Design and Access Statement
  - Extended Phase One Habitat Survey
  - Bat Survey

### **Principle of Development**

- 6.6 The site lies outside, but adjacent to the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) and within the Settlement Development Boundary of the Draft Plan (Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document).
- 6.7 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.8 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary of the Adopted Plan. On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries weight.
- 6.9 Unlike the situation for much of 2016, the NPPF obligation to release land for housing development contrary to the Local Plan is much reduced now that the Draft Local Plan is

progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.

- 6.10 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development; economic, social and environmental and that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

### **Economic**

- 6.11 Economically the construction and habitation of five new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents could bring to the local economy.

### **Social**

- 6.12 In terms of the social role, the site is located in the area of Harwich as set out in Policy QL1 of the Saved Plan which includes Dovercourt, Parkeston, Little Oakley and Ramsey. Within this Policy the area is identified as a town, on this basis it is considered that a significant amount of growth can be supported in this location. It is noted that within the Draft Plan, Little Oakley no longer falls within the area of Harwich as is classified within Policy SPL1 as a smaller rural settlement. The proposal falls below the ten dwelling limit and therefore represents a small-scale infill development.
- 6.13 The site is within close proximity of various community services all within walking distance of the site, in particular the Two Villages Primary School to the west of the site. The area, as a whole benefits from good transport links. The nearest bus stop is located adjacent to the site with a further stop at the south end of Mayes Lane close to the site. The location has provision to public transport that provides accessibility to Colchester. The railway station, which is approx. 3.2km away provides connections to London. Overall, this site has good access to services, facilities and public transport. It is therefore considered that the site is within a socially sustainable location with a number of local facilities within relatively close proximity to the site or accessible by public transport.

### **Environmental**

- 6.14 Environmental sustainability is about contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.15 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site is close to the Settlement Development Boundary in the 2007 Plan and is within it in the 2016 Draft Local Plan with development to the north of the site. The proposed development will make further sense in terms of settlement shape.
- 6.16 As a result, development would be comparable with existing development in the locality, as far as environmental impact is concerned. On this basis, and given the inclusion of the site within the defined settlement boundary in the draft Local Plan, Officers consider that a more positive approach is justified in this instance to development, as the development of this site



can be achieved in keeping with the aims and objectives of National Planning Policy Framework.

- 6.17 Furthermore, the previous proposal for up to 13 dwellings on an altered but similar size site (previous 0.66ha, current 0.5ha) was subject to an appeal decision in October 2016 which is a strong material planning consideration. At paragraph 5 of that decision the Inspector concluded that this is a sustainable location.
- 6.18 In local Policy terms, different residential-based policies are considered throughout this report. However, the backland element of the proposed development is considered primarily against policy HG13. This policy states:
- 6.19 Proposals for the residential development of “backland” sites will be permitted where all of the following criteria are met:
- 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;
  - 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;
  - 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;
  - iv. the proposal does not involve “tandem” development using a shared access;
  - 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;
  - 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
  - vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.
- 6.20 It is considered that the first criterion is addressed above. The proposal does not constitute an unusual shaped plot or development that would prejudice another area. It is considered that the proposal may well lead to other similar developments within the locality, however the potential harm any of these may cause is not known at this stage. The principle for development within any of the rear gardens at Mayes Lane will be a similar consideration as to what is stated here above. Parking, access, the tandem nature of the development and private amenity space, are covered elsewhere in this report. The impact of the proposed development on the countryside and the urban/rural divide is considered elsewhere in this report.

### **Visual Impact**

- 6.21 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, in indivisible from good planning, and should contribute positively to making places better for people. One of the core planning

principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design.

- 6.22 Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) and Policy SPL3 of the Draft Plan (Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.
- 6.23 As this application is in outline form, matters such as layout, scale and appearance are not under consideration at this stage, the information provided on these matters is indicative only.
- 6.24 The development of the site to the rear of existing properties if compared solely to the properties to the north of the site in Mayes Lane would appear out of character with the existing pattern of development. However, it is considered that the proposed development is better related to the development to the south of the site in Bay View Crescent which comprises of bungalows set on smaller plots.
- 6.25 The layout is not being considered as part of this application and the plan submitted is indicative only. However it shows that the site is capable of accommodating the 5 bungalows at a density that does not appear out of character with the nearby development at Bay View Crescent, dependent on the design, appearance and layout, which will be subject to a future application.
- 6.26 The appeal for 13 dwellings was dismissed on the basis of harm to the character of the surrounding area from introducing “an intensively developed enclave into an area otherwise characterised by its open texture, where the built form makes up a small proportion of the overall space, and garden areas are generally large.” “..this effect would likely be exacerbated by the subdivision of the site into a series of relatively small fenced cells to create the private garden spaces relating to the new dwellings.” The significant reduction from total 13 dwellings to total 6 dwellings results in a spacious development, as shown on the indicative site plan, with each bungalow having generous front and rear gardens with plenty of opportunity for soft landscaping. The Inspector acknowledges at paragraph 12 that Bay View Crescent is “generally more closely textured than development along Mayes Lane”. The new proposal includes the majority of the rear garden to No 17 Mayes Lane overcoming a further concern raised at appeal that “It would furthermore not be directly contiguous with Bay View Crescent, separated from it by the rear garden of 17 Mayes Lane, and would be perceived therefore primarily in the context of development along Mayes Lane itself.” This new proposal is considered to preserve the suburban and semi-rural characteristics of the area and would therefore overcome this previous objection at appeal.

### **Neighbouring Amenity**

- 6.27 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.28 The appearance of the proposed bungalows is not included within this application, so it is not possible at this stage to fully assess the impact on neighbour's amenities. However, being single storey in height and given the generous amenity space it is considered that five

bungalows could comfortably be located on the site without harm to residential amenity in terms of overlooking or loss of light or outlook.

- 6.29 The proposed site access is situated between two residential properties; one proposed to be altered as part of the development (No. 21) and No. 17. The site access in this location has potential to result in an adverse impact on the residential amenity of these residents due to the coming and going of vehicles. There is potential for some mitigation measures to be incorporated along the boundary with No.17; any measures proposed will form part of the reserved matters application. Although, notwithstanding any mitigation measures proposed there is a distance of approx. 9 metres between the proposed site access and the existing bungalow at No. 17. It is considered that this is a sufficient distance especially as the garage is the nearest part of the dwelling and there is sufficient space for planting within the garden of No.17 if further planting is considered necessary. With regard to the impact on the altered dwelling (No 21), it is considered that the dwelling could be designed in a way that minimises any impact and therefore this relationship is considered acceptable.
- 6.30 The indicative layout plan shows the proposed southernmost bungalow approximately 14 metres from the rear wall of No 41 Bay View Crescent (but set back to the NW corner of their boundary) and approximately 22 metres from the rear wall of No 39 Bay View Crescent. As the dwellings are bungalows, as controlled by condition, and are set within spacious plots there would be no material harm to neighbouring amenity in terms of loss of light, outlook or privacy.
- 6.31 It is also considered that there is sufficient distance from the adjoining properties in Mayes Lane not to result in any significant adverse impact on neighbour's amenities.

### **Highway Considerations**

- 6.32 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SPL3 of the Draft Plan.
- 6.33 Essex County Council Highways were consulted on the application; they raise no objection in terms of highway safety subject to the conditions set out above. It is possible that all these requirements can be met. On this basis, given the lack of objection from the highway authority, officers consider that the application is acceptable in highways terms and it is not possible to substantiate a reason for refusal on these grounds.
- 6.34 Some of the conditions recommended such as off-street parking being in accordance with Parking Standards, the position of garages and details for the provision of cycle storage do not need to be imposed as they will be dealt with by any future reserved matters application.

### **Impact on Trees/Landscaping**

- 6.35 The front garden of 21 Mayes Lane is well populated with established conifers. They make a pleasant contribution to the appearance of the area but their amenity value is not so great that they merit protection by means of a Tree Preservation Order. At appeal the Inspector stated there were not "any individual trees which make a significant contribution to the character or appearance of the area."
- 6.36 The rear gardens are set to grass and are populated with a reasonable range of fruit and ornamental trees as well as garden shrubs and hedging. The trees are pleasant features in their setting however only those closest to the rear of the existing dwelling can be seen from a public place and therefore the contribution that they make to the amenity of the locality is commensurately low.

- 6.37 Because of the low visual amenity value of the trees on the land it is not considered necessary for the applicant to provide a complete Tree Report and survey at application stage. However, a condition is recommended to ensure that any retained trees are protected in accordance with the guidelines contained in BS5837: 2012 Trees in relation to design, demolition and construction. The details of proposed landscaping will form part of the reserved matters application. It is considered that landscaping will enhance the appearance of the development.

### **Biodiversity**

- 6.38 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PPL 4 of the Draft Plan seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances.
- 6.39 A Phase 1 Habitat Survey was submitted as part of the application. This concluded that:
- The scattered trees, hedgerows and dense scrub on site were suitable habitat to support nesting birds.
  - The scrub and hedgerow boundaries provided limited, suitable reptile habitat within the application site.
  - The outhouse with a pitched, interlocking clay tiled roof was deemed to be of low roosting bat potential, due to a broken tile on the northern façade.
  - The habitats within the zone of influence of the proposed development site are generally unsuitable for otter, water vole, white-clawed crayfish, great crested newt.
  - The site location is not suitable for dormice and no signs of badgers were identified.
- 6.40 This survey set out recommendations which included that one bat emergence survey or one dawn re-entry survey is undertaken of the outhouse identified as being of low roosting bat potential.
- 6.41 The Bat Survey concluded that no bats were observed emerging from the outbuilding and no evidence of bat presence was identified during the Preliminary Roost Inspection, indicating likely absence of roosting bats. Four bat species were identified foraging within the application site during the dusk emergence survey. The application site comprises predominantly of garden habitats and is relatively unlit within the surrounding landscape, therefore within the locality of the emergence survey, adjacent habitat was deemed to be of low to moderate quality for foraging and commuting bats.
- 6.42 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.43 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Flood Risk & Drainage**

- 6.44 Policy EN13 of the Saved Local Plan and Policy PPL5 Draft Local Plan requires that all new development, excluding householder development, to incorporate Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the green infrastructure network and providing amenity benefit. Justification must be given for not using SuDS.

- 6.45 As this application site is under 1 hectare and in outline form with all matters reserved it is considered that it is reasonable to condition that this information is submitted as part of the reserved matters application.

### **Legal Obligations**

- 6.46 In contrast to the appeal proposal, the current proposal is for only five additional dwellings and is therefore before the threshold of ten dwellings so does not require any financial contribution towards public open space, or provision of affordable housing.

### **Conclusion**

- 6.47 In the absence of an up-to-date Local Plan and the subsequent need to consider the proposal against the NPPF presumption in favour of sustainable development, the proposal achieves an appropriate balance between economic, social and environmental considerations. It is considered that the proposal represents sustainable development.
- 6.48 The current scheme proposes the erection of 5 no. single storey dwellings set within generous curtilages with ample opportunity for boundary planting/landscaping. Officers consider that, subject to the detailed design of the bungalows being acceptable, that the revised scheme has overcome the Planning Committee's and Planning Inspector's previous grounds for refusal and that the site can be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations

### **Background Papers**

None.