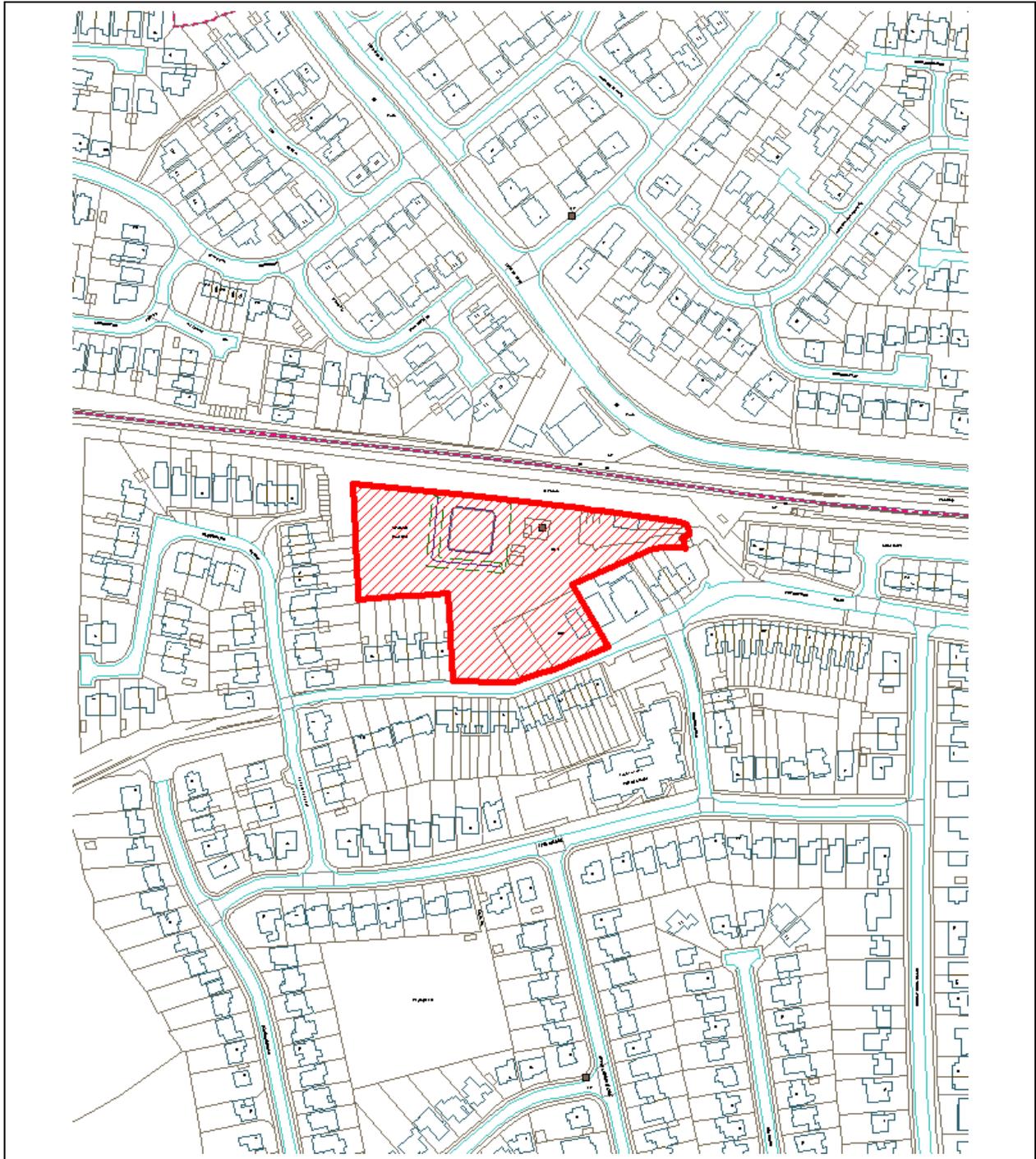


PLANNING COMMITTEE

7 JANUARY 2014

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 11/00796/OUT - LAND AT WITTONWOOD ROAD FRINTON ON SEA, ESSEX, CO13 9LB,



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Application:	11/00796/OUT	Town / Parish: Frinton & Walton Town Council
Applicant:	One Property Group (UK) Ltd	
Address:	Land at Wittonwood Road, Frinton On Sea, CO13 9LB	
Development:	Demolition and site clearance of former reservoir and outline planning permission for construction of 37 residential properties (3 units to be for the provision of affordable housing), garages, pergolas, play area and retention of existing protected trees.	

1. Executive Summary

- 1.1 This planning application was deferred from Planning Committee on 8 October 2013 for Officers to negotiate the following issues; the proposed point of access (investigate the possibility of utilising the existing access onto Witton Wood Road or an in-out arrangement); the provision of built affordable housing units on the application site; the provision of an area of land within the site for a children's play area; drainage to include SUDs principles; and landscaping to include secured by design measures. For ease of reference, updates are provided for each of these issues under the following paragraphs within the report below 6.73, 6.27, 6.41, 6.105 and 6.91.
- 1.2 This application has been referred to the Planning Committee at the request of Councillor N W Turner (Ward member for Frinton) on the basis that the site entrance on Witton Wood Road is a major concern; Lack of playground within the site; Outline application unacceptable; Project of this size near to conservation area requires details; Infrastructure issue re. Doctors and Schools; Regarding CIL no details given.
- 1.3 The application site measures approx 1.03 hectares (2.55 acres) and is currently vacant with a number of small sheds and outbuildings. The site was historically used as an over-ground reservoir (now capped) with associated grounds. The topography of the site generally slopes down from the west to the east, and the site has a number of existing mature trees within the site and on its boundaries, with some being protected.
- 1.4 The application site is located within the defined settlement limits of Frinton on Sea, and within an existing built up residential area of the town. The site is located to the north of Wittonwood Road. This road and surrounding area mainly consists of two-storey dwellings of a mixed style and appearance. Frinton-on –Sea Primary School is located opposite the site along Wittonwood Road.
- 1.5 This is an outline application for the development of the site for 37 residential properties (3 units to be for the provision of affordable housing), garages, pergolas, play area and retention of existing protected trees, following demolition and site clearance of the former reservoir. Please note this description has changed to that previously presented to committee as a result of the negotiations with the applicant. For information the previous description was 'Demolition and site clearance of former reservoir and outline planning permission for construction of 38 residential properties, garages, pergolas and retention of existing protected trees'. All matters in relation to appearance, landscaping, layout, scale and access have been reserved for later consideration, however the proposal consists of an indicative housing mix including 4 no. 2-bed houses, 10 no. 3-bed houses, and 23 no. 4-bed houses.

- 1.6 As the site falls within the defined settlement boundary of Frinton on Sea, the proposal is considered acceptable in principle for residential development. Indeed, the application site has been identified for potential residential development for a number of years, initially allocated for residential redevelopment in the adopted 2007 Local Plan, and also allocated for residential development in the emerging Local Plan.
- 1.7 This report concludes that there are no material conflicts with planning policy and since no material objections have been raised that outweigh the benefits of the proposed development, the application is recommended for outline approval.
- 1.8 It is recommended that this outline application is approved subject to the prior completion of a Section 106 Agreement to provide on-site affordable housing units and on-site play-space.

Recommendation: Outline Approve

That the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to:-

a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters

- Affordable Housing Provision; and
- On-site Play Space Provision.

(b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

(i) Conditions:

1. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters")
2. Application for approval of the reserved matters
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
4. Existing and proposed site and finished floor levels
5. Samples of the materials
6. Hard and soft landscaping
7. All hard and soft landscaping implementation
8. Landscaping - Five year clause
9. Tree protective measures
10. As per requirements of the Arboricultural report shown on the Tree Protection Plan
11. As requested by the Highway Authority
12. Boundary treatments
13. Details of Refuse storage/collection areas
14. Permeable surfacing
15. Scheme to provide renewable energy and energy and water efficiency technologies to be used
16. Construction Method Statement
17. Detail of any attenuation facility to collect storm water
18. Details of foul water strategy
19. Detail of surface water management strategy

20. Erection of 1.8m close-boarded fence on northern boundary of site
21. Double glazing with Weighted Sound Reduction Index (Rw) of at least 33dB to all habitable rooms
22. Further submission of ecology/reptile/bat survey
23. Limit maximum building heights at 10.5 metres above ground level for three-storey buildings, and 9.5 metres above ground level for two-storey buildings
24. Maximum up to 38 dwellings within the site
25. Type-3 asbestos survey of the buildings on site
26. Post demolition ground assessment of the site for contamination
27. Broadband provision

(c) The Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Saved Policies COM6 and HG4 of the Tendring District Local Plan (2007), Policies PEO22 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012), and the aims and objectives of the National Planning Policy Framework.

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

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

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN6 Biodiversity

EN6A Protected Species

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR1 Transport Assessment

TR2 Travel Plans

TR3A Provision for Walking

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

Tendring District Local Plan - Proposed Submission Draft (2012)

SD1 Presumption in Favour of Sustainable Development

SD2 Urban Settlements

SD7 Securing Facilities and Infrastructure

SD8 Transport and Accessibility

SD9 Design of New Development

SD10 Sustainable Construction

PEO1 Housing Supply

PEO2 Housing Trajectory

PEO3 Housing Density

PEO4 Standards for New Housing

PEO7 Housing Choice

PEO8 Aspirational Housing

PEO9 Family Housing

PEO10 Council Housing

PEO12 Flats, Apartments and Maisonettes

PEO22 Green Infrastructure in New Residential Development

PLA1 Development and Flood Risk

PLA3 Water Conservation, Drainage and Sewerage

PLA4 Nature Conservation and Geo-Diversity

FWK4 Frinton and Walton Conservation Area

Local Planning Guidance

Essex County Council Car Parking Standards (2009) - Design and Good Practice

Essex Design Guide

3. Relevant Planning History

00/01301/TELCOM	Installation of 1 equipment cabin and replacement of 6 antennae	Determination	16.08.2000
94/01156/FUL	Erection of 20m Telecommunication mast, 6 sectored antennas, 2 x 600mm dish antennas, control cabinets and enclosure	Approved	05.01.1995
04/01142/FUL	Renewal/replacement of the existing boundary fence (Approx 430m) with 2.4m high powder coated (Moss Green Ral 6005) palisade fence with rounded top, and demolition of garage building	Approved	02.08.2004

4. Consultations

Frinton and Walton Town Council

4.1 Object on the following grounds (**original submission for 54 dwellings**):

- This is considered to be backland development.
- It is overdevelopment of the site. Too great a bulk and mass.
- The Town Council felt that there is insufficient infrastructure to support this proposal.
- There were concerns that this layout allows for areas that could encourage anti social behaviour.
- Great concern was expressed that the existing road is extremely narrow and access to and from the site would be dangerous.

- There are safety issues as this is already a busy area with the local school very nearby and this will increase the problem.
- There would be a huge impact on traffic queues at Frinton Gates
- It was considered that there is a lack of amenity/garden space on some plots.
- Concern was expressed that there was a lack of parking provision for residents and visitors.

4.2 Object on the following grounds (**amended submission for 38 dwellings**):

- A lack of information has been submitted, only an indicative plan.
- Would create highway issues and there would be a huge impact on traffic at Frinton gates.
- There is insufficient infrastructure to support this proposal.
- From the information provided the design of housing was unacceptable and would not be in keeping with the street scene.

4.3 *Town Council comments relating to overdevelopment, design issues, insufficient infrastructure, highway issues, amenity space and parking are addressed in the Officer assessment of the application below. With regards to backland development, this site would not be classed as a backland development, as vehicular access is to be taken directly off Witton Wood Road. Concerns over any future anti-social behaviour are not a reason to refusal outline planning permission in this instance. The Highway Authority have not considered there to be a safety issue in terms of proximity of the development to the primary school, hence a Stage 1 Road Safety Audit has not been requested. The application is submitted in outline form, and therefore full details of the development are not required at this stage, it is the principle of development for the construction of 37 dwellings which is being considered at this stage, although it is acknowledged the applicant has provided within their application submission greater detail with regards to design, scale and layout.*

4.4 With regards to the **amended submission for 37 dwellings**, an update will be given by Officers at the Planning Committee.

TDC Building Control

4.5 Need to indicate how a fire fighting appliance can park within 45m of all points within all the dwellinghouses. Need to indicate the turning facilities to be provided to ensure the maximum reversing distance does not exceed 20m. **Amended Plans:** The applicant/agent should demonstrate how turning facilities for fire fighting appliances is to be provided.

TDC Public Experience (Environmental Services)

4.6 No objection subject to conditions controlling; Noise from demolition, construction works, deliveries and the movement of vehicles and other plant both on and off the site; Suitable double glazing with Rw of at least 33dB should be incorporated into habitable rooms of the proposed dwellings; An unbroken close boarded timber fence at least 1.8m high should be erected along the entire northern boundary with the railway line. **Amended Plans:** No objection subject to conditions controlling; Noise from demolition, construction works, deliveries and the movement of vehicles and other plant both on and off the site, including emission controls.

TDC Housing

4.7 There is clearly a need for affordable housing in the Frinton sub area, evidenced both through the SHMA and the Council's own housing register whilst the broader findings of the SHMA also support the need for more housing within all sectors. **Amended Plans:** This

service would still prefer on-site provision on this development given that there is very little social housing provision in this area and there is a high demand for housing especially from key-workers and other households in employment who cannot afford to purchase a property. However, if viability issues are raised, we will be flexible in accepting a financial contribution or directly gifted properties as an alternative.

TDC Leisure Services

- 4.8 No comments to make in relation to the layout of the site but does comment that a COM6 payment is required in line with Supplementary Planning Document relating to the Provision of Recreational Open Space for New Development. **Amended Plans:** No comments received.

TDC Tree and Landscape Officer

- 4.9 The applicant has submitted a full tree survey and report that has been carried out in accordance with the recommendations contained in BS5837 2005 Trees in Relation to Construction. Following a site visit to inspect the trees and to assess the contribution they make to the appearance of the area a new Tree Preservation Order has been made in respect of T6, T10, T11 and T12 of the tree survey as well as 2 additional Oaks that are just off site. The trees make a good contribution to the appearance of the area and their long term viability may be threatened by the development proposal. It will also be desirable to retain T1, T2 and T3 however these trees do not merit formal legal protection by means of a Tree Preservation Order. Whilst it appears that the development proposal could, by the use of specialist 'no dig' construction techniques, be implemented without physical harm being caused to the protected trees the proposed layout would result in an unsatisfactory juxtaposition of protected trees to adjacent dwellings. In the section of the tree report entitled 'Arboricultural Implications and Design Issues' attention is drawn to the usability of the areas beneath the canopy of the trees and the shading effect that the trees will have on proposed new dwellings. These being primarily leaf litter and fruit dispersal as well as the obstruction of daylight and direct sunlight. In terms of the long term retention of the protected trees it would be desirable to increase the separation distance between the trees and the dwellings. It would not be desirable to approve a planning application that would result in immediate and ongoing requests to prune trees in such a way that would diminish their amenity value. Should consent be granted it will be necessary to attach a condition to secure new landscaping to enhance the appearance of the development. **Amended Plans:** The applicant has submitted a full tree survey and report that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. The report has taken into account the importance of the trees covered by Tree Preservation Order 11/45 and has made adequate provision for their retention and protection for the construction phase of any development for which consent may be granted. The reduction in the density of the proposed development and the greater separation between the dwellings and the boundary as shown on the amended outline site layout has reduced the impact of the trees on the private amenity spaces serving plots 11 to 17. The dwelling with the closest point to the boundary being the gable end of plot 17: this being unlikely to cause unreasonable shading. The layout has identified those areas where specialists 'no dig' construction techniques will be used to avoid causing physical harm to the protected trees. If the recommendations contained in the tree survey and report are adhered to the development proposal could be implemented without a significant diminishment of the amenity value of the protected trees. Should consent be granted it will be necessary to attach a condition to secure new landscaping to enhance the appearance of the development.

Essex County Council Urban Design

- 4.10 In summary, we recommend refusal of the application primarily due to the perceived over-development of the site, parking issues, and insufficient design quality and context responsiveness. **Amended Plans:** No comments received.

Essex County Council Highway Authority

- 4.11 The proposal is deficient in design terms to satisfy the Highway Authority. The proposal fails to include; A 1.5m x 1.5m pedestrian visibility splay at each vehicular access; A size 3 turning facility at strategic locations within the site; Provision of car parking and turning facilities commensurate with current Parking Standards; Provision of an adoptable layout; Provision of sufficient pedestrian facilities within the site; Provision of suitable traffic calming measures within the site. **Amended Plans:** The Highway Authority would not wish to raise an objection to the application subject to conditions relating to the following:

- Pedestrian visibility splays each side of proposed vehicular accesses
- No unbound materials shall be used in the surface treatment within 6m of the highway boundary
- Parking facilities shall be in accord with parking standards
- Any garage with door facing the highway shall be sited a minimum of 6m from the highway boundary
- A vehicular turning facility suitable for service and delivery vehicles of at least size 3 dimensions to be submitted for approval
- Sole means of vehicular access shall be from Witton Wood Road and shall be located, designed and constructed to the requirements of the Highway Authority
- Details required to prevent the use of the access on the eastern side of the development from use by motor vehicles
- Details of the estate roads and footways to be submitted for approval
- Details of the carriageways of the estate roads to be submitted for approval
- Visibility splays for each internal estate road junction to be provided and maintained free from obstruction
- Details of on-site parking facility for construction workers and vehicles, a loading and unloading area for demolition and construction materials and a turning facility to be provided clear of the highway to be submitted for approval
- Details of wheel and underbody cleaning facility to be submitted for approval
- A residential travel information pack for sustainable transport to be provided to new residents
- The carriageway of Witton Wood Road to be increased in width to a minimum of 4.8m to reduce the pinch point and to be undertaken before occupation of the development
- The new footway across the Witton Wood Road frontage to be no less than 2m in width
- Proposed new boundary hedges/planting to be minimum of 1m back from highway boundary or visibility splays

Essex County Council Schools

- 4.12 This development falls in the priority admissions area of Frinton-on-Sea primary school. The school has a permanent capacity of 210 places and according to the latest Essex School Organisation Plan (SOP), published in January 2011 by April 2015 the School is forecast to have a deficit of 6 places against its net capacity. According to out forecasts, and information published in the latest School Organisation Plan, there should be sufficient secondary places at a local school serving this development. It is clear that at primary levels action will be needed to provide additional places and that this development will add to that need. Based on the information provided, I estimate that this development if approved will result in 15.9 additional primary places being required. On behalf of Essex

County Council, I am thus formally requesting a developer contribution prior to commencement of £158,253 which is in line with our adopted Supplementary Planning Guidance. This figure is calculated using the April 2011 cost multipliers and will need to be index linked from this date using PUBSEC index. **Amended Plans:** This development falls in the priority admissions area of Frinton-on-Sea primary school. The school has a permanent capacity to take 210 pupils. According to the latest forecasts that are published in the document 'Commissioning School Places in Essex 2012-17', it is forecast that by 2017 there will be 223 children on roll. Looking at the wider area, across the schools in the Frinton/Walton Forecast Planning Group, the forecast show a deficit of 32 permanent places. With regard to early years and childcare provision and secondary provision the forecasts show that there is likely to be sufficient provision to serve the needs of the development. It is thus clear that additional provision will be needed at primary level and that this development will add to that need. I must therefore request on behalf of ECC that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on primary education. For information purposes only, should the final development result in the suggested net increase of 38 houses with two or more bedrooms, the sum would be £118,856 index linked to April 2013 costs.

Essex Police Architectural Liaison Officer

- 4.13 Essex Police objects to this application on its layout, access to rear of properties and lack of information in the D&A or application as a whole relating to the Seven Attributes of Safer Places document. **Amended Plans:** No comments received.

Essex Wildlife Trust

- 4.14 No comments received. **Amended Plans:** No comments received.

Natural England

- 4.15 Designated Sites - The proposed development does not lie within close proximity of any statutorily designated sites and Natural England is therefore satisfied that the proposals are unlikely to have any effect on the special interest features of such sites. Wider Biodiversity - Overall Natural England is satisfied with the assessment of impacts to habitats and species present within the development site subject to the inclusion of avoidance and mitigation measures as proposed we are satisfied that designated species should not be significantly affected as a result of these proposals.

We understand that several mature trees will be felled as a requirement of the development and we would recommend that a condition be attached should permission be granted, requiring a pre-construction survey to ensure they are not being used by either bats or breeding birds. Should evidence of bats or breeding birds be apparent felling will have to be postponed until the appropriate license is granted in the case of bats or the breeding season is over in the case of birds.

Landscape - The proposals have no implications for any statutorily designated landscapes, and Natural England therefore has no further comments with regards to this aspect of the application.

Green Infrastructure - We note that the Environment Agency has raised concerns regarding the effective disposal of surface water. We recommend that the addressing of this issue is considered in the broadest possible terms to maximise opportunities for the provision of multifunctional green space. A good example of this would be the incorporation of a Sustainable Urban Drainage System such as an attenuation pond within the site which serves to alleviate surface water drainage issues as well as being designed and managed for wildlife and providing a public amenity space.

Sustainability - Natural England is supportive of Sustainable Design and Construction principles. We recommend that, should this outline permission be granted consideration is given to ways to maximise sustainability in the detailed design stage. The use of resources

and the production of waste should be minimised, opportunities to install energy and water efficiency technologies low energy appliances low flush toilets grey water systems etc and water saving devices water butts etc should be incorporated wherever possible. New developments provide excellent opportunities to construct sustainable buildings that are better for the environment and have cheaper long term running costs. **Amended Plans:** The advice provided previously applies equally to the amended scheme, and that the amended scheme relate largely to design and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Network Rail

- 4.16 After careful consideration of the application Network Rail has no further observations to make. **Amended Plans:** After careful consideration of the application Network Rail has no further observations to make.

Environment Agency

- 4.17 Flood Risk - We would have no objection to the proposed development provided full information is submitted regarding the preferred choice for surface water disposal. Sustainable Design and Construction - There is the opportunity to install water efficiency and water saving devices in buildings on the proposed development. Water butts, low flush toilets and efficient appliances would be obvious measures, but there may be opportunities for more innovative techniques such as grey water recycling. We recommend that the following conditions be appended to any planning permission granted. 1. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed. 2. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development. **Amended Plans:** Raise a holding objection on flood risk grounds. As there is insufficient evidence in the FRA to demonstrate that surface water can be adequately managed through a defined offsite pathway to the Anglia Water Sewer network. Objection can be overcome by clearly demonstrating that there is a viable option for discharging surface water generated by this development into a wider surface water sewer network. This could be demonstrated through further investigation with Anglia Water Services Ltd. Further consultation response received on 3 October 2013 removing their holding objection following further information submitted by Anglia Water Services Ltd, and advising planning permission should only be granted subject to a surface water drainage strategy condition.

Anglia Water Services Ltd

- 4.18 1. Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglia Water to determine mitigation measures. 2. The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. 3. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglia Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglia Water and the Environment Agency. **Amended Plans:** 1. Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglia Water to determine

mitigation measures. 2. The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. 3. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglia Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglia Water and the Environment Agency.

Revised comments following submission of Pre-Planning Assessment Report to Anglian Water: AW can confirm that there is a surface water strategy for the proposed development, and this is in subject to alternative methods of surface water being investigated such as infiltration testing. Upon confirmation that the LPA is satisfied that infiltration techniques cannot be utilised on all or part of the development site, a discharge of rate of 5 litres per second can be accommodated at manhole reference 1351 off Cranford Close. AW requests that the agreed strategy and the requirement for additional investigations is reflected in the planning approval.

5. Representations

5.1 22 letters of objection **to the original submission of 54 dwellings** have been received, including one letter of observation, and are summarised as follows (with Officer response in brackets):

-
- highway safety issues (highways addressed in report below)
- narrow road with blind bend (highways addressed in report below)
- density/ over development (addressed in report below)
- primary school over subscribed (addressed in report below)
- medical facilities - Local GP over subscribed (addressed in report below)
- water and drainage issues (addressed in report below)
- busy road (highways addressed in report below)
- overlooking/ privacy/loss of light (addressed in report below)
- dust/ dirt/ noise from construction site (this is an unfortunate consequence of development and is controlled through other jurisdictions, however a method construction statement condition has been added to the approval controlling site clearance, demolition and construction work)
- impact on the TPO Oak tree from construction access (addressed in report below – Arboricultural report submitted and conditions suggested)
- 3 storey properties either side of new entrance out of character and detrimental to residential amenity (addressed in report below)
- Amenity space and parking provision below standards (addressed in report below)
- Reptile survey inadequate (addressed in report below)
- Inadequate sewers to cope with correct infrastructure (addressed in report below)
- Other protected species – newts? (Ecology report submitted identifies habitat type, its condition and quality not suitable for other protected species)
- Emergency services can not access site (no evidence to suggest this is the case)
- Surface water flooding concerns (addressed in report below)

5.2 16 letters of objection **to the amended submission of 38 dwellings** have been received, including one letter of observation, and are summarised as follows:

- Highway safety concerns – increase in traffic – concern over location of site entrance proposed (highways addressed in report below)
- Difficulty already in parking/accessing residents own parking spaces (this is not a reason to refuse outline planning permission)
- Trees on site have already been felled (it is understood this occurred before the submission of the application, whilst this is not condoned, the trees were not

protected nor were they within a conservation area and therefore no breach of planning control or offence has been committed)

- Impact on wildlife – site already cleared – reptile survey flawed (addressed in report below)
- Flooding issues on site and into neighbouring properties (addressed in report below)
- Concern from Anglian Water over both surface and foul water disposal (addressed in report below)
- Hard surfaces will exacerbate this problem (addressed in report below)
- Site access inadequate (highway addressed in report below)
- Retirement complex more appropriate (not a reason to refuse outline planning permission)
- Over development (addressed in report below)
- 38 dwellings will generate car ownership of 70 + users (not a reason to refuse outline planning permission)
- Concern over car headlights shining directly into front rooms opposite the site (this would be such an infrequent occurrence that it would not be a reason to refuse outline planning permission on impact upon residential amenity)
- Concern that widening of road to 4.8 metres can not be achieved (addressed in report below)
- Proposal will be car dominated (proposal would accord with the adopted parking standards)
- Concern cars will be parked on kerbs and pavements (proposal would accord with the adopted parking standards)
- No renewable energy proposals planned (planning condition suggested regarding this issue)
- Land is contaminated (addressed in report below)
- Concern over proximity of development to primary school (not clear what the concern is, however the Highway Authority have not considered there to be a safety issue in terms of proximity of the development to the primary school, hence a Stage 1 Road Safety Audit has not been requested)
- Access for emergency services will be more difficult (no evidence to suggest this is the case)
- Some houses 3-stories in height – restrict light and invade privacy due to overlooking (addressed in report below)
- No jobs for new residents in Frinton (not a reason to refuse outline planning permission)
- Already many houses for sale in Frinton – new development not needed (not a reason to refuse outline planning permission)
- Why can't site access use the existing access where footpath proposed? (current access width not acceptable – land ownership issues in requiring additional land and rights over required vehicular visibility splays in perpetuity especially to the right of access)
- Adverse impact on street scene from 3-storey development at site entrance (addressed in report below)
- Witton Wood Road already used as a rat-run (not a reason to refuse outline planning permission)
- Local services already oversubscribed, being doctors, hospitals, dentists, schools and underground services (addressed in report below)
- Lack of detail regarding boundary treatment (condition suggested requiring this detail at reserved matters stage)
- Concern over construction traffic blocking access on road to existing residents (suggested condition by the Highway Authority should alleviate this concern)
- Existing building line not respected (plot 1 and 38 set forward of existing properties either side, however this is not considered to unbalance the street scene to any great degree as to warrant a refusal of outline planning permission, and the 45

degree line between properties is respected which is a bench mark with regards to impact on the residential amenities of those properties)

- Proposed vehicular visibility splays from site access on Witton Wood Road reduced due to cars parked in the road (Witton Wood Road is a public highway, and any future obstruction of the public highway would be a matter for the Police, therefore this issue is not a reason to refuse outline planning permission)
- Due to protected oak tree T5, road cannot be widened to the west of the tree (this is not proposed in any event)

5.3 7 letters of objection to the **amended submission of 37 dwellings** have been received, including one letter of observation. No new issues are raised.

5.4 Frinton Residents Association – Neutral comments submitted as follows (**original submission**):

- Appreciate the site has been designated for housing
- However number of objections from residents which we support
- These include sight lines, and access to the site, density, school and medical facilities, water and drainage, plus some environmental concerns
- Please to see family houses proposed – but wish to see aspirational designs and a reduced number
- Development of this size requires social housing – wish to see this targeted to help young local first-time buyers, and/or targeted to key workers

5.5 Frinton Residents Association – Objects on the following grounds (**amended submission**):

- Poor design
- Out of keeping
- 3 storey houses out of character
- Over development
- Increase access road to 4.8m is not sufficient
- An alternative entrance road should be considered
- Frinton primary school and local GPs have no capacity

5.6 Councillor N W Turner (Ward member for Frinton) has requested that this application be determined at Planning Committee for the following reasons: Site entrance on Witton Wood Road is a major concern; Lack of playground; Outline unacceptable; Project of this size near to conservation area requires details; Infrastructure issue re. Doctors and Schools; Regarding CIL no details given.

6. **Assessment**

6.1 The main planning considerations are:

- Planning Policy
- Sustainability
- Housing and Density
- Layout, Scale and Design
- Residential Amenity
- Highway and Parking Issues
- Biodiversity
- Arboriculture/Landscaping
- Noise Impact
- Drainage and Flood Risk

- Site Contamination
- Other Material Considerations

Site description

- 6.2 The application site measures approx 1.03 hectares (2.55 acres) and is currently vacant with a number of small sheds and outbuildings. The site was historically used as an over-ground reservoir (now capped) with associated grounds. The topography of the site generally slopes down from the west to the east.
- 6.3 The application site is located within the defined settlement limits of Frinton on Sea, and within an existing built up residential area of the town. The site is located to the north of Wittonwood Road. This road and surrounding area mainly consists of two-storey dwellings of a mixed style and appearance.
- 6.4 The application site supports two protected Oak trees to the Witton Wood Road frontage (one approx 14 metres in height the other 7 metres in height), and one protected oak tree to the north-west corner of the site (approx 10 metres in height). Also located alongside the north-west boundary of the site (but just outside of the application site boundary) are located a further oak tree and a group of oak trees which are approx 10 metres in height which are also protected.
- 6.5 Frinton-on –Sea Primary School is located opposite the site along Witton Wood Road.

Proposal

- 6.6 This is an outline application for the development of the site for 37 residential properties (3 units to be for the provision of affordable housing), garages, pergolas, play area and retention of existing protected trees, following demolition and site clearance of the former reservoir. *Please note this description has changed to that previously presented to committee as a result of the negotiations with the applicant. For information the previous description was 'Demolition and site clearance of former reservoir and outline planning permission for construction of 38 residential properties, garages, pergolas and retention of existing protected trees'.*
- 6.7 The proposal has evolved since it was originally submitted, with the key elements of the revised proposals including:
- A reduction in the overall density from 54 dwellings to 38; now 37 dwellings.
 - A substantial increase in the level of private amenity space proposed to individual houses
 - The rationalisation of areas of hardstanding close to protected trees in order to give more space to retained specimens
 - An increase in the level of on-site parking to met the adopted parking standards and the provision of an increased ratio of visitor parking as a result of the reduced overall number of properties
 - The design of a landscape strategy to accompany the revised design to demonstrate the means of which soft landscaping can be integrated within the development to complement the built design
 - Retention of the 'gateway' created by the disposition and form of buildings fronting Wittowood Road, previously supported from the original scheme
 - Widening of Witton Wood Road to ensure a minimum carriageway width of 4.8 metres
- 6.8 The proposal consists of an indicative housing mix as follows:

- 4 no. 2-bed houses
- 10 no. 3-bed houses
- 23 no. 4-bed houses

6.9 All matters in relation to appearance, landscaping, layout, scale and access have been reserved for later consideration.

Planning Policy

6.10 The site falls within the defined settlement boundary of Frinton on Sea as depicted on the Policies Map of the Tendring District Local Plan Proposed Submission Draft (November 2012), and is therefore considered acceptable in principle for residential development (Policy SD2). Indeed, the application site has been identified for potential residential development for a number of years, initially allocated for residential redevelopment in the adopted 2007 Local Plan, and also allocated for residential development in the emerging Local Plan.

Sustainability

6.11 The government has set out, at the heart of the National Planning Policy Framework (NPPF), the concept of a 'presumption in favour of sustainable development' which should be seen as a golden thread running through both plan-making and decision taking.

6.12 Paragraph 6 of NPPF states that "the purpose of planning system is to contribute to the achievement of sustainable development" and paragraph 7 goes on to identify the three fundamental roles that the planning system should play in seeking to achieve that goal – an 'economic role', a 'social role' and an 'environmental role'.

6.13 The NPPF makes it clear that gains in each of these respects are necessary for a proposal to contribute toward, and be classed as sustainable development.

6.14 The Council is keen for residential development to achieve the highest standards of sustainable design as a means of tackling climate change, improving efficiency and affordability for residents and promoting renewable energy technology as an emerging growth sector within the local economy. As a result, policy SD10 'Sustainable Construction' in the emerging Local Plan states that the Council will expect all new development to demonstrate what measures will be incorporated to maximize the sustainability and energy efficiency of the development, based on the Code for Sustainable Homes.

6.15 The proposal seeks to improve upon current standards set by building regulations with potential for a number of differing environmental benefits, with the possible use of an efficient heating system incorporating air-source heat pumps. The proposal is anticipated to meet the minimum Level 3 in the Code for Sustainable Homes.

6.16 Furthermore, the site is considered to be in a sustainable location, with good access to local facilities, services and public transport.

6.17 Based on the above it is considered that with the imposition of appropriate conditions, the development of this site can be achieved in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Housing and Density

6.18 The NPPF requires Councils to boost, significantly, the supply of housing to address objectively assessed needs and promote a wide choice of high quality housing. Paragraph

49 of the NPPF makes it clear that proposals for housing development should be considered positively in the context of the 'presumption of sustainable development' and Paragraph 47 requires Councils to identify, in any one year, a supply of five years' worth of developable housing land with a degree of flexibility to promote choice and competition in the market for land.

- 6.19 The Council's 2007 Adopted Local Plan was only intended to provide housing land up to 2011 and therefore the housing supply elements of that plan are now out of date and if the Council were to rely solely on that plan, it would not be possible to demonstrate a five year supply of housing land. In applying weight to the emerging 2012 Draft Local Plan however, the Council is demonstrating its intention to comply with this requirement by identifying additional sites for the period up to 2021.
- 6.20 In the absence of a five year supply of deliverable housing sites in the 2007 Adopted Local Plan, the Council is expected to comply with NPPF's 'presumption in favour of sustainable development' and, where possible, support proposals for housing development. The application site has been identified for potential residential development for a number of years, initially allocated for residential redevelopment in the adopted 2007 Local Plan, with an indicative number of 49 residential units.
- 6.21 In negotiating with the applicants since the applications original submission, it was clear that a development scheme comprising 54 residential units, or reaching the indicative number of 49 units, could only be accommodated within the confines of the application site with a shortage in required car parking spaces and lack of private amenity space, unless that scheme took the form of vertical development, i.e. a flatted development, which in itself would fail to respond to the character and appearance of the local area.
- 6.22 The indicative number of 49 would have been reached as a result of previous density requirements imposed by PPS3 (Housing).
- 6.23 One of the key issues is whether the site can accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy PEO3 of the emerging Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal equates to 36 dwellings per hectare. This is considered to be comparable to the character of the area.
- 6.24 Appendix 3 of the draft Local Plan places an indicative number of 30 units on this application site, although it makes it clear that these indicative numbers should not be treated as minimum targets or seen as the maximum limits, and in reality the actual number of dwellings would be derived from careful consideration of the various policies in the emerging Local Plan including the policies on housing choice, space standards, density, layout and open space requirements.
- 6.25 Because the application site is the subject of an allocation in the emerging 2012 Draft Local Plan that has been approved by Full Council, there is already an acceptance that development in this location could be supported. The fact that the Draft Local Plan has also been published for consultation and the applicants has actively sought to address the comments raised by officers and objectors during the first round of consultation, adds further weight to the argument that this application should be approved to ensure compliance with the NPPF and the presumption in favour of sustainable development.
- 6.26 Policy PEO7 of the emerging Local Plan supports the objectives of the NPPF by promoting a mix of housing size, type and tenure on new development sites of 10 units or more, with a preferred mix being:

- 30% of aspirational housing with 4 or more bedrooms meeting larger standards of internal floor area and amenity space;
- 40% of family housing with 3 or more bedrooms;
- 25% of Council Housing to be delivered in the form of community housing managed by a local trust; and
- 5% providing a mix of housing to be determined by the developer in addressing market demand.

- 6.27 As previously stated, the application is submitted in outline form with all matters reserved. However, the applicant's proposal indicates the intention to supply mainly family housing within the development. Following negotiations with the applicant, 3 affordable housing units are proposed (indicatively Plots 26, 27 and 28, and being 1 x 3-bed rented, and 2 x 3-bed shared ownership units). Policy PEO10 of the Draft Local Plan requires development proposals involving the development of 10 or more dwellings to provide 25% of the new dwellings as affordable units. The provision of 3 units equates to 8% of the total number of new dwellings being proposed. However, given the viability issues with the development of the site (see Other Material Considerations), the provision of 3 units as affordable dwellings is acceptable. The Council's Housing Dept has been consulted on the provision of affordable housing and they are satisfied with what is being put forward.
- 6.28 Given that the character of the area is mainly family housing, and objections have been received against policy PEO7 of the emerging Local Plan, it is considered that the proposed housing choice in this particular location is acceptable.
- 6.29 The applicants propose 37 residential units on the site which is more than the 30 units indicated in Appendix 3 of the Draft Local Plan, however given the comments above it is considered such a number can be integrated into the existing urban fabric whilst generally complying with other policies.

Layout, Scale and Design

- 6.30 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.31 With regard to decision taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 6.32 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.
- 6.33 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Council's commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.

- 6.34 The submitted details show that the development site covers an area of 1.03 hectares. The development would therefore result in an average housing density of 36 dwellings per hectare, which is considered to be acceptable in this location, and would integrate the development into the existing urban grain.
- 6.35 Whilst matters of layout, scale and design are for later consideration, the applicants have given a general indication of the likely layout of the site.
- 6.36 The site's vehicular entrance is taken from Witton Wood Road, which has been framed by an appropriate street frontage to Witton Wood Road creating a 'gateway' into the site to emphasis the principle view through the site, and with an internal site layout that creates a quality street scene and a hierarchy of streets and places appropriate to the location.
- 6.37 The proposed frontage to Witton Wood Road takes influence from existing building lines of neighbouring properties opposite, but also maintains the set back from the footpath distance common within this local area.
- 6.38 It is noted that the indicative street frontage layout is set slightly forward of those existing properties directly to the east and west of the site frontage. However, it appears that these neighbouring properties have been set-back at a greater distance from the footpath, irregular in comparison to the surrounding context. It is therefore considered that the proposed frontage should not be directly continued from these existing properties, but their visibility lines should still be respected, which they are.
- 6.39 In terms of provision of private amenity space, Policy HG9 of the Tendring District Local Plan 2007 states that private amenity space for houses with three or more bedrooms shall have a minimum of 100 sqm whilst houses with two bedrooms shall have a minimum of 75 sqm. with regards to flats, these shall have either a minimum of 25 sqm per flat provide communally, or a minimum of 50 sqm private garden area for ground floor flats and a minimum balcony area of 5 sqm for units above. Policy PEO4 of the emerging Local Plan requires development proposals for 2, 3 and 4 bedrooms houses to have private amenity space to be at least equal to the total internal floor area of the dwelling, and for flats the total private amenity space to be at last equal to the total internal floor area of the dwelling which can comprise areas of communal space and individual gardens or balconies.
- 6.40 It is acknowledged that plots 27 and 35 on the indicative layout plan are below the requirements of policy HG9 (5% of the total number of dwellings). However as a whole, in total approx 3,990 sqm of private amenity space is afforded to the dwellings within this development, as opposed to the total requirement as per policy HG9 of 3,625 sqm, which is around 10% more than the standard set out in policy HG9. All units would fail policy PEO4. It is considered that on balance, although some of the proposed dwellings would not meet the minimum requirements of policy HG9, given that this is only 5% of the proposed dwellings, the proposal creates an acceptable form of development to future users.
- 6.41 Following the previous deferment, Officers have been in negotiation with the applicant to see if the concerns of the committee can be overcome in terms of providing an element of on-site play-space. The applicant has provided within their indicative layout plan an area of play-space to the north-east corner of the application site. This area equates to approx. 100 sqm. The applicant is prepared to transfer ownership of this land to the Council under a Section 106 agreement, with a public open space contribution of £25,000 for maintenance over a 25 year period. This would be in lieu of any off-site public open space contributions required from the applicant (see Other Material Planning Considerations). The Leisure Services dept of the Council have confirmed their acceptance to this proposal.
- 6.42 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design

goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and the places and the integration of new development into the built environment. With regards to this application, the proposed footpath to the north-east corner of the development provides permeability of the site and greater connectivity to the surrounding built form.

- 6.43 With regards to scale, again the applicants have given a general indication of the likely scale of the development. The proposed dwellings are shown to be either 2 or 2.5 storey in height (2 storey maximum height of 9.5 metres, 2.5 storey maximum height of 10.5 metres).
- 6.44 The neighbouring properties on the opposite side of Wittonwood Road are generally 2 storey, likewise the existing development to the east and west of the development site. However, a scheme of this size although needs to be in keeping in terms of scale and massing in relation to the neighbouring properties and local context, requires different height zones to ensure an appropriate rhythm and variety in roof forms to add interest throughout the development, and break up the rhythm of building heights along the street frontage. The proposed dwellings have been designed to maintain an overall similar scale but with varied eaves and ridge heights to create that visual interest.
- 6.45 With regards to design, again the applicants have given a general indication of the likely design of the development. The building form of the proposed dwellings have been designed in accordance with The Essex Design Guide, whereby the traditional buildings of Essex are normally made up of rectangular (not square) plan forms, with pitched roofs spanning the narrower plan dimension. The properties within the surrounding context also appear to have narrow rectangular building forms, and the building form of the proposed dwellings have been sympathetically designed in order to continue this local pattern.
- 6.46 Furthermore, since the previous scheme, the roof pitch of the dwellings has been reduced from 60 to 45/40 degrees, as recommended within the Essex Design Guide. This has reduced the overall scale of the proposed scheme, and is more in keeping with that of the neighbouring properties.
- 6.47 The applicants have given a general indication of the likely appearance and use of materials in the construction of the development, which helps to demonstrate that the design is suitable within its immediate surroundings and local context. The character of the local area is mixed, therefore the modern design with traditional material and built form, together with subtle references from the strong built form of typical coastal buildings, is considered to be an appropriate design response for the site, contributing to a sense of place, although it is not being considered as part of this outline application.
- 6.48 The materials proposed are of a relatively neutral palette, selected of a high quality and aimed to compliment the neighbouring properties and surrounding area. The chosen materials are as recommended within the Essex Design Guide, comprising of facing brickwork, soft render, weatherboarding, and slate roof tiles, although again this is not being considered as part of this outline application, but it provides details of the design consideration gone into this outline application which forms the skeleton of the future reserved matters application.
- 6.49 Based on the land available for development and having regard to localized constraints (existing protected trees), it is considered that developing this site for 37 residential units with associated parking and private amenity spaces could be successfully achieved.

Residential Amenity

- 6.50 Policy QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) states that new

development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

- 6.51 The main issues to be addressed are the effects of the development upon the residential amenity to occupiers of adjoining properties and within close vicinity of the site. Objection has been raised to the scheme in relation to overlooking leading to a loss of privacy as a result of the fenestration layout, and loss of light as a result of the scale and mass of the buildings.
- 6.52 At present the site is vacant and it has not been occupied as residential development in the past, and therefore the existing properties which surround the site have been afforded a greater degree of privacy than might be expected of other existing dwellings in an urban location.
- 6.53 The application is in outline form, with all matters reserved. However indicative drawings have been submitted which indicate building heights to a maximum of 10.5 metres in height (at 2.5 storey height).
- 6.54 Bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows. In this instance, although the application is in outline form, the indicative layout submitted indicates those blocks of new development to be located a minimum of 13 metres away from the boundary with those properties adjacent, and a minimum of 35 metres back to back distance. The Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approximately parallel, a minimum of 25 metres between the backs of houses is usually acceptable, and usually 15 metres away from the boundary of adjacent properties. In this instance the minimum back to back distance on the indicative drawing is 35 metres, whilst the distance to boundary is 13 metres. It is noted however that this is a guideline. It is noted that with careful structural planting as indicated on drawing no. 166.200, it is considered by officers that the development would not result in any adverse impact upon existing residential amenity by way of overlooking.
- 6.55 In any event, the fenestration layouts of the development would be a matter to be considered at reserved matters stage.
- 6.56 Concern has also been raised from those properties opposite the Witton Wood Road frontage with regards to overlooking of their property frontages. Front gardens, and property frontages are not afforded the same protection as private rear gardens and rear elevations, as these frontages usually front onto public highways, such as the case here. As a result, the erection of new dwellings, be it two-storey or 2.5 storey in height, opposite those properties on Witton Wood Road, is not considered to warrant a refusal of outline planning permission due to overlooking.
- 6.57 Concern has been expressed about the proximity of the development to the side (east) elevation of No.16 Witton Wood Road, and the loss of light to windows on this elevation. The indicative drawing indicates a separation distance of approx 4 metres between side elevations. Given that the side elevation of the existing property appears to provide for a side entrance door and secondary windows, and given the distance between the existing dwelling and a proposed dwelling, the refusal of outline planning permission on the grounds of loss of light is not considered to be warranted.

Highway and Parking Issues

- 6.58 Paragraph 4 of the NPPF sets out the criteria for promoting sustainable transport and in this regard stipulates in Paragraphs 34 to 36 how this should be approached. The overall aims and objectives of the NPPF are supported by Policies contained within Chapter 7 of the Tendring District Local Plan (2007) as well as by Policies SD8 and PEO4 of the Tendring District Local Plan Proposed Submission Draft (2012).
- 6.59 Paragraph 34 indicates that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.60 Paragraph 35 further requires that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.
- 6.61 Paragraph 37 stipulates that there should be a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 6.62 In this regard and in support of the outline application, the applicants have submitted a Transport Assessment (TA) produced by Motion Transport Planning which identifies that the site is in a location suitable for development in accordance with national and local planning policy, with Frinton being identified within both the adopted and emerging Local Plans as one of the most suitable settlements for residential development within Tendring. It is within walking distance of stops, schools, employment opportunities and community facilities within Frinton, and of bus stops served by routes providing links to surrounding towns, and of Frinton railway station on the National Express East Anglia line.

Accessibility by Foot

- 6.63 A footway is located on the southern side of Witton Wood Road, and along a section of the northern side of the carriageway from Connaught Avenue to the access road that serves the northeast corner of the site. The surrounding pedestrian network benefits from street lighting and has a number of controlled and uncontrolled pedestrian crossings. A zebra crossing is located immediately to the south of the Witton Wood Road/Connaught Avenue junction, facilitating pedestrian movement to nearby bus stops and local amenities.
- 6.64 In the immediate vicinity of the site the Witton Wood Road footway is 2.3m on its southern side. There is no footway on the north side of the road and the site boundary is coincident with the northern edge of the carriageway.
- 6.65 It is considered that the application site is located within an established area for residential use, which benefits from a setting close to amenities for walking including education establishments, shops, employment opportunities, recreational uses, and health and leisure facilities. Specifically, Frinton on Sea County Primary School is located on the southern side of Witton Wood Road opposite the site, and Tendring College is located approx 1.3 kms to

the northeast of the site on Rockford Way. A Co-Op foodstore is located approx 800 metres to the southeast of the site on Connaught Avenue, together with other amenities (including a post office, banking facilities and health care) that cater for local residents in the centre of Frinton-on-Sea.

Accessibility by Cycle

- 6.66 There are no formal cycle routes within the immediate vicinity of the site. However, given the general width of local carriageways it is considered that cycling can take place on the surrounding road network.

Accessibility by Bus

- 6.67 The nearest bus stop is located on Connaught Avenue approx 450 metres to the east of the site. This bus stop provides access to southbound services for bus routes 9 and 13. The nearest bus stop for northbound services is located on Elm Tree Avenue approx 570 metres to the northeast of the site. Further bus stops providing access to additional bus routes (7, 7X, 105 and 109) are located on Frinton Road approx 540 metres to the northeast of the site.

Accessibility by Rail

- 6.68 The nearest rail station is Frinton-on-Sea, located approx 350 metres to the east of the site. National Express East Anglia operates hourly services to Walton-on-the-Naze and Colchester. This service stops at a number of local destinations, including Thorpe-le-Soken where it is possible to change for services to London Liverpool Street. Frinton-on-Sea rail station is an approx four minute walk journey from the application site.
- 6.69 Based on the above it is considered that the application site would comply with the aims and objectives of the NPPF as well as Local Plan Policies with regard to sustainable transport.

Access

- 6.70 Wittonwood Road is a two-way carriageway of varying width but generally 5.5m-6m wide, subject to a speed limit of 30mph. In the immediate vicinity of the site the carriageway width varies between 4.3m wide at the east end of the site and 4.8m at the west of the site, and reducing to a width of 3.7m at its narrowest point.
- 6.71 Access has been reserved for future consideration, however the indicative layout provides for a new point of vehicular access from Witton Wood Road to serve the development. A footway is to be provided adjacent the sites frontage to Witton Wood Road, and the point of access at the northeast corner of the site is to be retained for pedestrian and cycle access.
- 6.72 The width of the carriageway along the site frontage will be locally widened to maintain a 4.8 metre width over a longer length before tying in the existing width at the eastern boundary of the site. Consequently the existing 3.7 metre wide pinch point will be removed and the passage of two-way passing traffic improved.
- 6.73 Following the previous deferment, Officers have discussed this point in more detail with the applicant to see if the concerns of the committee can be overcome. Unfortunately, the applicant does not own the land to the east (the existing vehicular access to the reservoir site), but there is an historic right of way which can be used by pedestrians. A letter and Title Deed received from the applicant's solicitors confirms this. As a result, this existing access can only be utilised by this development for pedestrian movements only. In

addition, the highway authority would not support provision of an access an angle so far from 90^D to Wittonwood Road.

Parking

- 6.74 The adopted 2009 parking standards require residential units with one bedroom to be provided with at least one parking space, whilst residential units with 2 bedrooms or more, to be provided with at least two parking spaces. Furthermore, development sites should provide unallocated visitor spaces at 0.25 spaces per residential unit. These standards can be reduced in sustainable locations.
- 6.75 The indicative layout drawing provides for 73 car parking spaces in total for the development. It is intended to allocate parking to provide two parking spaces per unit for the 37 houses. In addition, 8 unallocated parking spaces will be available for use by visitors to the development. Furthermore, the parking spaces and garaging sizes comply with the adopted dimension sizes.
- 6.76 The proposed level of car parking is considered to be appropriate for the intended development mix in this sustainable location.

Delivery and Servicing

- 6.77 The indicative layout of the site allows a 10 metre rigid vehicle and refuse vehicle to enter from Wittonwood Road, turn on site, and exit in forward gear. Swept path analysis for these manoeuvres have been provided. Emergency vehicles would also therefore gain access to the site unhindered.
- 6.78 Essex County Council as the Highway Authority has been consulted on the proposed development, and they raise no objection subject to standard conditions as outlined above.
- 6.79 Based on the above it is considered that the application site would comply with the aims and objectives of the NPPF as well as Local Plan Policies with regard to highway safety and parking requirements.

Biodiversity

- 6.80 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of the Natural England and other appropriate authorities.
- 6.81 Officers note that no part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.82 In support of the application an Ecological Assessment prepared by Eco-Planning UK has been submitted. The report concluded:
- No part of the development site or any adjacent area has any statutory or non-statutory conservation designation or status
 - No part of the development site or any adjacent area has a BAP Priority Habitat designation and is not included within the Habitat Inventory.
 - Most of the site is a closely mown amenity space area with very limited structure and floral diversity to the sward, no conservation value.

- There are two areas where this mowing regime has not been maintained, adjacent to the western boundary and in the grounds of the abandoned properties (scout hut) to the south of the site. In both of these areas a combination of ecological succession and limited management has created a rich grassland scrub matrix that could provide suitable habitat for a small population of reptiles.
- Any such population, determined by a suitable presence or absence survey) could be successfully retained within the site as part of its development.
- The mammal related scrapes within the mown grass areas are all due to rabbits, there is no badger activity on any part of the site, and a badger sett survey is therefore not required.

6.83 Following this survey a reptile presence or absence survey was undertaken, and the survey found the following:

- The presence of a small population of Slow Worms adjacent to the west, south west boundary.
- No reptiles of any species were found within the grounds of the abandoned scout hut or any part of the wider site.

6.84 With regard to these survey's it is noted that the original ecological report was undertaken in October 2009, whilst the reptile survey was undertaken in the Summer of 2010. It is also noted that the abandoned scout hut building has now been demolished and remnants remain on site.

6.85 Natural England were original consulted in July 2011, and in response to the application including the ecological and reptile survey's, they were overall satisfied with the assessment of impacts to habitats and species present within the development site, subject to the inclusion of avoidance and mitigation measures as proposed that satisfies that designated species should not be significantly affected as a result of the proposals.

6.86 Natural England were re-consulted on the amended scheme, which reduces the density of development down to 38 residential units, and they state that their advice applies equally to the amended scheme, and that the amended scheme relate largely to design and are unlikely to have significantly different impacts on the natural environment than the original proposal. However, Natural England do state on their own website, that such survey's as those submitted should not be over 2-3 years old, and as a result, it is considered that a condition should be imposed to require further ecological surveying at reserved matters stage before any clearance of the site or commencement of development on the site occurs, to ensure that the mitigation is still appropriate for the current situation.

6.87 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Arboriculture/Landscaping

6.88 The proposals have been assessed by the Council's Tree and Landscape Officer who offers the following comments:

6.89 The applicant has submitted a full tree survey and report that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. The report has taken into account the importance of the trees covered by Tree Preservation Order 11/45 and has made adequate provision for their retention and protection for the construction phase of any development for which consent may be granted. The reduction in the density of the proposed development and the

greater separation between the dwellings and the boundary as shown on the amended outline site layout has reduced the impact of the trees on the private amenity spaces serving plots 11 to 17. The dwelling with the closest point to the boundary being the gable end of plot 17: this being unlikely to cause unreasonable shading. The layout has identified those areas where specialists 'no dig' construction techniques will be used to avoid causing physical harm to the protected trees. If the recommendations contained in the tree survey and report are adhered to the development proposal could be implemented without a significant diminishment of the amenity value of the protected trees. Should consent be granted it will be necessary to attach a condition to secure new landscaping to enhance the appearance of the development.

- 6.90 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to existing trees boarding the site including those which are protected, in keeping with the aims and objectives of National and Local Plan Policies as set out above.
- 6.91 Following the previous deferment, Officers have discussed the issue raised with regards to landscaping to include secured by design measures. The applicant is fully aware of the issue raised and confirms the reserved matters application will address matters such as boundary treatment and landscaping. Officers confirm any Reserved Matters application will be reported to Planning Committee.

Noise Impact

- 6.92 Due to the proximity of the application site to the railway line adjacent the northern boundary, the applicants have commissioned an environmental noise survey of road and rail traffic to determine the impact of noise and ground-borne vibration on residents of the proposed development, against the relevant industry guidelines.
- 6.93 The report concludes that the assessment demonstrates that the noise impact is generally low, and with suitable glazing and ventilation, the amenity of residents of the proposed development will not be adversely affected by environmental noise or ground-borne vibration.
- 6.94 Furthermore, the assessment demonstrates that the ground-borne vibration from existing rail traffic is at a level well below the threshold for 'low probability of adverse comment' recommended by the relevant standard.
- 6.95 However, noise in the gardens of the proposed plots closest to the railway is predicted to be just above the limit recommended in the relevant guidelines. The report there recommends that a close-boarded fence to a height of at least 1.8 metres is erected along the north boundary of the site to ensure the relevant guideline limit is met.
- 6.96 As a result, it is considered the following conditions are imposed on the permission; suitable double glazing with Weighted Sound Reduction Index (Rw) of at least 33dB should be incorporated into habitable rooms of the proposed dwellings; and an unbroken close boarded timber fence at least 1.8m high should be erected along the entire northern boundary with the railway line.
- 6.97 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to the residential amenities of future occupants, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Drainage and Flood Risk

- 6.98 The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.99 The applicants have submitted a Flood Risk Assessment as part of the application which highlights the fact that with reference to the Environment Agency Flood Maps the site is located entirely within Zone 1 – at low risk of flooding, as defined by Table 1 of the Technical Guidance to the National Planning Policy Framework (having a less than 1 in 1000 annual probability of river or sea flooding in any year).
- 6.100 With regards to the information submitted within the FRA, the Environment Agency had issued a holding objection on the grounds that there is insufficient evidence in the FRA to demonstrate that surface water can be adequately managed through a defined offsite pathway to the Anglia Water Sewer network. They stated that their objection could be overcome by clearly demonstrating that there is a viable option for discharging surface water generated by this development into a wider surface water sewer network, and that this could be demonstrated through further investigation with Anglia Water Services Ltd.
- 6.101 Likewise, Anglian Water Services Ltd had commented that the surface water strategy/flood risk assessment submitted with the planning application was unacceptable.
- 6.102 However, Anglian Water has confirmed that their comments failed to take into account a report prepared by themselves following Ardent Consulting's (the applicant's drainage consultant) proposed surface water drainage strategy for the site, which showed that the applicant could secure a surface water outfall without discharging to the combined sewer to the south of the site.
- 6.103 Anglia Water have noted that the EA have objected to the surface water proposals pending confirmation that Anglia Water can accept the flows, and this has now been provided by the applicant's drainage consultants. Therefore AW agree a surface water condition would satisfy their concerns with regards to this matter.
- 6.104 The Environment Agency were re-consulted following the submission of Anglia Water's comments, and have confirmed that based on the clarity provided by Anglian Water Services Ltd, the EA are able to remove their objection to the planning application, and advises that planning permission should only be granted if a surface water drainage strategy condition is imposed.
- 6.105 Following the previous deferment, Officers have discussed drainage in more detail with the applicant. The applicant confirms that full details will be submitted at Reserved Matters stage but the agreed surface water strategy will include measures such as permeable paving, i.e. SUDs features. In any event SUDs principles will be a requirement of the condition discharge
- 6.106 With regards to foul sewerage network, AW have assessed the impact of gravity flows to the applicant's preferred connection point, and they confirm that this is acceptable as the foul sewerage system, at present, has available capacity for the site (the connection point will be to manhole reference 2301 in Wittonwood Road).
- 6.107 Based on the details contained within the FRA and Pre Planning Assessment Report (0411/FR1(005) by Anglian Water, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed

development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Site Contamination

- 6.108 The applicants have submitted an environmental report with the application. The results of the soil chemical testing in the report indicate a slightly elevated concentration of benzo(a)pyrene within the made ground fill material. Benzo(a)pyrene has not been reported above the limits of detection for the analysis in other natural material across the site, and accordingly fill material associated to the existing buildings and areas of hardstanding are potentially not suitable in garden areas or areas of soft landscaping in the development and as such any areas of made ground identified on the site during demolition should be tested for its suitability for re-use of the site.
- 6.109 The report states that in general the topsoil and natural ground investigated at the site area is of good quality and could be used within areas proposed as private/communal gardens. However, the report states that the investigation was limited to soft landscape areas, and as such the following works are considered to be required and carried out; a type-3 asbestos survey of the buildings on the site; and post demolition ground assessment within the base of the water tower, reservoir, and buildings and associated shallow ground of the areas currently covered by hardstanding.
- 6.110 These works are therefore required as planning conditions to ensure the development of the site during site clearance, construction and post occupation is safe.

Other Material Considerations

Section 106 Obligations

- 6.111 As part of the application assessment of this scheme, the applicants have submitted a development viability report which was independently assessed by the District Valuation Service. It concluded that the proposal can not support a payment (section 106 contributions) in relation to all contributions required by this particular development i.e. affordable housing, education and public open space.
- 6.112 This type of application would attract on-site provision of 9.25 affordable dwellings (policy PEO10), £118,856 for Education (policy SD7), and £99,874 for Public Open Space (policy PEO22).
- 6.113 In this instance, and following negotiations with the applicant and Ward Member following the previous deferment, it was considered that affordable housing and provision of on-site play-space in lieu of off-site public open space contributions were of priority importance and met the CIL regulation tests. A new section 106 agreement will need to be drafted by solicitors to accommodate the revisions sought.

Other Issues

- 6.114 The application site is within the extension to the Frinton Conservation Area. Policy FWK4 of the emerging plan states amongst other things, development will not be permitted unless the proposal is of a design and or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces. There are objections to this policy and Essex County Council have challenged the policy as the proposed extension is not based on evidence. Given the small number of objections questioning the justification of the policy the policy might not survive public examination by the Local Plans Inspector. As a result the application is not considered to warrant a refusal on this policy alone.

- 6.115 Concerns have been raised with regards to over-subscribed local amenities, such as schools, dentists and doctors surgeries. With regards to schools, Essex County Council has acknowledged a forecasted short fall in primary school places, however given the viability issues with the development of the site, and the priority given to financial contributions towards provision of on-site affordable housing and play-space, a financial contribution towards education provision has not been sought.
- 6.116 With regards to doctor surgeries and dentists, the lack of such facilities are not considered to warrant a refusal of outline planning permission. The development proposal is not overly large in the number of proposed residential units, and the requirement of such facilities is not considered to met the CIL regulations in terms of making this particular development acceptable in planning terms. The requirement of any new doctors surgeries and/or dentists in this particular instance should be left to market conditions.
- 6.117 With regards to the Ward members particular concerns, most of these issues have been addressed in the Officers report above. With regards to a project of this size near to conservation area requires details, it is noted the Frinton Conservation Area boundary is approximately 100 metres to the east of the application site (where measured from the existing entrance to the site). This distance is considered sufficient so as not to have an adverse impact on the setting of the conservation area.

Background Papers

None