



STANFORDS

Land R/O 110 Harwich Road

Litle Clacton

CO16 9NJ

The erection of three self-build dwellings
(in lieu of three dwellings approved under 23/00931/COUNOT).

Planning Statement



Alison Cox
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1.0 Introduction

1.1 This Planning Statement has been prepared on behalf of Mr & Mrs Patrick and is submitted in support of a planning application for the erection of three self-build dwellings. This application seeks to forego application 23/00931/COUNOT and instead replace the four dwellings with three new build dwellings adjacent to but partially overlapping the footprint of the existing permission on land to the rear of 110 Harwich Road, Litle Clacton, CO16 9NJ.

1.2 This statement should be treated as forming part of the application and includes details on the site and its surroundings, the intended scheme and how it relates to adopted and emerging planning policies. Although the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 removed the requirement for Design and Access Statements to be submitted with minor planning applications, this statement is submitted to explain the rationale behind the development to assist the Local Planning Authority in making its decision.

2.0 Context of Site

2.1 The site measures approximately 0.45 hectares in size and surrounds the property referred to as No 110 and 123-125 Harwich Road. The site is accessed utilising an existing driveway which has been in situ for at least 20 years. The driveway continues southwards beyond the depth of No. 104's garden before kicking south-easterly and running in-between the poultry buildings.

2.2 The site is partially laid to grass and expanses of concrete hardstandings with lawned areas forward of buildings A and C and east of buildings C and B. There is a large paddock area to the south of buildings A and B. The eastern boundary is defined post and rail fencing, as is the perimeter of the paddock. The west boundary comprises standard fence panels. Beyond the site boundaries is open farmland to the east and south and a development of six new bungalows to the west of building A. The road frontage (to the east of No. 110) is a development of two new dwellings (now 112 and 114 Harwhich Road).

- 2.3 Harwich Road comprises a range of dwellings of varying scale, height, bulk, design and appearance. No. 110 is a large detached two storey property with a detached garage and other associated outbuildings. Along Harwich Road the properties are mainly detached or semi-detached bungalows some of which have now been converted to form chalet or two storey properties; there are also some groups of two storey semi-detached houses to the north of Harwich Road. Little Clacton is a reasonably sized settlement which lies to the north of Clacton-on-Sea; the village is dispersed along Harwich, Holland and Weeley Road to the north and the centre of the village is located to the south-west of the application site. The village has a range of services and amenities and is well connected to other larger settlements by bus routes which run through the village.
- 2.4 Bus stops are located within close proximity to the site which provides routes to Harwich and Thorpe-le-Soken as well as Clacton-on-Sea (route No. 3). The local train stations in nearby Weeley, Thorpe-Le-Soken and Clacton-on-Sea also provide sustainable transport routes to larger towns and cities such as Colchester and London Liverpool Street (via Thorpe-Le Soken). It is therefore considered to be a sustainable location for development.
- 2.5 The Prior Approval scheme labels the buildings as Building A (now Plot 1), Building B (now Plot 2 and Building C (now Plot 3). The agricultural buildings (poultry houses) are situated to the south-east boundary forward of the paddock area; approximately 56m from the existing vehicular access. Dwelling A has a footprint of 111.6m², Dwelling(s) B 69.8m² and 69.6m² with Dwelling C 119.2m². Externally the barns are finished in a dark-stained horizontal timber cladding – the prior approval scheme proposed the retention of this external finish. The site has an existing vehicular access which serves the agricultural buildings.
- 2.6 The site is not in a flood zone and there are no designated heritage assets in the vicinity. The site lies wholly within the confines of Tendring District Council and inside the settlement boundary for Little Clacton (albeit on the periphery).



3.0 Relevant Planning History

- 3.1 It was deemed that prior approval was not required for the conversion of the three poultry buildings into four dwellings at the application site on 15th August 2023 (reference: 23/00931/COUNOT).

4.0 Policy Context

National Guidance

- 4.1 The National Planning Policy Framework advises that in determining planning applications for residential development, local planning authorities should consider the Development Plan Policies and all other material considerations. Local planning authorities should follow the approach of the 'Presumption in Favour of Sustainable Development' and that development which is sustainable can be approved without delay. It emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than a barrier.

Local Planning Policy

- 4.2 The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

Relevant Section 1 Policies:-

Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
Policy SP3	Spatial Strategy for North Essex
Policy SP5	Meeting Housing Needs
Policy SP6	Infrastructure & Connectivity
Policy SP7	Place Shaping Principles

- 4.3 The Essex Coast RAMS sets out specific avoidance and mitigation measures by which disturbance from increased recreation can be avoided and mitigated thus enabling the delivery of growth without adversely affecting Habitats sites. These measures are deliverable, realistic, underpinned by robust up to date evidence, precautionary and provide certainty for developers around deliverability and contributions. Policy SP2 requires that contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). The contributions are secured through a Unilateral Undertaking during the determination period.
- 4.4 The Spatial Strategy for Essex (Policy SP3) is that existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Policy SPL2 of the Local Plan defines Little Clacton as a Rural Service Centre. For these settlements, the Local Plan identifies opportunities for smaller-scale growth. Some of these villages will accommodate a modest increase in housing stock, where appropriate, within the plan period. Developments will be of a scale that is proportionate, achievable and sustainable for each of the settlements concerned having regard to the existing size and character of each settlement; their more limited range of jobs, shops, services and facilities; and any physical, environmental or infrastructure constraints. These developments will make a meaningful

contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.

4.5 Policy SP6 requires that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. Paragraph D requires that all new properties will allow for the provision for ultrafast broadband in order to allow connection to that network as and when it is made available. Confirmation of ‘superfast broadband’ connection is included within the submission.

4.6 The requirement for high design standards applies across all scales of new development as well as to infrastructure projects. Policy SP7 requires all new development to reflect relevant place shaping principles such as * responding positively to local character and context to preserve and enhance the quality of existing places and their environs * incorporating biodiversity creation and enhancement measures * the inclusion of parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall * the protection of the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. As detailed in paragraph 2.3 above, built form in the locale comprises quite a high proportion of bungalows of varying scale - for this reason the single-storey nature of the development proposed wouldn’t harm any established pattern of the scale in the locale. External materials typically comprise horizontal timber cladding to very closely the existing buildings with tiled roofs.

Relevant Section 2 Policies:-

Policy SPL1	Managing Growth - Settlement Hierarchy
Policy SPL2	Settlement Development Boundaries
Policy SPL3	Sustainable Design
Policy LP1	Housing Supply
Policy LP4	Housing Layout
Policy LP8	Backland Residential Development
Policy PPL4	Biodiversity And Geodiversity
Policy PPL5	Water Conservation, Drainage And Sewerage
Policy CP1	Sustainable Transport And Accessibility

- 4.7 The Settlement Hierarchy (Policy SPL1) and Settlement Boundaries (Policy SPL2) prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services. Little Clacton is categorised as a Rural Service Centre which can accommodate a modest increase in housing stock.
- 4.8 The Council stipulate high design standards within Policy SPL3. This Policy seeks to ensure that development will be compatible to the surrounding uses. It should be of a scale appropriate to its setting and protect the privacy daylight and amenity of surrounding occupiers. The proposal should not result in the loss of important buildings of architectural interest or other landscape or ecological value. In addition, the development should not have a materially damaging impact on road traffic safety or cause pollution or a nuisance to nearby residents. As detailed in paragraph 2.3 above, built form in the locale comprises quite a high proportion of bungalows of varying scale - for this reason the single-storey nature of the development proposed wouldn't harm any established pattern of the scale in the locale. External materials typically comprise horizontal timber cladding to very closely the existing buildings with tiled roofs.
- 4.9 The Local Plan's strategic objectives for Housing Delivery are "To provide new dwellings within Tendring District up to 2033 of sufficient variety in terms of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population" and "To deliver high quality sustainable new communities". Policy LP1 stipulates that the Council is required to provide a five years supply of deliverable housing.
- 4.10 To ensure a positive contribution towards the District's 'sense of place', Policy LP4 requires that the design and layout of new residential developments in the Tendring District will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area. Private amenity spaces vary quite significantly in the vicinity; properties such as 104 Harwich Road and Amida, The Ferns Betts Green Road have amenity spaces which correlate to that proposed (circa 87m²) whereas Betts Green House has a significant 1286m² of amenity space. Whilst these smaller gardens are the exception rather than the rule it is considered that the size will still meet the needs and expectations of the occupiers of the three dwellings.

4.11 “Backland” developments are, for the purposes of Policy LP8 below, defined as the proposed erection of one or more dwelling houses on a parcel of land: which lies generally behind the line of existing frontage development; has little or no frontage to existing public highway; and which would constitute piecemeal development in that it does not form part of a large area allocated for development. Typical sites include the back gardens of existing dwellings. 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 isolated dwellings. To avoid these problems, backland development requires particularly thorough planning, and Policy LP8 provides specific criteria that the site must comply with:-

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	n/a
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	✓
c	the proposal must avoid “tandem” development using a shared access	✓
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	✓
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	✓
f	the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development	✓

4.12 Private Amenity Space (a)

Private amenity spaces vary quite significantly in the vicinity; properties such as 104 Harwich Road and Amida, The Ferns Betts Green Road have amenity spaces which correlate to that proposed (circa 87m²) whereas Betts Green House has a significant 1286m² of amenity space. Whilst these smaller gardens are the exception rather than the rule it is considered that the size will still meet the needs and expectations of the occupiers of the three dwellings.

Vehicular and Pedestrian Access/Egress (b)

The proposal will utilise an existing access serving the site, while no new or altered means of access is proposed as part of this application. The planning history for the site shows that this application is similar to a previous residential redevelopment (ref:14/00988/OUT) for four dwellings which the Highway Authority did not object to. Further, an application for the change of use of two of the buildings on the site to be used for B8 (storage and distribution) use was approved in 2000 (ref:00/00224/FUL). This highlights the sites suitability for alternative uses particularly in relation to the transport and access arrangements. The new dwellings will likely have a similar or lesser impact on traffic generation, when compared with the previous uses of the site. The plot retains adequate room and provision for off-street parking and turning.

Tandem Development & Shared Access (c)

Tandem development is where one property lies directly behind and in-line with the front dwelling (as per a tandem push-bike). New Plot 1 would be sited directly behind No. 110 with Plots 2 and 3 to the rear of the newly-constructed Nos. 112 & 114 Harwich Road (16/00824/FUL). Notwithstanding the proposed site layout

Awkward Shape or Fragmented Parcel of Land (d)

The site is rectangular shape not comprise an awkwardly shaped or fragmented parcel of land.

Edge of Defined Settlements (e)

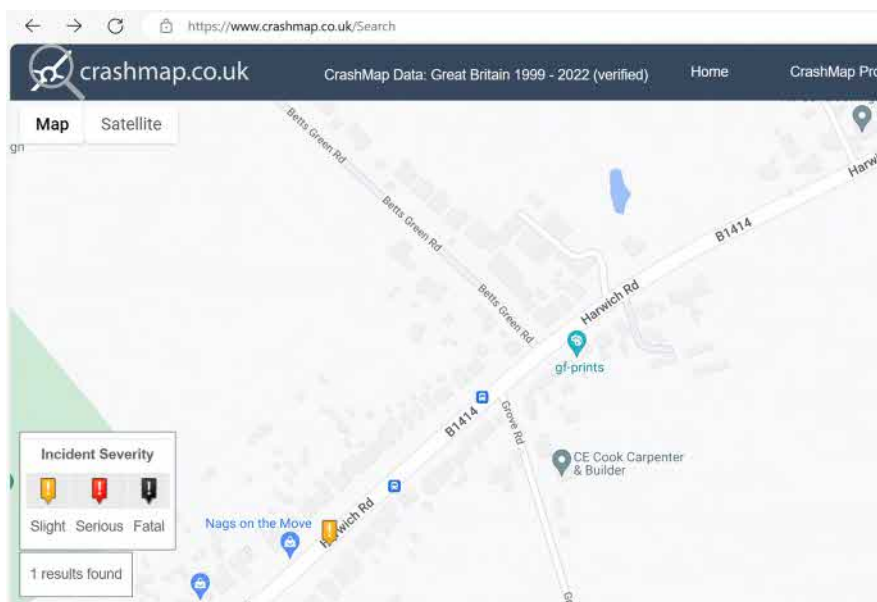
The site is located entirely within the settlement boundary of Clacton.

Character of the Area (f)

This is an outline scheme with all matters reserved; accordingly the block plan is purely indicative only. Outbuildings towards the rear boundary are extremely commonplace in the immediate locale of the site. The following map, rather than indicating the location of every outbuilding in the vicinity, limits the results to the larger buildings (for example those which occupy the entire width of the plot.

- 4.13 Policy PPL4 requires (as a minimum) that there should be no significant impacts upon any protected species and proposals for new development should be supported by an appropriate ecological assessment. A Unilateral Undertaking can be agreed during the determination of the application to secure the mitigation required for likely recreational impacts arising from the development. The application is accompanied by an appropriate ecological assessment.
- 4.14 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. In relation to non-mains drainage from non-major development the Environment Agency's advice is that to comply with the Framework and PPG on foul drainage matters, an LPA needs to be satisfied that foul drainage can be provided without adverse impact on the environment. Instead, foul sewage will be disposed of by way of a package treatment plant. In considering the acceptability of the proposed non-mains drainage, the application site hosts an existing dwelling with a kitchen and bathroom, the site is not close to any designated site of importance to biodiversity, nor is it located within close proximity to any watercourse. The site is not located within a Drinking Water Safeguard Zone or Source Protection Zone 1, and the site is sufficiently large enough to accommodate a soakaway. Taking these factors into account, and the absence of a mains connection in close proximity to the site, a package treatment plant is the most appropriate method for adequate provision of drainage and sewerage.

4.15 Policy CP1 requires that 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. is easterly from the application site by around 657m – this is where the Route 3 departs from. The 3 route serves Harwich, Little Oakley, Great Oakley, Beaumont, Thorpe Le Soken, Little Clacton and Clacton on an hourly basis. There is ample space within the site to provide secure cycle and/or powered mobility modes of transport and this application actually proposes one less dwelling than that granted under 23/00931/COUNOT. Crashmap data indicates that there has been one reported incident within the preceding 24years; the severity is recorded as ‘slight’ and this was approximately 305m southwest of the site.



4.16 Policy CP3 requires that all new dwellings and non-residential buildings must be served by at least a ‘superfast’ broadband (fibre optic) connection, installed on an open access basis. Superfast broadband refers to a fast internet connection that normally exceeds 30Mbps and goes up to speeds of 300Mbps. There is open access broadband which, depending on the provider and the monthly payment, ranges from 11Mbps up to 67Mbps.

5.0 Proposed Development

5.1 The application site is located inside the settlement boundary for Little Clacton; as such the principle of residential development in this location is acceptable. Notwithstanding this; the Council has also already accepted the conversion of the three former agricultural buildings into four dwellings, which can be undertaken without further prior approval.

5.2 Barn A's build parameters are 5.5m deep x 21.5m wide, have an eaves of 1.9m and a ridge of 3.2m – externally the building was finished in horizontal timber cladding. Barn B's build parameters are 5.5m deep x 29.4m wide, have an eaves of 2.9m and a ridge of 4m – externally the building was finished in horizontal timber cladding. Barn C's build parameters are 5.5m deep x 21m wide, have an eaves of 2.1m and a ridge of 3.5m – externally the building was finished in horizontal timber cladding. As a comparison Plots 1 & 3 would be 8.7m deep x 14.6m wide, have an eaves of 2.5m and a ridge of 4.1m with Plot 2 being 10m deep x 14.5m wide, have an eaves of 2.4m and a ridge of 4.9m. The three dwellings would have more traditional dimension being slightly wider than its depth; all would have a centralised access to the principal elevation. Further visual improvements arise from replacing very elongated elevations with extensive repetition of window openings with window openings of a size and number reflective of the use of the room they serve. All three proposed dwellings have walls which overlap with the position of the existing dwellings; this is to guarantee the extant permission would be nullified. To ensure the dwelling is in keeping with the rural vernacular and barn-like appearance of the fall-back scheme, it is proposed to clad the building externally with horizontal weatherboarding and a Marley Eternit slate roof; details will be finalised during the application process. The table below sets out some of the basic comparisons (bedrooms, number of units and floorspace) between the two schemes

Existing			Proposed		
Barn A	1 x 2 bedroom	119sqm	Plot 1	1 x 3 bedroom	127sqm
Barn B	2 x 2 bedroom	163sqm	Plot 2	1 x 3 bedroom	145sqm
Barn C	1 x 2 bedroom	119sqm	Plot 3	1 x 3 bedroom	127sqm

5.3 The proposed development provides two car parking spaces for each dwelling as well as adequate turning space for vehicles to egress the site in a forward gear. Further; the layout

includes a Type 3 Turning Head for both emergency and refuse vehicles. No changes are proposed to the existing access which is taken from Harwich Road.

- 5.4 Of importance to note is the Highways Authority consultation in response to application 23/00931/COUNOT (the fallback application).

“The proposal will utilise an existing access serving the site, while no new or altered means of access is proposed as part of this application. It is noted from the planning history for the site that this application is similar to a previous residential redevelopment (ref:14/00988/OUT) for four dwellings that the Highway Authority did not object to. In addition, an application for the change of use of two of the buildings on the site to be used for B8 (storage and distribution) use was approved in 2000 (ref:00/00224/FUL). This highlights the sites suitability for alternative uses particularly in relation to the transport and access arrangements. The new dwellings will likely have a similar or lesser impact on traffic generation, when compared with the previous uses of the site. The plot retains adequate room and provision for off-street parking and turning”.

- 5.5 The proposed site has an attractive degree of tree screening to the southwest boundary and all trees are marked as retained. New boundary hedges of a mixed native species are proposed to Plots 1 and 3 but beyond to the south the properties would all have views to the open farmland beyond. The single storey nature of the properties and significant separation distances (Plot 1 to 110 Harwich Road is in excess of 37m, Plot 2 to 112 Harwich Road is in excess of 59m and Plot 3 to 114 Harwich Road is in excess of 42m) ensures that there is no loss of daylight/sunlight and the likelihood of noise and disturbance is none. The replacement 3 x 3-bedroom dwellings would not have a more harmful impact, or be more intrusive in the landscape, or countryside setting, than the 4 x 2-bedroom dwellings allowed under Class Q of the GPDO, by virtue of its siting, scale, height, character and design.

- 5.6 In regard to the siting of the three dwellings, being to the rear of the existing dwellings fronting Harwich Road, the relevance of the fall-back position was highlighted in a scheme that was first subject of an appeal decision in 2017, concerning a site in Layer-de-la-Haye in Colchester Borough. In that instance the Inspector accepted that the fall-back position is a material planning consideration and fully justified support being given to the replacement of three poultry sheds with three dwellings having a maximum gross floor area of 450m². This

approach has since been accepted by numerous planning authorities throughout East Anglia. There has also been a hearing at the High Court between Formby Parish Council vs Sefton Council which further confirms this position dated January 2022. This case involved the refusal by the planning committee for a full planning application at 19 Chapel Lane, Formby, Liverpool. The application sought to change the use of the first floor involving the erection of extensions at the rear to form two self-contained flats involving alterations to the elevations. The property could have been development under permitted development rights, without the need for planning permission to provide a shop on the ground floor and flats above. The judge repeatedly refers to the Court of Appeal case of Mansell v Tonbridge and Malling BC (2019) highlighting the relevance of a fallback position as a significant material consideration, given the provisions contained within the GPDO.

5.7 Case law at the High Court have accepted submission that there were three elements to the fall-back test. Firstly, whether there is a lawful ability to undertake such a use. Secondly, whether there is a likelihood or real prospect of such occurring and thirdly that a comparison must be made between the proposed development and the fall-back use.

- In relation to point 1, there is lawful ability to undertake the change of use following the Council's approval of the Class Q prior approval application in August 2023.
- For point 2, there is a real prospect of the conversion of the building being undertaken within the Class Q parameters and would not constitute as a re-build.
- Finally, point 3 is met as the proposed new build is on an overlapping siting, the height and materials are comparable to that of the fall-back scheme. The impact is considered comparable given as there are an identical number of bedrooms as the fall-back scheme

The validity of the fall-back position is clear and the weight as a material consideration given to this is significant.

6.0 Conclusion

6.1 In conclusion, it is considered that the proposed development will ensure the following: -

- a housing development which is located within the settlement boundary

- a development which will not affect the amenities of neighbouring occupants through loss of light, aspect, overlooking, noise and disturbance;
- no impact upon any identified features of historical or architectural importance either on this site or within the immediate locality;
- adequate parking and turning facilities which ensures no overspill of parking on to the adjoining roads would occur
- as the site is entirely covered by concrete and short grass and has no priority habitats, this is a low impact project that will have no impact on any designated sites
- no conflict with any conservation or landscape protection policies identified by the Council through its sensitive siting and layout design; and
- enhancement of the natural environment through soft landscaping.