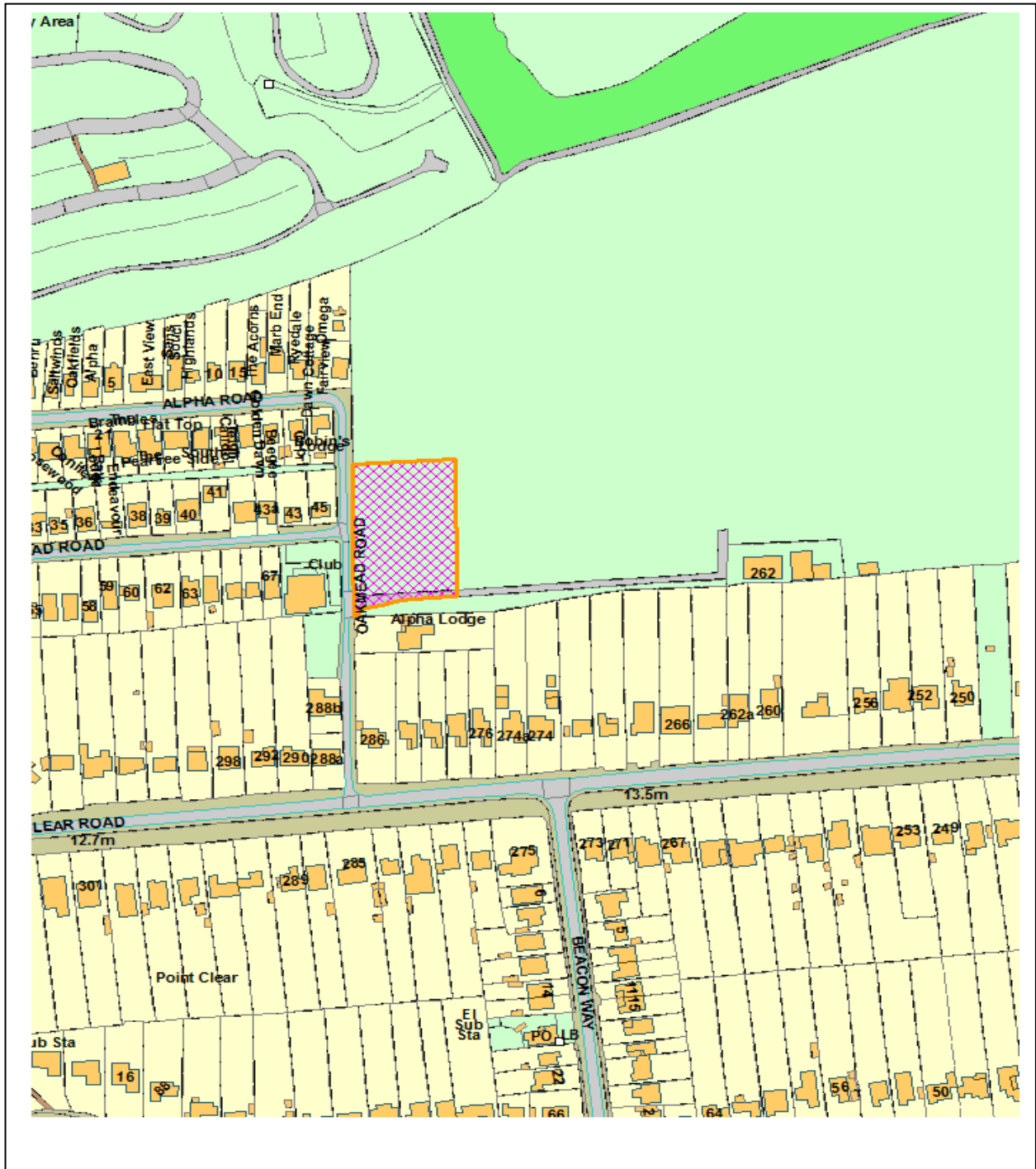


PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

**A.9 PLANNING APPLICATION - 16/01611/OUT - LAND ADJACENT TO OAKMEAD ROAD, ST OSYTH, CO16 8NW**



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<b>Application:</b>	16/01611/OUT	<b>Town / Parish:</b> St Osyth Parish Council
<b>Applicant:</b>	Mr Parsons	
<b>Address:</b>	Land adjacent to Oakmead Road St Osyth	
<b>Development:</b>	Proposed 5 No. detached dwellings with associated garages and parking.	

## 1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Councillor Talbot.
- 1.2 This application seeks outline planning permission with all matters reserved for the construction of 5 no. detached dwellings with associated parking and garaging.
- 1.3 The application site is situated on the eastern side of Oakmead Road outside of, but adjacent to the defined settlement development boundary of Point Clear West as set out in the adopted Tendring District Local Plan (2007). In the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016, Point Clear is not shown within settlement development boundaries and, as a consequence, the application site is located well outside of the proposed boundaries.
- 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 considered 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. However, the positive progress of the new Local Plan combined with the improvement in the district's housing land situation in recent months means that the urgency to release land for housing development contrary to the Local Plan has reduced considerably.
- 1.6 Whilst the housing land shortfall has reduced to a limited level, the Council must still apply paragraphs 14 and 49 of the NPPF and the presumption in favour of sustainable development is still engaged. This requires the economic, social and environmental impacts of development to be assessed and for the benefits of development to be weighed against any adverse affects.
- 1.7 Officers consider that this is a relatively small residential development adjoining the existing built up area of the village where adverse impacts would not significantly or demonstrably outweigh the benefits. It is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety, landscape impact and biodiversity considerations.

### **Recommendation: Approve**

#### **Conditions:**

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters

- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary treatments
- 6) Visibility splays of site maximum by 2.4m by 17m
- 7) Type 3 turning head shall be provided
- 8) Details of communal refuse store provided
- 9) Off-street parking in accordance with current parking standards
- 10) Timing of vegetation clearance
- 11) Lighting details
- 12) Biodiversity mitigation and enhancement provision
- 13) Removal of PD rights for fencing, walls and means of enclosure on the perimeter of the site boundary

## 2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan/Housing Supply Position**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.

It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.

In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.

Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31<sup>st</sup> March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.

Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal.

### **3. Relevant Planning History**

None relevant.

### **4. Consultations**

ECC Highways Dept

It is noted that Oakmead Road is classified on the s36 List of Streets as a 'Private Street' and whilst maintenance of the route is not undertaken by Essex County Council, a highway right exists over the route and as such Essex County Council has a duty to protect the rights of the highway user. This Authority has assessed the details of this application and having regard to the fact that Oakmead Road is very quiet and the site is close to bus stops, the Highway Authority does not raise any objections to the principle of the development.

Any Reserved Matters application, however, should show the following aspects;

1) 2.4m x 17m visibility splays at the access which should measure no less than 4.1m for the first 6m, thereafter narrowing to no less than 2.4m, and no loose or unbound materials to be use in the surface treatment of the access within 6m of the highway boundary.

2) A suitable type 3 turning head, a passing bay as the proposed access is longer than 18m, and a refuse collection point as the route is longer than 25m

- 3) All parking and turning facilities should accord with current policy standards
- 4) All new units to be provided with transport information marketing packs

Tree & Landscape Officer      The application site is set to grass with a strong boundary hedgerow adjacent to Oakmead Road. Other than the boundary hedgerow there are no trees or other significant vegetation on the land. It would appear that the retention of the boundary hedgerow is not threatened by the development proposal.

In terms of the impact of the development proposal on the local landscape character it is apparent that it has the potential to cause harm to character and appearance of the area.

The application site is situated in the St Osyth Coastal Slopes Landscape Character Area (LCA) as defined in the Tendring District Council Landscape Character Assessment. The LCA within which the application site is situated is a narrow strip of land with The St Osyth Coastal Ridge LCA to the north and both the Brightlingsea Drained Marshes LCA and the Brightlingsea Creek Marshes to the north and northwest.

The Tendring District Council Landscape Character Assessment describes the St Osyth Coastal Slopes LCA's importance as a setting for the Brightlingsea Marshes and refers to the domination of the area by large scale regular fields indicative of late enclosure divided only by intermittent hedges. The intensification of agricultural land and the expansion of built development on the edges of Clacton, Jaywick and Point Clear are indicators of change that have the potential to cause harm to the existing qualities of the local landscape character.

The strategy for the management of the LCA aims to conserve the rural, undeveloped setting to the Brightlingsea Drained Marshes. It also aims to ensure that the expansion of built development does not intrude onto the highly sensitive crests of slopes where development would be conspicuous on the skyline or restrict important views.

Whilst the application site is reasonably well assimilated with the existing development in Oakmead road it would set a precedent for the development on the western side of Oakmead Road and be out of keeping with the existing settlement pattern. The development would not be prominent on the skyline but would have a negative impact on the local landscape character by contributing to the urbanisation of the countryside.

Should planning permission be likely to be granted then a condition should be attached to secure details of the indicative soft landscaping shown on the site layout plan.

## **5. Representations**

- 5.1 St. Osyth Parish Council raises an objection to the application which can be summarised and addressed as follows;

- The site has been the subject of a previous planning appeal.  
***There is no recent comparable planning or appeal history which relates directly to this site for residential development.***
- Site borders Flood Zone 3.
- No existing surface water drainage.
- Site is within the Coastal Protection Belt  
***The impact on the Coastal Protection Belt is considered in the main assessment below.***
- Access and use via an un-adopted road will increase maintenance for existing residents.  
***Highways is considered in the main assessment below. Private roads are maintained by the residents. Any additional residents would share responsibility but this is not a planning matter.***

5.2 7 letters of objection have been received which can be summarised and addressed as follows;

- Private roads maintained by residents.
- Single unmade track with no footpaths.
- Increase in traffic will cause danger to pedestrians.
- Danger caused by construction traffic and oil delivery.  
***Highways is considered in the main assessment below. Private roads are maintained by the residents. Any additional residents would share responsibility but this is not a planning matter.***
- No surface water drainage and this will exacerbate the flood issues.
- More houses will destroy natural soakaways.  
***This is a minor scale residential development where Anglian Water are not a statutory consultee. Permeable surfacing will be required and dealt with at the reserved matters stages. Drainage will be dealt with at the building regulations stages of the development.***
- Within a flood risk area.  
***The site is not within a flood risk zone requiring a flood risk assessment.***
- Design and 2 storeys not in keeping.  
***The application is in outline form only with all matters reserved, including design and scale which is covered in the main assessment below.***
- Will cause overshadowing.
- Will result in a loss of privacy.  
***The application is in outline form only with all matters reserved. Neighbouring impact is considered in the main assessment below.***
- Loss of pasture land detrimental to environment.
- Harmful to biodiversity and wildlife.
- Already overstretched infrastructure and amenities.  
***The principle of development including the impact on the environment and biodiversity is considered in the main assessment below.***
- Sets precedent for remainder of site to be developed.  
***All applications are considered on their own merits in relation to all material planning considerations at the time of an application.***

- Within Coastal Protection Belt.  
***The impact on the Coastal Protection Belt is considered in the main assessment below.***
- Planning and appeal history of refusals still relevant.  
***There is no recent comparable planning or appeal history which relates directly to this site for residential development.***

5.3 3 letters of support have been received including a petition of support with 43 signatories. The representations in support of the development can be summarised as follows;

- Will improve area and eventually the access and road.
- New houses will attract people to the area.
- No harm to residential amenities.
- Alpha Road residents do not need to use Oakmead Road for access.

5.4 An email from the Agent in response to the objections was received on 12th December 2016 and has been treated as additional information.

## **6. Assessment**

6.1 The main planning considerations are:

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

### **Site Context**

6.2 The application site is a rectangular area of land approximately 0.36 hectares in size lying to the east of Oakmead Road, to the north of the properties fronting Point Clear Road. The planning statement submitted with the application states that the site currently forms part of the curtilage of 262 Point Clear Road to the east of the application site but there is no planning history to validate that this area is residential curtilage. The site does lie adjacent to the existing access and driveway leading to 262 Point Clear Road and forms part of a larger lawned area having the appearance of residential curtilage and not open countryside. The site is therefore mostly open with a dense mature hedgerow along the western boundary with Oakmead Road

6.3 The site is outside the Flood Zone but is within the Coastal Protection Belt.

### **Proposal**

6.4 The application seeks outline consent with all matters reserved for the construction of 5 detached dwellings with associated access, turning, garaging and parking.

6.5 Whilst all matters are reserved for later consideration, the 'Illustrative Block Plan' drawing has been submitted to indicate how development could be achieved within the application site. The indicative drawing shows vehicular access off the existing access from Oakmead



Road serving 262 Point Clear Road with the 5 residential properties situated off an internal access road. The properties would front Oakmead Road in a linear form.

- 6.6 The 'Illustrative View from Oakmead Road' drawing together with the Planning Statement describes the housing mix of 5 no. 4 bedroom properties, 1.5 storey scale in size and of a modern design and finish.
- 6.7 These properties are indicated as accommodating in excess of 100 square metres of private amenity space.
- 6.8 The submitted 'Illustrative Block Plan' drawing shows that there would be scope to provide additional hedgerow planting to the perimeter of the site which would make a positive contribution to the bio-diversity of the site.

### **Principle of Development**

- 6.9 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan, 2007 which aims to direct new development to the most sustainable sites. 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.
- 6.10 Point Clear is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.11 Within the emerging Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 Point Clear has no defined settlement development boundary.
- 6.12 Given the limited weight that can currently be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the National Planning Policy Framework (NPPF).
- 6.13 Chapter 6 of the NPPF has an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out 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.
- 6.14 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. However, as explained elsewhere in this report, the housing land shortfall has reduced in recent months to a limited level and the new Local Plan is progressing well.
- 6.15 While a housing land shortfall still remains and in the absence of up-to-date policies, development proposals should not be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

6.16 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',

- economic;
- social, and;
- environmental roles.

6.17 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

#### Economic

6.18 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

#### Social

6.19 In terms of the social role, the development will deliver a small amount of new housing that will contribute towards meeting housing demand in the area. The Tendring District Council Local Plan Settlement Hierarchy April 2016 identifies Point Clear as falling within the second highest scoring settlements having access to local amenities and a good bus route.

6.20 The site itself is within reasonable walking distance of the local 'Nisa' convenience store on Point Clear Road and the Community Hall in Dumont Avenue. The nearby village of St. Osyth offers many more amenities including the St. Osyth Primary School.

6.21 There is an hourly bus service at the end of Oakmead Road into St. Osyth and Clacton.

6.22 Although Point Clear is has a limited range of jobs, shops, services and facilities, this is a relatively small development of a scale that would generally be appropriate for organic growth of a rural settlement. Overall officers consider that the application site performs reasonably in terms of the social role within the definition of sustainability.

#### Environmental

6.23 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 located immediately opposite the settlement development boundary as defined in the saved Tendring District Local Plan (2007), with a number of residential dwellings sited to the east, south and west of the site.

6.24 The environmental role is about contributing to protecting and enhancing the natural built which is considered below under the heading Character and Appearance.

6.25 In considering the principle of development against the requirements of the NPPF, Officers consider that the adverse impacts are very limited and do not significantly or demonstrably outweigh the benefits.

#### **Character, Appearance and Landscape Impact**

6.26 The site is surrounded by existing residential development; to the north-west on Alpha Road, to the west of the site and to the south and east fronting Point Clear Road. The site forms part of a larger open area of lawned land enclosed along the northern and western

boundaries by a mature hedgerow appearing as part of 262 Point Clear Road and not part of the open countryside beyond. To the north and in line with the application site is mobile homes sited at The Orchards Caravan Park.

- 6.27 The development proposes 5 no. detached dwellings fronting Oakmead Road but accessed via a new internal access road off the existing driveway serving 262 Point Clear Road. The linear arrangement shown in the indicative layout plan is considered to represent an appropriate response to the pattern of built development in the vicinity. The presence of residential development and the existing caravans around the site ensures that the infill of this site would not adversely impact upon the character. The retention of the entire frontage hedgerow along Oakmead Road ensures that the development would not appear prominent or alter the existing street scene to the detriment of the locality.
- 6.28 Whilst scale is a reserved matter, the indicative details submitted show that the dwellings would be 2 storey in height served by integral single garages and of a modern design, appearance and finish. The properties fronting Point Clear Road differ in character to the area immediately to the west of the application site. Alpha Road and Oakmead Road comprise of a mixture of bungalows and chalet style dwellings of different architectural styles but overall traditional in appearance. These properties relate more closely with the application site. With a predominate character of bungalows, and in order to minimise the visual impact, a single storey development of a traditional appearance would be preferred at reserved matters stage.
- 6.29 The indicative layout provided shows that the dwellings would be served by a one access point off Oakmead Road set behind an internal access road and almost wholly screened by the mature hedgerow to be retained along the western boundary. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality.
- 6.30 Therefore taking into consideration the current use and appearance of the site, the residential character of the surrounding area and the vegetation present on and around the site, it is considered that the proposed development would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

### **Coastal Protection Belt**

- 6.31 The site lies within the Coastal Protection Area as defined within the saved Tendring District Local Plan 2007 and the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016. The defined area includes the entire coastal peninsular including the existing settlements of Point Clear and St Osyth in their entirety.
- 6.32 Policy EN3 of the 2007 Local Plan requires that development which does not have a compelling functional need, to be located outside of the Coastal Protection Belt. The emerging plan while carrying little material weight explains that the policy is to protect the open character of the undeveloped coastline.
- 6.33 The Coastal Protection Belt was originally drawn in 1984 and was a key strategic policy in Essex County Council's 2001 Replacement Structure Plan which was superseded by the East of England Plan in 2008 and subsequently abolished in 2012 with the introduction of the NPPF. The NPPF does however state, in paragraph 114 that local planning authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

- 6.34 The status to be given to local 'countryside protection' policies such as Coastal Protection Belt and Local Green Gaps has been clarified by a decision of the Court of Appeal (Cheshire East Borough Council v Secretary of State for Communities and Local Government & Anr. Case Number: C1/2015/0894) in which three judges overturned an earlier High Court decision which had determined that such countryside protection policies are not housing policies and should not be considered out of date if a Council cannot identify a sufficient supply of housing land. In overturning the High Court's decision, the Court of Appeal judges concluded that the concept of 'policies for the supply of housing' should not be confined to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. They concluded that this concept extends to policies whose effect it is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the green belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development.
- 6.35 This proposal is sited abutting the existing settlement against the backdrop of the existing substantial development that is Point Clear and will contribute to the overall housing need. The impact on the Coastal Protection Belt will be minimal having regard to the existing settlements also being entirely within this designated area.
- 6.36 The development is outside of the flood zone and the managed area of grass land that is currently the site does not have any impact on the habitat potential. The development will not significantly harm the landscape character or quality of the undeveloped coastline.
- 6.37 On the basis that development of this scale, in this location and on this site is unlikely to have a significant detrimental impact on the undeveloped landscape, Officers are not recommending refusal against the Coastal Protection Belt policy.

#### **Neighbouring Amenity**

- 6.38 The NPPF, in 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 Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 supports these objectives.
- 6.39 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings. The indicative layout shows that sufficient spacing is left to the residential properties adjacent to the site as to not cause loss of light or privacy.

#### **Highway Considerations**

- 6.40 Essex County Council as the Highway Authority has been consulted on the application (see above for full details). They raise no objection to the principle of the development and the vehicular access subject to conditions.
- 6.41 It is noted that objections have been received with regards to highway safety concerns, however as stated the Highway Authority have not raised any concerns from a highway

safety aspect, and Oakmead Road is classified as a 'Private Street' therefore Officers consider a refusal on this issue could not be substantiated.

- 6.42 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. It is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

### **Biodiversity**

- 6.43 The site consists predominantly of improved grassland with boundary hedgerows with Brightlingsea Creek Marshes to the north of the site. As a result a phase 1 habitat survey has been submitted.
- 6.44 The site predominantly comprises of close-mown poor semi-improved grassland, with an unmanaged species-poor, defunct hedge along the western boundary. Young scattered trees border a hardstanding track along the southern boundary of the site. No habitats that occur within the survey area were considered to have high ecological importance on an international, national, regional, county, district or local scale. The habitats on site are of site significance only. The site is not considered suitable for roosting Bats, Reptiles, Water Voles, Otters, Great Crested Newts, Badgers, Hazel Dormice, and plants or invertebrates of significance.
- 6.45 Therefore, the survey concluded that the majority of the habitats are likely to be of low biodiversity value, but most of the field boundary hedgerow has the potential to be of value to several protected species as well as being of general biodiversity value themselves. However, as the proposed development is within the small northern section of the whole area surveyed, with the appropriate mitigation methods, no significant impacts upon protected species/habitats are predicted.
- 6.46 There are suitable features, within the area to be affected by the proposed development, which may provide habitats for birds and foraging bats. In particular the western boundary hedgerow. This hedgerow is due to be retained within the final development.
- 6.47 The inclusion of conditions relating to the timing of vegetation clearance and the use of sensitive lighting will help to ensure any impact upon nesting birds and foraging bats is minimal. Furthermore, there is an opportunity to increase the ecological value of the site, which is currently low, via wildlife friendly landscaping and the provision of bat and bird boxes.
- 6.48 As such the proposed development is not considered to adversely affect any nearby ecological designations, or protected species.

### **Background Papers**

- 6.49 None.