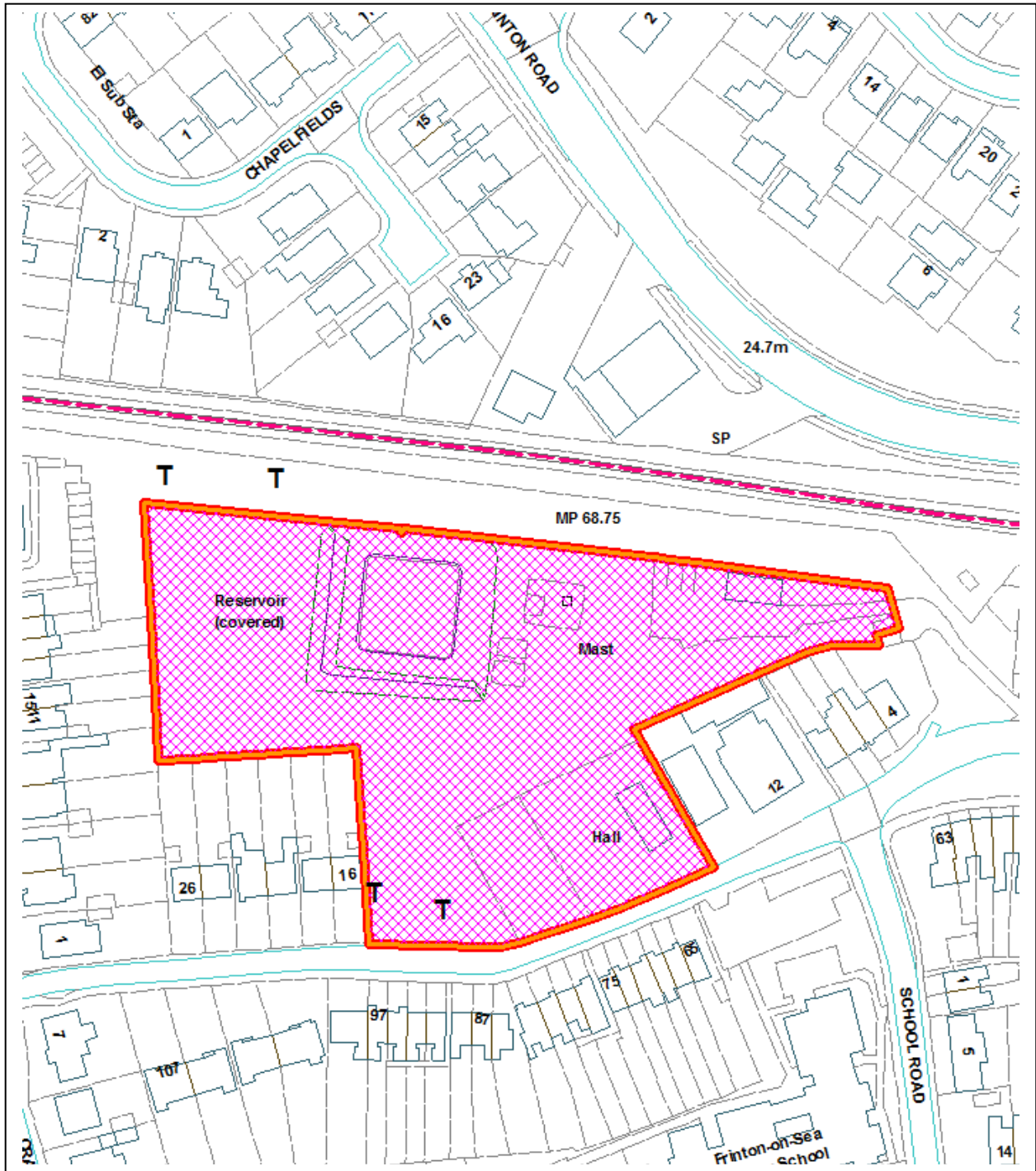


PLANNING COMMITTEE

3RD MARCH 2015

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 14/01447/DETAIL - LAND TO THE NORTH OF WITTONWOOD ROAD FRINTON-ON-SEA, CO13 9LB



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Application: 14/01447/DETAIL **Town / Parish:** Frinton & Walton Town Council

Applicant: Persimmon Homes

Address: Land to The North of Wittonwood Road, Frinton-on-Sea CO13 9LB

Development: Submission of reserved matters pursuant to outline planning permission 11/00796/OUT for the creation of 37 no. two, three and four bedroom houses, plus associated roads, car parking, landscaping and public open space.

1. **Executive Summary**

- 1.1 This application was deferred from Planning Committee on 3 February 2015 for Officers to negotiate the following issues; number of dwellings; contribution to equip play areas; and provision of footpaths within the site. These issues are discussed at the end of this report under paragraph 7.
- 1.2 The site forms part of an allocation within the local plan and as a result the principle of development was considered acceptable when members approved outline permission for the construction of 37 residential dwellings under planning reference 11/00796/OUT subject to a legal agreement relating to the following matters:
 - (a) Affordable housing on site (3 units)
 - (b) Provision of public open space on site (minimum of 100 sqm)
- 1.3 That application was in outline form with matters of scale, layout, appearance, access and landscaping reserved for later consideration.
- 1.4 In accordance with members' request the current application is before members seeking consent with regard to the reserved matters of scale, layout, appearance, access and landscaping.
- 1.5 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 approval.

Recommendation: Approve Reserve Matters

Conditions:

1. Approved Plans
2. Details of the new play equipment, the timing of provision and the arrangements for handing over the completed scheme to be agreed.

Informative:

The applicant is reminded that those conditions attached to outline planning permission 11/00796/OUT remain extant and of effect.

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

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
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

- 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) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

- 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
- PEO2 Housing Trajectory
- PEO3 Housing Density
- PEO4 Standards for New Housing
- PEO7 Housing Choice
- PEO8 Aspirational Housing
- PEO9 Family Housing
- PEO10 Council Housing
- 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
- PEO1 Housing Supply

Other Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

3. Relevant Planning History

11/00796/OUT	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.	Approved 30/06/2014
14/01644/ADV	1 no. freestanding, non-illuminated sales sign.	Pending Consideration
14/01813/DISCON	Discharge of condition 5 (materials), 9 (hard landscaping), 10 (screen walls and fences), 12 (refuse and recycling storage facilities), 13 (external lighting), 14 (existing and proposed levels), 16 (foul water strategy), 17 (surface water drainage strategy), 20 (full method statement), 28 (estate roads and footways) and 37 (play space area) of planning permission 11/00796/OUT	Pending Consideration

4. Consultations

- 4.1 Frinton and Walton Town Council have objected to the proposal. Their comments are listed below:
- Overdevelopment of the site, too great a bulk and mass.
 - Lack of infrastructure
 - Would prefer to see the positioning of the play space central to the development
 - Lack of detail in regard to the provision of off road parking for vehicles whilst construction is taking place – which would, if not addressed, create disruption and stress to neighbouring properties and residents.
- 4.2 TDC Building Control – As the site is relatively flat there is an expectation that level approaches to the principal entrance doors will be provided, or where site conditions dictate, ramped approaches.
- 4.3 TDC Public Experience (Environmental Services) – Advise a Best Practice for Construction and Demolition Sites condition is attached to any permission. *Already attached to the outline permission*
- 4.4 TDC Housing – Housing would be willing to take these properties, subject to price.
- 4.5 Environment Agency – The information submitted under reserved matters is outside our remit. We look forward to receiving information on a surface water drainage scheme for the site as requested in a condition in our previous letter dated 3 October 2013.
- 4.6 Essex County Council – Flood and Water Management Team – Advisory informal comments have been provided. Having reviewed the Sustainability Report and Plot Drainage Layout we have deemed that there is too little information to sign off details relating to drainage for this site.
- 4.7 Essex Police (Architectural Liaison Officer) - Essex Police do not object to this application. It appears to make good use of this piece of land. The general layout is acceptable for certification of the Police award Secured by Design. On this point I would ask a condition of planning should the development achieve permission would be that all housing affordable and for sale/rent achieve SBD certification. The developer has a history of achieving this award on many of their sites and this would not cause any inconvenience or unnecessary

cost to them on this development. SBD also aid their intention of developing a sustainable development. SBD also meets the L.As requirements under sec 17 Crime and Disorder act. Crime free site have a lower carbon footprint again supporting all parties targets in reducing carbon outputs.

4.8 Essex County Council Highways Authority – The Highway Authority raises no objection subject to the following conditions:

- Principal access and carriageways to be constructed in accordance with submitted drawings.
- No dwelling to be occupied until car parking area for each plot is completed.
- No unbound materials shall be used in the surface treatment.
- Pedestrian visibility splays.
- Size 3 vehicular turning head to be provided.
- Details required of estate roads, footways, levels, gradients, surfacing and drainage.
- Carriageway of the estate road to be constructed up to road base level prior to commencement of the erection of any dwelling intended to take access from that road.
- Details for the provision of cycle storage to be provided.
- Provision of a Residential Travel Plan.
- Details of a Construction Method Statement to be provided.
- Footway to be provided across the sites frontage (minimum of 2m wide).
- Carriageway of Wittonwood Road to be completed in accord with submitted drawings to a minimum of 5m in width.

4.9 Essex County Council Education Services – No comments received, but comprehensive comments received at outline application stage.

4.10 Essex Wildlife Trust – No comments received.

4.11 Anglian Water Services Ltd – No comments received.

4.12 Network Rail – Advisory comments received.

4.13 Natural England – Advisory comments received.

5. Representations

5.1 Frinton Residents' Association have objected to the proposal. Their comments are listed below:

- Wittonwood Road is a bottle neck
- Development will increase traffic movement
- Impact on residential amenity due to noise and headlights from traffic exiting the development
- Parking provision is inadequate
- Concern over lack of footpaths and safety implications
- Positioning and design of play area inadequate
- School and Health provision already severely stretched
- Disruption to the area during construction of development
- Size of houses and room sizes too small

5.2 A total of 14 representations have been received for this application:

- Local Services already oversubscribed including doctors, schools, hospitals, and underground services.

- Highway safety concerns.
- High employment area – further drain on local resources.
- Concerns over parking for construction staff.
- Highway used for parking by existing residents, which would be lost to new residents.
- Concerns over road width.
- Access to the site should be from the old waterboard entrance.
- Frontage of the development forward of existing building line.
- Design concerns over the two dwellings either side of the vehicular access.
- The housing allocation for Tendring is only considered fair if the infrastructure can support it.
- Ecology concerns over loss of site to housing.
- Concern regarding increase in noise levels and loss of privacy from overlooking.
- Overdevelopment.
- No improvements to the sewers or surface water.
- Site would be better being used as a play area.
- Potential danger to pedestrians using Wittonwood Road.

5.3 Councillor N W Turner (Ward member for Frinton) has requested that this application be determined at Planning Committee with his concerns outlined below:

- Density – the draft LP indicates an indicative number of 30 dwellings on this site. Outline granted for up to 37. The extra 7 dwellings represents an increase of 23.3%. This is an overdevelopment.
- Reducing the number would enable sufficient road widening of Wittonwood Road.
- Internal roads cannot be brought up to County Standard for adoption.
- No pavements on the development.
- Less development would allow more on site car parking.
- Not enamoured by the architecture
- Local school large waiting list
- Concern over headlights in use leaving development
- Affordable housing only 8.1% offered
- No appropriate facilities for cyclists.

6. Assessment

6.1 The main planning considerations are:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Access:** To include vehicular, pedestrian and cycle access to the site and the way they link up to roads and pathways outside the site.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area, this could include the planting of trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to the buildings.
- **Scale:** Includes information on the size of the development, including the height, width, and length of each proposed building.

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 Wittonwood 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 Wittonwood Road.

Proposal

- 6.6 This is a reserved matters application for the development of the site for 37 residential properties with associated garages, roads, car parking, landscaping and public open space.
- 6.7 All matters in relation to appearance, landscaping, layout, scale and access will be considered as part of this current application.
- 6.8 As was reported at outline stage the development would comprise a mixture of residential dwelling types with associated garages, consisting of two, three and four bedroom houses. The proposal provides for 4 x 2-bed units, 26 x 3-bed units, and 7 x 4-bed units.
- 6.9 Public open space is located within the north-east corner of the application site, with a footpath/cycle link to the east.
- 6.10 New planting would form an integral part of the scheme and detailed matters in this regard will be considered as part of the current application.

Planning History

- 6.11 Outline planning application 11/00796/OUT was an outline application with all matters reserved for later consideration. Permission was granted subject to the completion of a S106 agreement to secure:
- Affordable housing delivered on site (3 units)
 - Provision of public open space (minimum of 100 sqm)
- 6.12 A document securing the above contributions was completed and signed by all parties resulting in formal approval of outline application 11/00796/OUT on 30th June 2014.
- 6.13 The application before members deals with the matters that were reserved for future consideration. These were appearance, landscaping, layout, scale and access. In law no other issues can be considered. Therefore the principle of development of the site with 37 dwellings is not an issue that is before members for consideration.

- 6.14 Since the granting of outline permission the application has been the subject of a members pre- application meeting to discuss a number of issues and the applicant has considered the points raised prior to the submission of the current application. The key points to come out of the pre- application meeting included:
- Members would prefer the tree at the front of the site to be retained (in front of unit 1);
 - Consider pushing back frontage of development to allow increase in width of Wittonwood Road;
 - Include details in application of garden sizes, house sizes, number of and size of parking spaces;
 - If road is not adopted ensure that standards are not dropped;
 - Ensure that development does not become a gated community;
 - Proximity of parking to properties and clear identification of these;
 - Consider proportions of dwellings and a variation of materials;
 - Consider use of sustainable energy measures;
 - Council housing is not different from other designs and mixed into site;
 - S106 details to be considered – Council housing and play area.
- 6.15 The above issues will be considered and discussed in the appraisal below.

Appearance, Layout and Scale

- 6.16 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.
- 6.17 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Councils commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.18 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 sq.m whilst houses with two bedrooms shall have a minimum of 75 sq.m. Policy PEO4 of the draft 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.
- 6.19 In this instance, most units would meet the policy requirements of policy HG9. However some units would fail the garden space requirements under policy PEO4. It is considered that given the status of the draft Local Plan, limited weight can be applied to the policies contained within it, particularly PEO4 which received significant objection.
- 6.20 It is acknowledged units 1 and 2, and units 35, 36 and 37 would fall short of policy requirements HG9 (unit 1 and 2 both three bedroom units with 98 sqm and 92sqm amenity space, whilst units 35, 36 and 37 are all two-bedroom units with 70 sqm, 68sqm and 69 sqm amenity space). The reason these gardens sizes are slightly under sized is that officers have asked for these dwellings to be pushed back from the highway slightly to more comfortably address the street scene with neighbouring properties at Nos 16 and 14 Wittonwood Road. Members are advised this is not considered to represent an overdevelopment of the site, as the original drawings indicated garden sizes in accordance with policy HG9, but the compromise to slightly reduce the garden sizes was felt justified and acceptable in this instance to help assimilate the development into its wider street scene context.
- 6.21 Furthermore, units 26 and 27 have slightly reduced garden sizes (both units are three-bedroom units with 95 sqm and 92 sqm of amenity space). Again members are advised this

is not considered to represent an overdevelopment of the site, but the gardens are slightly reduced to ensure the future amenity of unit 25 is secured with the provision of a side access which results in the slightly reduced gardens.

- 6.22 In addition members should note that there is significantly more open space provided within the scheme than required by local plan policies, in particular the public open space to the north-east of the application site. Having regard to the above officers consider that on balance the gardens sizes proposed are deemed to be acceptable, and the proposal creates an acceptable form of development to future users.
- 6.23 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.
- 6.24 A scheme of this size, requires different height zones to ensure an appropriate rhythm and variety in roof forms to add interest throughout the development, and break up the 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.
- 6.25 With regards to scale, the proposed development is mainly two-storey in height, although a small number of units (units 18, 19, 22 and 23) are two and a half storey in height with the intention of units 22 and 23 to create a focal end stop to the main vista into the site. In order to create a strong sense of place, the proposed scheme demonstrates variations in character through variations in design as well as the utilisation of a wide but simple pallet of materials. However it is acknowledged that the two and a half storey gateway feature into the site has been omitted as requested by members at the pre-application meeting, although these units retain a height hierarchy over the other Wittonwood Road frontage development to help emphasise the gateway into the site, in the interests of good urban design.
- 6.26 The overall scheme contains traditional Essex house types with simple elevations in a traditional layout with shallow front gardens and front doors that address the street. However, the design ethos strongly builds upon the two different characters created by the Victorian street immediately opposite the site and The Avenues further to the south, with a variation in the use of materials such as the use of a hanging tile and red bricks for the properties each side of the entrance into the site, to emphasise the character of The Avenues on these key plots. Throughout the site the remainder of the materials have been kept simple, combining red and buff bricks with dark red and grey tiles, reflecting the theme of keeping the proposed new homes simple to match the Victorian properties elsewhere in the street. However, the new homes will not be plain, detailing inspired by the nearby Victorian properties is added in the form of projecting brick courses, gable features, finials, scalloped barge boards, and brick heads and cills to the windows. Precise details of materials have been submitted as part of condition 5 of the outline planning permission and these are currently being considered as part of application 14/01813/DISCON (discharge of conditions application).
- 6.27 A footpath/cycle link has been provided to the east of the site (in line with condition 36 of the outline permission), together with a public open space which is provided with natural surveillance from overlooking properties to the west and south. Whilst concerns have been raised over the location of the play area, officers consider that given the close proximity of the site to Frinton town centre, and the amenities within, the footpath/cycle link is likely to be well used and assists in integrating the development into the wider site context, and offers greater permeability of the site in the interests of good urban design. As a result, the

location of the play area is not considered to be inappropriate as it is located next to a likely well used footpath link.

- 6.28 The affordable housing units (units 26-28) are provided towards the north-east area of the site in small terrace group. The properties have been designed tenure blind, that is to say the appearance of the properties will be no different to the remainder of the new homes. The affordable units are grouped together, as opposed to scattered throughout the development, as this simplifies their on going maintenance, and is supported by the Council's Housing dept. It is also noted that a similar arrangement was approved recently by Planning Committee under reference 13/01481/FUL for 40 dwellings at Land north of Abbey Street, Thorpe-le-Soken.
- 6.29 Members at the pre-application meeting were concerned about the development not becoming a gated community. The applicant confirms no gates are proposed as part of the scheme, and the addition of gates at a later date would require separate planning permission, allowing the Council to retain control of the matter.
- 6.30 Overall, officers consider the appearance, layout and scale of the submitted details to be acceptable.

Residential Amenity

- 6.31 Policy QL9 and 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.
- 6.32 It is noted that 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.
- 6.33 In this instance, the layout submitted indicates the rear elevations of Units 11-17 to be located a minimum of 14 metres away from the boundary with those properties adjacent to the western boundary (at Branscombe Close), and a minimum of 36 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.
- 6.34 Whilst the back to back distances comply with the guidelines in the Essex Design Guide, the distance to boundary to falls slightly short of the 15 metres guideline. It is noted however that this is a guideline. It is noted that the Tree Survey Plan submitted with the application indicates the retention of trees and hedgerows within the boundary between existing properties and proposed which would also obscure views towards the rear gardens of the existing properties. It is therefore considered by officers that the upper floor windows from units 11-17 will not result in any significant adverse impact upon existing residential amenity by way of overlooking.
- 6.35 Concerns have been raised with regards over headlights in use leaving the development. Vehicular access to the site was defined under condition 26 of the outline planning permission to be from Wittonwood Road, and as previously stated the site has been the subject of a housing allocation in the 2007 Local Plan and the draft 2012 Local Plan. Therefore the development of the site for housing and vehicular access into the site has been identified already from Wittonwood Road. A topography survey submitted under

14/01813/DISCON identifies that the site slopes down to Wittonwood Road towards the road and not up towards the existing houses opposite. As a result headlights from vehicles leaving the site should not be directed towards opposite windows, and in any event the infrequency of vehicles leaving the site after daylight hours is not considered to amount to an adverse impact upon residential amenity to warrant a refusal of detailed planning permission.

Access

- 6.36 The vehicular access into the development is from the southern boundary of the application site fronting Wittonwood Road.
- 6.37 The width of Wittonwood Road has been increased to minimum of 4.8 metres as required by condition 33 of the outline permission, but as discussed at the pre-application meeting the widened road tapers to meet the south-western corner of the property at No.14 Wittonwood Road in order to avoid the carriageway running straight up to the boundary fence of this property. The widened road is shown coloured grey on the proposed Development Layout drawing, demonstrating that the pinch point opposite No.67 Wittonwood Road has been addressed, and that the narrowest point of the road is now outside No.14 Wittonwood Road (approx 4.7 metres in width).
- 6.38 The submitted details have been assessed by the Highway Authority who has no objection subject to the scheme complying with the highway conditions attached to the outline permission.
- 6.39 The applicant has submitted a drawing indicating the extent of the adoptable highway, which includes an adopted 2 metre wide footpath fronting Wittonwood Road which extends into the site by approx 15 metres and a section of the road leading into the site, with the private roads heading off to the corners of the site. The applicant confirms the private roads will be built to adoptable standards and will be capable of being used on a regular basis by refuse vehicles, maintenance vehicles, emergency vehicles etc.
- 6.40 Concerns have been raised regarding the use of shared surfacing within the development. The use of shared surfacing reflects the low level of vehicle movements and are an important element of the Essex Design Guide and can be adopted by the Highway Authority. The use of shared surfacing reflects that it is not always necessary to differentiate between the space for pedestrians, cyclists and vehicles, and allows the users of the streets to share the public realm and prevents cars from dominating the space and creates room for the residents to interact, including making room for children to play within view of their own homes.
- 6.41 The Highway Authority has not objected to the use of shared surfacing, and is a well-used form of street make-up encouraged within the Essex Design Guide, and used within developments elsewhere in the district.
- 6.42 The submitted drawings provide details of parking for the development, including visitor parking. The proposals are in accordance with the adopted parking standards, in that each dwelling is afforded 2 off street parking spaces with the correct dimensions, and the development site is afforded 9 visitor parking spaces in line with the parking standards (0.25 spaces per dwelling).
- 6.43 Members at the pre-application meeting were concerned about the proximity of parking to some properties and that these should be clearly indicated. The applicant confirms the parking spaces are allocated to the plot that they serve, and will be conveyed as part of the curtilage of the property to ensure they remain as part of the property.

Landscaping

- 6.44 The applicant has submitted an Arboricultural Implications Assessment and Strategic Soft Landscape Proposal, together with details of hard landscaping which sets out the hard and soft landscaping strategy for the development site.
- 6.45 The submitted details confirm the retention of the protected Oak trees to the south and north-west of the site and additional planting of hedgerows, standard and heavy standard trees and shrubs.
- 6.46 The Council's Principle Landscape and Tree Officer has been consulted and finds the proposals acceptable.

Biodiversity

- 6.47 Condition 11 of the outline planning permission required the submission of a detailed ecological management scheme and mitigation plan following further survey work to establish the presence or absence of protected species within the site.
- 6.48 Following a walkover survey undertaken by Southern Ecological Solutions, a Reptile Presence/Likely Absence Survey has been undertaken, together with Bat Activity Survey and Badger Survey.
- 6.49 The Reptile Presence/Likely Absence Survey identified that a small population of common lizards and slow worms were present on the application site. Having followed acceptable trapping techniques, the reptiles have been translocated from the site to the Holland Haven County Park and reptile exclusion fencing remains on site to prevent any further reptiles from entering the site.
- 6.50 The Bat Survey identified the site as having an insignificant value to local bat populations and with the current proposals of residential properties and associated gardens it is thought the development is unlikely to result in adverse impact through habitat loss. The survey concluded that with appropriate mitigation of lighting impacts, and enhancement of planting schemes with plants of known value to local bat populations, the development of the site is predicted to result in a neutral effect on the local bat population.
- 6.51 The issue of lighting is controlled by condition attached to the outline planning permission, whilst the applicant's ecologist team confirm the majority of the hedgerow species as well as some other herbaceous and shrub plants are of benefit to bats.
- 6.52 The Badger Survey identified that no badger setts or signs of use of the site by badgers were present.
- 6.53 Given the conclusion of the surveys, it is considered the proposed development will not have an adverse impact upon protected species.
- 6.54 Paragraph 118 of the NPPF states when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (inter alia) opportunities to incorporate biodiversity in and around developments. Condition 11 of the outline planning permission required a detailed ecological management scheme and mitigation plan, and whilst mitigation has been successfully applied with the translocation of reptiles, opportunities exist through the ecological management scheme to provide further opportunities to incorporate features into the design and layout of the site which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats and/or bird boxes within the mature trees within the site, and/or the potential to use materials from the demolition of the former scout building to provide a hibernacula within the public open

space. Given that the ecological management scheme is still required by condition 11 no further conditions are required.

Drainage and Flood Risk

- 6.55 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.
- 6.56 A Flood Risk Assessment was submitted 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).
- 6.57 Conditions 16 and 17 of the outline planning permission require details of a foul water strategy and surface water drainage strategy before the commencement of development. Details for both conditions 16 and 17 have been submitted and are currently being considered as part of application 14/01813/DISCON (discharge of conditions application).

Other Matters

- 6.58 Concerns have been raised by the Frinton Residents Association over the disruption during the construction phase, and the lack of any plan identifying where construction traffic is to park, especially given their concerns over the condition of Wittonwood Road.
- 6.59 Condition 31 of the outline planning permission requires details of on site parking facilities for construction works and vehicles, loading and unloading areas for construction materials, and turning facilities. Details to discharge this condition have not to date been submitted, but these details will be required (and the Highway Authority consulted) before development can commence on site.
- 6.60 Likewise, condition 20 of the outline permission requires details to be submitted with a full method statement providing hours of working, noise and dust mitigating measures, in order to protect existing amenities of neighbouring properties. Details to discharge this condition have not to date been submitted, but these details will be required (and the Environmental Health team consulted) before development can commence on site.
- 6.61 Concerns have been raised with regards to the size of the proposed properties, and the dimensions of proposed rooms within, and whether they meet the specifications of the London Standards (London SPG (2012) on housing. These concerns have been put to the applicant who confirms the proposed new homes do not meet the internal space standards set out in the London Plan (Policy 3.5 and Table 3.3) or the GLA's Housing SPG (part 2.3). However, neither document forms part of the development plan for the district and cannot be taken into consideration in the determination of the reserved matters. Furthermore, draft policy PEO4 in the emerging Local Plan can only be given limited weight at the moment – the 2012 version was substantially redrafted earlier this year and it has not been tested at inquiry, therefore it has almost no status in relation to the consideration of the proposed scheme and, at best, can be considered to be an aspiration. Officers would agree and the proposal is not recommended for refusal on the grounds that the proposed dwellings do not meet the London Standards in terms of internal space standards.

- 6.62 Concerns have been raised with regards to over-subscribed local amenities, such as schools, dentists and doctors surgeries. These issues have already been considered as part of the outline planning permission. 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 was not sought at outline stage.
- 6.63 With regards to doctor surgeries and dentists, the lack of such facilities was 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 meet 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.
- 6.64 Concerns have been raised from local residents due to the loss of on-street parking. With regards to this point, Wittonwood Road is a public highway, and any future obstruction of the public highway would be a matter for the Police. As a public highway existing residents in Wittonwood Road do not have the legal right to park their vehicles on the highway. Therefore the loss of existing on-street parking facilities is not a reason to refuse detailed planning permission.
- 6.65 Members at the pre-application meeting were concerned about the use of sustainable energy measures used within the construction of the site. Condition 39 of the outline planning permission required to be submitted with the reserved matters application a sustainability report that demonstrates how environmental sustainability issues have been addressed during the design process. This report has been submitted by the applicant with the application submission. This confirms that each dwelling will be fitted with a solar thermal or PV system, and each dwelling will meet thermal insulation performance criteria, exceeding the standards of Part L of the Building Regulations thus improving upon building regulations in terms of building fabric, air permeability and thermal bridging.

7. Discussions following deferment on 3 February 2015

- 7.1 Officers have held discussions with the applicant and members following the previous deferment.
- 7.2 It was confirmed that the application was deferred from committee on 3 February 2015 for the following 3 reasons to allow for further negotiations before presenting back to committee:
1. Number of dwellings
 2. Contribution to equip play area
 3. Footpaths within site

Number of dwellings

- 7.3 It was agreed that a reduction in the number of dwellings from 37 was not negotiable, given that outline planning permission has already been granted for 37 dwellings on this site. This is outlined in paragraph 6.12 above.
- 7.4 The applicant confirmed that the site had been purchased on the basis that a scheme for 37 dwellings was previously accepted by the Council, and furthermore extensive market research has led to the creation of the most appropriate mix of house types for sale, offering no opportunities for smaller houses with fewer bedrooms to be plotted in place of the current mix of two, three and four bedroom houses.

Contribution to equip play area

- 7.5 It was agreed that a condition could be attached to the permission requiring details of the new play equipment, the timing of provision and the arrangements for handing over the completed scheme. It was agreed that the applicant will set out the play area ready for use, with the play equipment to be agreed in consultation with the Frinton and Walton Town Council. It was agreed that the equipment will be financed by existing s106 monies.

Footpaths within site

- 7.6 The applicant has provided an amended site layout plan which includes reducing the internal road width to 4.8m (Type 4 road) to allow for a 2 metre wide footpath within the majority of the site, including dropped kerbs to provide vehicular access to plots 4 and 5 and the visitor parking. Plots 25 to 28 are served by a private drive beyond but it is proposed that the route be marked on the southern side of the drive by changing the colour of the block paving. This amended drawing is currently with the Highway Authority for comment and an update will be given to members on the day of committee with regards to its technical acceptability.

Other matters

- 7.7 Whilst not reasons for a deferment, members of the Planning Committee have expressed concerns regarding Affordable units, garden sizes, and period of construction.
- 7.8 Members have made it clear that they would prefer for the 3 affordable housing units to be transferred to the Council. The Housing dept have confirmed they are willing to take these properties, with the only caveat being the price given that there is currently no indication as to the market value of these properties, and therefore the level at which they would be purchased under the terms of the s106 agreement.
- 7.9 Members have concerns over gardens sizes. It is noted that 7 of the 37 plots are marginally smaller than policy requirements, but balanced against benefits such as retention of protected trees and street-scene appearance, officers consider this to be acceptable in this instance. This is outlined in paragraph nos. 6.19 and 6.20 above.
- 7.10 Members were concerned over the construction phase of the development. Condition 20 of the outline planning permission requires a full construction method statement, and condition 31 requires details of on-site parking facility for workers, and vehicles, loading and unloading area for demolition and construction materials, and a turning facility suitable for the largest vehicle attracted to the site.
- 7.11 The applicant has confirmed that a construction management statement will be submitted for future approval, however to address the concerns of the Planning Committee, the applicant can confirm the submission will include details of the on-site facilities as follows:
- Estate roads to be laid out at the earliest opportunity so that they can be used by construction vehicles
 - Junction in the middle of the site to be used to turn delivery vehicles, full-time banksman to be employed
 - Site compound to be positioned at the western end of the site (plots 11 to 17 plus turning head and car parking areas)
 - Offices, parking for site staff and storage containers in the north western corner
 - Parking for subcontractors in the south western corner (roughly 30 spaces, to be confirmed)

- Bulk storage for construction materials in between the corners, including facilities for tool storage for contractors that enables remote parking (at a designated location to be agreed) and avoids the need for vans to be parked on the surrounding streets
- Wheel washing equipment at site entrance
- All deliveries to be made by fixed wheelbase vehicles
- Deliveries to be timed to avoid the beginning and end of the school day
- Contact details for the Site Manager to be provided for ward councillors, clerk to the town council and enforcement officers

Background Papers

None.