

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	09/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	14/08/2024
Assistant Planner final checks and despatch:		ER	14/08/2024

Application: 24/00720/OUT **Town / Parish:** Frinton & Walton Town Council

Applicant: Ms Linda Middleditch

Address: Ferndene Main Road Great Holland

Development: Outline Planning Application (all matters reserved) - Detached dwelling.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

Objects on the basis of it being back-land development.

2. Consultation Responses

ECC Highways Dept
10.06.2024

The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

Given the existing access accords with current standards and the area to be available for parking within the site, which complies with Tendring District Council's adopted parking standards, the proposal is acceptable to the Highway Authority, subject to the following requirements;

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

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative:

i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works, including any traffic management, road closures or licensing.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

ii. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass

Tree & Landscape Officer 05.06.2024	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. The application site currently forms part of the residential curtilage of the host property.
	No trees or other significant vegetation will be adversely affected by the proposed development.
Environmental Protection 21.06.2024	With reference to the above OUTLINE application, I can advise that the EP have no comments to make during this planning phase.

3. **Planning History**

92/01096/FUL	('Ferndene', 8 Main Road, Great Holland) Approved Additional vehicular access	09.12.1992
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4. **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There are no neighbourhood plans in place for this location.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP4 Meeting Housing Needs
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
DI1 Infrastructure Delivery and Impact Mitigation
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP8 Backland Residential Development
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

7. **Officer Appraisal (including Site Description and Proposal)**

Site Description

The application site measures 0.06 hectares is land sited to the rear of "Ferndene" in Main Road and falls within the parish of Great Holland. The house to the front is a chalet bungalow type dwelling with dormer windows. It is also set back from the front boundary with an established hedgerow to the front with two gaps making way for a vehicular access which leads to an area of hardstanding for parking forward of the house. Sited to the rear the property benefits from a large garden which is mainly laid to lawn with fencing along shared boundaries. There are some pockets

of other vegetation along with a pond. An existing double garage sits within the most rear part of the garden and is accessed via a long driveway by the side of the house.

The local area comprises mainly of bungalows along the western side of Main Road; however, there are a number of two storey dwellings in situ beyond the highway to the east.

The majority of the site is located within the development boundary for Great Holland with the boundary wrapping around the rear of the site.

Description of Proposal

This application seeks outline planning permission for the erection Outline planning permission for 1no detached dwelling.

The application is for "all matters reserved" and therefore, access, appearance, landscaping, layout and scale to be considered at a future detailed application through a reserved matters submission.

Assessment

Principle of Development

Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements, although adds that development will be accommodated at sites adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

The majority of the site is located within the defined settlement boundary for Great Holland and would coincide within the area planned to provide growth for this settlement, only a small section of the rear garden would sit outside the boundary. The principle of residential development is therefore acceptable in this location.

Backland Development

Paragraph 135 of the National Planning Policy Framework 2023 requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

Furthermore, Adopted Policy LP4 states the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area.

The development will result in the creation of one dwelling located to the rear of Ferndene, Main Road; and therefore Officers consider that it constitutes a form of backland development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings. There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The

likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

Of particular relevance in this instance is also Policy LP8 of the adopted Local Plan, which states that proposals for the residential development of backland sites must comply with the following criteria (officer assessment in italics):

- a) where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;

As stated above, to comply with adopted Policy LP4, the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area. Whilst the layout shown is indicative only, it demonstrates that there is space to allow for sufficient private amenity space for one new house as well as the host dwelling of Ferndene and therefore complies with this criterion (and Policy LP4). Matters relating to impact on the character of the area are covered below.

- b) a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;

The dwelling will be accessed to by an existing vehicular access south west of the site and use the existing driveway. The closest neighbour is "Glendale" which benefits from fencing along the shared boundary. This fencing would provide screening of any vehicles leaving and accessing the site thereby preventing a significant harmful impact to the neighbouring occupiers. Whilst there would be a disturbance of noise during construction this would be for a temporary period.

The driveway at present is already in use and leads to the existing rear garage, this element is set back from the site's front boundary preventing it from resulting in a harmful impact to the overall character/ appearance of the streetscene.

Due to the presence of an existing access and driveway, it is considered that it would be unreasonable grounds to refuse planning permission upon.

- c) the proposal must avoid "tandem" development using a shared access;

The proposal will be sited to the rear of the house with an access running alongside. The indicative block plan provided shows that it will incorporate one of the existing accesses from Main Road. Whilst it was advised on site that this would be for the sole use of the house to the rear it is not clear how this could be achieved in practise and is likely to be shared by both of the houses. This criterion is therefore not met.

- d) the site must 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 considered to comprise an irregular and awkward shape and will not prejudice a more appropriate comprehensive development solution, and therefore this criterion is met.

- e) the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and

The boundary of the defined settlement for Great Holland wraps around the rear of the outlined site and will naturally result in an increase to the built form along this side of Main Road. Officers acknowledge that the proposal would be to the rear of existing house limiting views onto the public realm. Whilst details of the proposal's appearance have not been provided it should be noted that

the introduction of a house here would set a precedent for similar proposals in the locality which would erode the urban character of the locality. This criterion is therefore not met.

- f) the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

It is noted at present that the proposal has been put forward to the LPA as an Outline Planning application with all matters reserved meaning there is little information pertaining to the appearance/ layout of the new development. It is noted that the site is located within the development boundary with the boundary of such wrapping around the site. The rear of the site and its neighbours are largely ample in size being fairly narrow and open in character. These gardens lead to agricultural fields resulting in this area having more of a countryside character.

This section of Main Road is made up of mainly bungalows and chalet bungalows set on similar positions on their plots and therefore creating a linear pattern of development which attributes to the local character. The introduction of a dwelling in a backland location here would disrupt this form of development being at odds with this established pattern and existing character of the area representing a harmful an incongruous form of development which could set a precedent for the area. This criterion is therefore not met.

Layout, Scale and Appearance

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

It is acknowledged that this application is in outline form, with all matters reserved. That said, an indicative layout has been provided, and it is a key consideration for Officers to determine whether a suitable design could be brought forward within a future Reserved Matters application.

With respect to the proposed scale, it is noted the proposal is for only one house and no specifications have been provided in regard to its size at this stage, however officers would expect to see a single storey dwelling in a future detailed application to coincide with the surrounding locale.

In terms of the appearance of the house, no details are provided, however within any future detailed application Officers would expect these to be in-keeping with the existing nearby development.

The proposed layout shows one new dwelling to the rear of Ferndedne with a long narrow access to the south west. The house will be positioned central to the site with surrounding areas of private amenity space and parking. Due to the absence of nearby houses in similar backland locations the siting of a new dwelling here would be unsympathetic to the overall character of the area. However, despite this Officers consider the site to be of a sufficient size to accommodate the dwelling and required amenity and parking areas.

Impact to Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not

have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposal will be set within the rear garden of Fernedene and therefore significantly away from the neighbouring properties. Environmental Protection have been consulted and have provided no objections to the scheme.

The application is currently at outline stage with only an indicative block plan provided. Whilst at present the proposal it appears the building will be sited a sufficient distance away from neighbours due to the application type it is noted that there has been no information provided in terms of scale and design of the building. This would therefore be a matter to assess fully within any future Reserved Matters application

Impact to Trees

The Council's Tree and Landscapes Officer has been consulted and has stated the following:

"The application site currently forms part of the residential curtilage of the host property. No trees or other significant vegetation will be adversely affected by the proposed development"

The site is well back with the house of "Ferndene" largely screening it from view. The garden is mainly laid to lawn with some small areas of further vegetation. There are no established trees located within the defined site.

There has been no information provided in regard to landscaping within the application documents however as confirmed by way of the comments above none of the existing vegetation will be largely impacted upon. Further details of landscaping would be considered and assessed as part of the detailed submission.

Given the above comments, no objections are raised by Officers in regard to the impacts of the development to existing trees on site.

Highway Safety

Paragraph 114 of the National Planning Policy Framework (2023) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking.

Adopted Policy CP1 (Sustainable Transport and Accessibility) states proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

The site currently benefits from two vehicular accesses and operates an "in and out" driveway. One of these accessed has been included in the redline of the application and will be associated and belong to the new house applied for here. The proposal does not seek to change the vehicular access already in situ.

Essex Highways Authority have been consulted on the application and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable, Subject to a condition requesting residential travel information packs.

Furthermore, the Essex County Council Parking Standards set out the parking requirements for new development and confirm that for residential properties of two bedrooms or more there should be provision for two parking spaces measuring a minimum of 5.5 metres x 2.9 metres or, if being

used as one of the parking spaces, a garage should measure a minimum of 7 metres x 3 metres. The proposal is in outline form, with only an indicative layout shown at this stage. That said, this indicative layout shows that there would be sufficient space for the necessary parking requirements within any future Reserved Matters application.

Protected Species

Paragraph 180 of the Framework states planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity. Paragraph 186(a) of the NPPF confirms that in assessing planning applications where significant harm to biodiversity as a result of a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

Adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Adopted Policy SPL3 Part A(d) includes that the design and layout of development should maintain or enhance ecological value.

Adopted Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessment, and where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure a net gain, in biodiversity.

The agent has confirmed on the application form that the proposal is exempt from Biodiversity Net Gain as it is a "self build." No further details have been provided to ensure its "Self Build" status.

The land to the rear is mainly laid to lawn with some pockets of vegetation meaning that relevant habitat would be lost on completion of the proposed house meaning that BNG is relevant here.

Upon querying this with the agent they have now provided the BNG metrics with a supporting statement confirming that the BNG targets have been met. Whilst this has not received consultation input as part of this application, a condition to request further information on this and to secure the biodiversity net gain plan would be secured as part of any planning permission.

Drainage

Paragraph 180 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 191 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The agent for the application confirms that the development would be connected to the existing mains sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

Renewable Energy

Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features. There are no details that accompany the planning application that demonstrate the water, energy and resource efficiency measures that the scheme will incorporate, and a condition requesting details of this would be applied to any planning permission.

Financial Contributions

Habitat Regulations Assessment

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. The site is not within or directly adjacent to one of the European designated sites but is sited approximately 3,650.1Metres from Hamford Water SPA.

In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation which will be secured via a legal agreement (Unilateral Undertaking) through the imposition of an appropriately worded condition attached to any grant of planning permission involving a net increase in dwellings

Other Considerations

Frinton and Walton Town Council have objects on the basis of it being back-land development.

There have been no letters of representation received.

Planning Balance and Conclusion

The proposal would see the erection of 1 no. dwelling on the land to the rear of Fernedene, Main Road. ECC Highways have raised no objections and Officers are content there is sufficient space on site for the necessary vehicular parking and turning areas.

The proposal itself would be sited behind Ferndene thereby representing a form of backland development. The siting behind this existing house would disrupt the existing established linear pattern already present in the area and form a tandem development which is contrary to the above policies.

Taking all of the above into consideration, Officers consider that the identified harm far outweighs the benefits of the scheme, and accordingly do not consider the proposal is in accordance with local and national planning policies. The application is therefore recommended for refusal.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions

mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. Should the application be approved, a condition would be imposed upon the planning permission requesting the submission of a biodiversity enhancement strategy. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain. The application documents and supporting information confirm that BNG is relevant to the proposal. Should the application be approved then further information on this will be required to be provided via a condition on the planning permission and will be subject to approval by the LPA.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. The rear garden of the property is laid to lawn and contains a garage building of solid construction. As such it is unlikely that any protected species would be affected by the development proposed.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

8. Recommendation

Refusal

9. Reasons for Refusal

- 1 Paragraph 135 of the National Planning Policy Framework 2023 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Policy LP8 Criterion (c) states that the proposal must avoid "tandem" development using a shared access. Criterion (e) states that the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting. Criterion (f) states that proposals must not be out of character with the area or set a harmful precedent for other similar forms of development.

The new dwelling would be set on a parcel of land directly behind the host dwelling known as Ferndene. This section of Main Road is made up of mainly bungalows and chalet

bungalows set on similar positions on their plots thereby creating a linear pattern of development which attributes to the local character. The introduction of a dwelling in a backland location here would disrupt this form of development and is completely at odds with this established pattern and the existing character of the area. As such the development represents a harmful and incongruous form of tandem development which would set an undesirable precedent for the area.

Consequently, the development it would fail to maintain local distinctiveness and does not adhere with the above noted local and national planning policies.

10. Informatives

Positive and Proactive Statement

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

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

SITE PLAN - REC'D 14/05/25

000001

000002

000003

BIODIVERSITY NET GAIN PLAN - REC'D 11.07.24

ACCESS AND PLANNING STATEMENT - REC'D 14.05.24

BIODIVERSITY METRIC - REC'D 11.07.24

BIODIVERSITY NET GAIN REPORT - REC'D 11.07.24

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral