



PLANNING COMMITTEE

DATE:	Tuesday 16 May 2017
TIME:	6.00 pm
VENUE:	Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)	Councillor Everett
Councillor Heaney (Vice-Chairman)	Councillor Fairley
Councillor Alexander	Councillor Fowler
Councillor Baker	Councillor Hones
Councillor Bennison	Councillor McWilliams
Councillor Cawthron	

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686585.

DATE OF PUBLICATION: FRIDAY 5 MAY 2017

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 8)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 19 April 2017.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and nature of it, in relation to any item on the agenda.

4 A.1 - Planning Application - 17/00377/FUL - Unit 1 Norwood Lodge, Bentley Road, Weeley, CO16 9BX (Pages 9 - 14)

Change of use of B8 storage unit to vehicle body repairs and paint spraying (use class B2).

5 A.2 - Planning Application - 17/00381/OUT - Green Speed, Wenlock Road, Weeley, CO16 9DX (Pages 15 - 24)

Erection of 3 No. detached houses and garages (Following demolition of one house and vehicle body repair workshops).

6 A.3 - Planning Application - 17/00172/DETAIL - Land East of Bentley Road, Weeley, CO16 9DP (Pages 25 - 32)

Reserved matters application following outline planning approval 16/00186/OUT - Residential development comprising of up to 6 dwellings.

7 A.4 - Planning Application - 17/00180/DETAIL - Land West of Rectory Road, Weeley, CO16 9AX (Pages 33 - 40)

Reserved matters application following outline planning approval 16/00183/OUT - Residential development comprising of up to 6 dwellings.

8 A.5 - Planning Application - 17/00502/FUL - 14F Wittonwood Road, Frinton-on-Sea, CO13 9LB (Pages 41 - 48)

Erection of two dwellings - (retention of) amendment to that approved under 14/01447/DETAIL.

MEETING OVERRUN DATE

In the event that all business is not concluded,
the meeting will reconvene on
Wednesday 17 May 2017 at 6.00 p.m.
in the Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ
to consider any remaining agenda items

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday 13 June 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY 19 APRIL 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Baker (acting as Vice-Chairman for this meeting), Bennison, Davis, Fairley (except minute 136), Fowler, Hones and McWilliams (except minute 136)
Also Present:	Councillors Bray (except minutes 140-142), M Brown (except minutes 140-142), Everett (except minutes 140-142), Land (except minutes 140-142), Pemberton (except minutes 140-142), Turner (except minutes 141-142) and Whitmore (except minutes 140-142)
In Attendance:	Gary Guiver (Planning Manager), Charlotte Parker (Solicitor - Property, Planning and Governance), Nigel Brown (Communications and Public Relations Manager) (except minute 142), Susanne Ennos (Planning Team Leader), Michael Pingram (Planning Officer) and Katie Sullivan (Committee Services Officer)

133. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Everett and Heaney (with no substitutions).

Councillor Gray was absent from the meeting (with no substitute).

134. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 29 March 2017, were approved as a correct record and signed by the Chairman.

135. DECLARATIONS OF INTEREST

Councillor Fairley declared a non-pecuniary interest in relation to Planning Application 16/01912/DETAIL and confirmed that she would leave the meeting for this item.

Councillor McWilliams declared a non-pecuniary interest in relation to Planning Application 16/01912/DETAIL by virtue of the fact that she was the local Ward Member and also by virtue of the fact that she was pre-determined. Councillor McWilliams confirmed that she would leave the meeting for this item.

136. A.1 - PLANNING APPLICATION - 16/01912/DETAIL - LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor Fairley had earlier declared a non-pecuniary interest in relation to Planning Application 16/01912/DETAIL and was not present for this item.

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/01912/DETAIL by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined. Councillor McWilliams was not present for this item.

Members recalled that this reserved matters application had been considered by the Committee on 29 March 2017 when it had been resolved that consideration of the application be deferred to enable negotiations to take place with the applicant for:

1. Plots 17, 18 and 19 to have larger dwellings and gardens; and
2. Larger green gap for views through woodland.

Members were informed that Officers had discussed those matters with the applicant and revised plans had now been submitted.

The Committee had before it the published Officer report, with all relevant updates highlighted by the Officer in bold text, containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

The Chairman confirmed that there would not be any public speaking on this item as it had already been before the Committee at its last meeting held on 29 March 2017.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Bennison and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following condition:-

1. Accordance with approved plans.

137. A.2 - PLANNING APPLICATION - 16/01847/OUT - LAND NORTH OF COLCHESTER ROAD, WEELEY, CO16 9AG

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of the withdrawal of an objection made by Natural England.

Carol Bannister, a local resident, spoke in support of the application.

Parish Councillor Jeff Bray, representing Weeley Parish Council, spoke against the application.

Councillor M Brown, a local Ward Member, spoke against the application.

Steven Brown, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and advice provided by the Council's Solicitor (Property, Planning and Governance), it was moved by Councillor Davis, seconded by

Councillor Hones and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse outline planning permission for the development, for the following reasons:-

- The site lies outside the settlement development boundary for Weeley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. This development would, in isolation, be physically separate from the established built up area, would be poorly related to the settlement pattern of the village and would represent an illogical intrusion into the countryside that would have an unnecessary adverse impact upon the character of the area. The development also prejudices the effective and coordinated delivery of infrastructure through the plan-making process because ahead of the completion of the Local Plan, the cumulative impact of potentially multiple developments on highways, schools and health provision is uncertain and the measures needed to mitigate such impacts, and which bodies will be responsibility for their delivery, cannot be clearly established at this time. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the proposal does not constitute sustainable development.
- Essex County Council in its capacity as the highway authority has not accepted the findings of the submitted transport assessment. It has not yet been demonstrated that the development, when considered in combination with other potential developments in the area, would not bring about a residual cumulative impact on the capacity and safety of the highway network.
- Essex County Council in its capacity as the local education authority has advised that existing primary schools in the Weeley and wider area have limited available capacity and that a two-form entry primary school would be required to meet the needs arising from this development and potentially others in the area. The applicants are only making provision for a one-form entry primary school, contrary to the local education authority's advice so it is uncertain whether or not the impact of this development upon school places will be adequately addressed.
- No Section 106 agreement to secure affordable housing, education facilities/contributions, health facilities/contributions and open space has been completed.

138. A.3 - PLANNING APPLICATION - 16/02131/OUT - LAND SOUTH OF COLCHESTER ROAD, WEELEY, CO16 9AG

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) The withdrawal of the SuDS objection received from Essex County Council's Drainage Team; and
- (2) A letter of objection received from Mrs. Bannister.

Carol Bannister, a local resident, spoke against the application.

Councillor M Brown, a local Ward Member, spoke against the application.

Councillor Bray, a local Ward Member, spoke against the application.

John Spencer, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fowler and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse outline planning permission for the development, for the following reasons:-

- The site lies outside the settlement development boundary for Weeley as defined in the adopted Local Plan and whilst it forms part of a larger site specifically allocated for mixed-use development in the emerging Local Plan, that allocation is proposed for deletion. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. This development would introduce built development into an undeveloped and visually exposed agricultural field that is currently separated from the main built up area of Weeley village by the bypass road, which acts a strong and defensible boundary to the settlement edge. The development would represent a piecemeal intrusion into the countryside that would have an unnecessary adverse impact upon the character of the area. The development also prejudices the effective and coordinated delivery of infrastructure through the plan-making process because ahead of the completion of the Local Plan, the cumulative impact of potentially multiple developments on highways, schools and health provision is uncertain and the measures needed to mitigate such impacts, and which bodies will be responsibility for their delivery, cannot be clearly established at this time. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the proposal does not constitute sustainable development.
- Essex County Council in its capacity as the highway authority has not accepted the findings of the submitted transport assessment. It has not yet been demonstrated that the development, when considered in combination with other potential developments in the area, would not bring about a residual cumulative impact on the capacity and safety of the highway network.
- The Environment Agency has issued a holding objection to the proposal on flooding risk and drainage grounds that is yet to be resolved.

- The applicant's Phase 1 Ecological Assessment from 2014 recommends further surveys to assess the potential impacts on nearby statutory wildlife sites, reptiles, great crested newts, nesting birds, bats, dormouse and badger which, in line with Natural England guidelines should be undertaken before a planning decision is made.
- No Section 106 agreement to secure affordable housing, education facilities/contributions, health facilities/contributions and open space has been completed.

139. A.4 - PLANNING APPLICATION - 16/01520/FUL - 82 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB

It was reported that this application had been referred to the Planning Committee at the request of Councillor Whitmore, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

Councillor Bray spoke against the application, on behalf of Councillor Whitmore, a local Ward Member.

Councillor Everett, a local Ward Member of the adjacent Rush Green Ward, spoke against the application.

Trevor Dodkins, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and advice provided by the Council's Solicitor (Property, Planning and Governance), it was moved by Councillor Hones, seconded by Councillor Bennison and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) 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 in her discretion considers appropriate).
- (i) Conditions:
 1. Standard 3 year time limit;
 2. Restriction on use of C2 element for the purpose of supported living apartments only;
 3. Highways conditions (as recommended by the Highway Authority);
 4. SUDS and draining (surface water and foul drainage) conditions;
 5. Hard and soft landscaping plan/implementation;
 6. Ecological mitigation – wildlife/tree protection measures;
 7. Construction methods plan;

8. Details of lighting, materials and refuse storage/collection points;
9. Archaeological investigation and report works;
10. Site lighting strategy;
11. Broadband;
12. Noise assessment including but not limited to an assessment of acoustic fencing being provided in the access from Jaywick Lane to the site;
13. Restricting the occupancy of some of the 21 bungalows until such time as the assisted living apartments are completed; and
14. Removal of Permitted Development Rights in respect of loft conversions and dormers.

140. A.5 - PLANNING APPLICATION - 16/02031/FUL - LAND REAR OF 138 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9AD

It was reported that this application had been referred to the Planning Committee at the request of Councillor Turner, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of additional proposed conditions.

Alan Gyford, a local resident, spoke against the application.

Councillor Turner, a local Ward Member, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Hones and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- Statutory presumption to preserve conservation area (S61 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- No clear and convincing justification for harm to the conservation area (Para 132 NPPF).
- Public benefits of the additional parking spaces do not outweigh the harm caused to the conservation area by the development (Para 134 NPPF).

141. A.6 - PLANNING APPLICATION - 17/00261/FUL - FORMER PUBLIC TOILETS, STATION STREET, WALTON-ON-THE-NAZE, CO14 8DE

It was reported that this application had been referred to the Planning Committee as the land was owned by Tendring District Council and was to be leased to the applicant.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

Paul Hepworth, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bennison and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:-

1. Commence within 3 years;
2. Development in Accordance with Approved Plans;
3. Parking to be retained;
4. Opening times 09.00 – 17.00hrs (in any one day) Monday – Saturday and at no time on Sunday or Bank Holidays;
5. Use of Building restricted to Recording Studio only and no other use (including those within Use Class B1/B2/B8);
6. The rating level of noise emitted from the installed sound equipment shall not exceed the background levels prior to the change of use of the building. The background noise level assessment shall be made in accordance with B.S 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises; and
7. The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise in accordance with a scheme approved in writing by the local planning authority.

142. A.7 - PLANNING APPLICATION - 17/00294/FUL - THE GROVE FLATS, GROVE AVENUE, WALTON-ON-THE-NAZE, CO14 8QY

It was reported that this application had been referred to the Planning Committee as the land was owned by Tendring District Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Officer (MP) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bennison and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:-

1. Time limit; and
2. Approved plans.

The meeting was declared closed at 8.55 p.m.

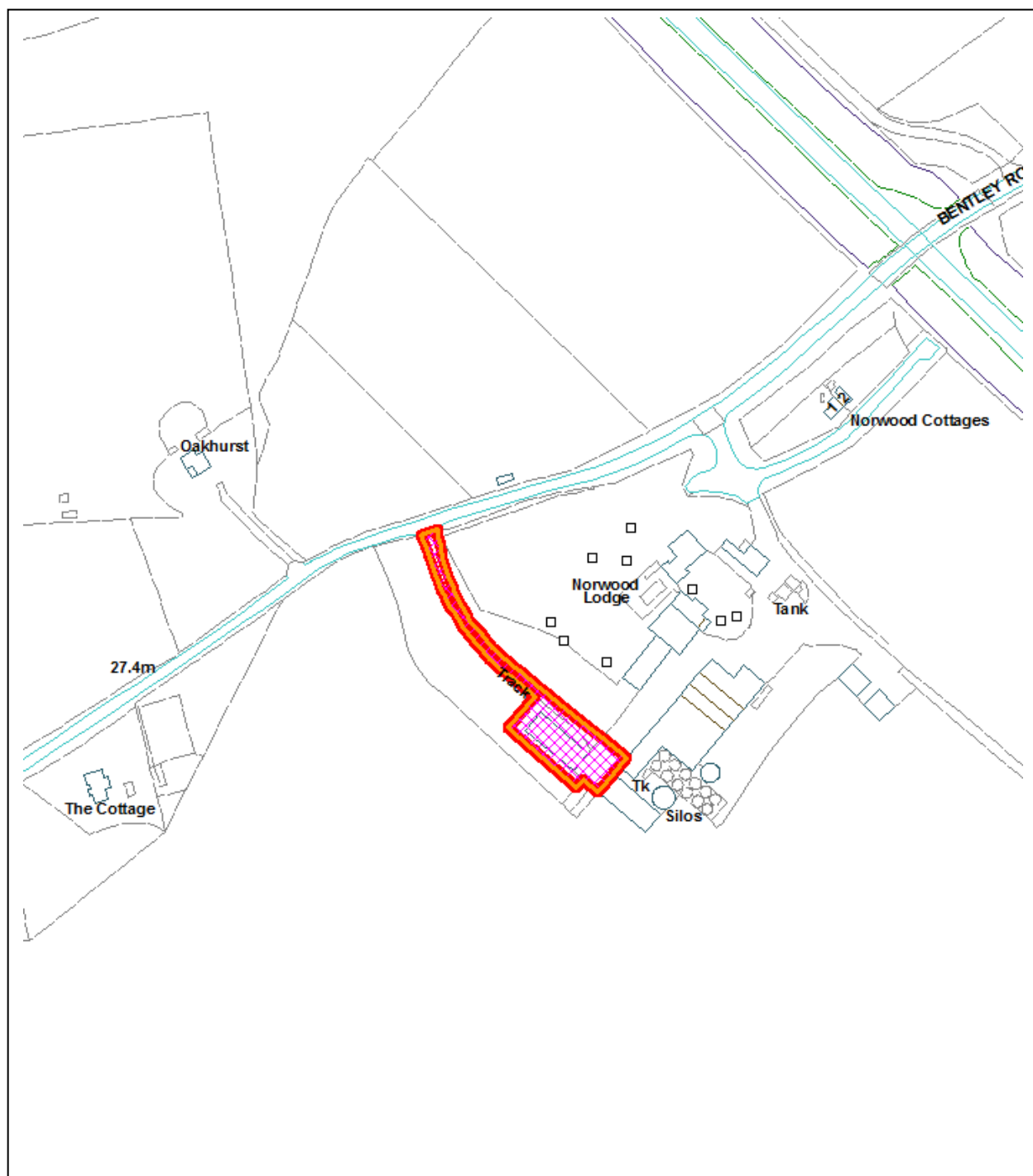
Chairman

PLANNING COMMITTEE

16 MAY 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/00377/FUL - UNIT 1 NORWOOD LODGE, BENTLEY ROAD, WEELEY, CO16 9BX



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Application:	17/00377/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Mr Alan Green - Greenspeed Autostylists	
Address:	Unit 1 Norwood Lodge Bentley Road Weeley CO16 9BX	
Development:	Change of use of B8 storage unit to vehicle body repairs and paint spraying (use class B2).	

1. Executive Summary

- 1.1 This application is referred to Planning Committee alongside application 17/00381/OUT for demolition of the applicant's existing dwelling and vehicle body repair workshops and redevelopment for 3 dwellings. This application provides a new premises for the business enabling it to expand, and providing justification for 17/00381/OUT in terms of retaining the employment use within the District.
- 1.2 The proposal involves change of use of an existing Nissan hut in B8 storage use located within an originally agricultural farmyard, to vehicle body repairs and paint spraying (use class B2). It is proposed that there will be 5 full time and 1 part time employee. External changes relate only to two new doors. Staff parking and vehicle storage is proposed between the building and an existing dense conifer screen.
- 1.3 The closest dwelling is Norwood Lodge which is 87 metres away behind intervening buildings.
- 1.4 The proposal is considered to result in no material harm to visual or residential amenity, or highway safety and is recommended for approval subject to confirmation of no objection from Environmental Health in relation to potential noise or odour concerns. Consideration of application 17/00381/OUT should have no bearing on this decision as it is in accordance with national and local planning policy for supporting the rural economy.

Recommendation: Approve subject to confirmation of no objection from Environmental Health

Conditions:

1. 3 year time limit
2. Approved plans condition
3. No parking or external storage outside of the approved area
4. Conifer screen as shown on plans to be retained at minimum 3 metre height, or to be replanted if dies within 5 years
5. Details of any external lighting

2. **Planning Policy**

NPPF National Planning Policy Framework

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- ER3 Protection of Employment Land
- ER7 Business, Industrial and Warehouse Proposals
- ER11 Conversion and Re-Use of Rural Buildings
- EN1 Landscape Character
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SP3 Providing for Employment
- SPL3 Sustainable Design
- PP13 The Rural Economy
- PPL3 The Rural Landscape

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the

NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

04/01639/FUL	Change of use to storage and ancillary office accommodation.	Approved	24.11.2004
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4. Consultations

Regeneration	Having worked with the company assisting them in finding an alternate site for them to relocate to, The Regeneration Team supports this application as not only will it facilitate the opportunity for the business to grow, it could also provide a number of new jobs.
Environmental Health	None received at time of writing report
ECC Highways Dept	The Highway Authority has assessed the details of this application and having regard to the existing storage use does not wish to raise any objections

5. Representations

- 5.1 Parish Council: No objections
- 5.2 One neighbour letter of objection:
- 5.3 Unit situated too close to our home, will cause noise and fumes which comes from this type of business. The building is a single skinned corrugated building which will not block the noise. This is a farm yard not an industrial estate.

6. Assessment

The main planning considerations are: Principle of development; Impact on residential amenity and landscape impact

Site location

- 6.1 The existing Nissan hut is located within a cluster of previously agricultural buildings set back around 100 metres from Bentley Road. To the immediate rear lies another Nissan hut of the same size, with larger agricultural buildings to the north and north east. To the south beyond a dense conifer hedge lies open agricultural land.
- 6.2 The closest dwelling is Norwood Lodge which is 87 metres away behind intervening buildings.

Principle of development

- 6.3 Application 04/01639/FUL approved the change of use of this Nissan hut (unit 1) and 4 other buildings to B8 storage use with ancillary offices. The proposal therefore involves change of use from B8 Storage and Distribution to B2 general industrial for vehicle body repairs and paint spray. B2 uses are uses for industrial processes other than those falling within class B1, so includes uses which generate noise, odour, dust etc which would not be appropriate within a residential area.

- 6.4 Saved Policy ER7 Business, Industrial and Warehouse Proposals supports the industrial change of use subject to a number of criteria of which the following are relevant to this proposal: a) that the scale and nature of the use is appropriate to the locality, including its relationship with adjacent uses. The unit lies within a cluster of buildings benefitting from B8 storage and distribution use and is set well back from the highway, benefiting from existing conifer screening. The scale of the use is limited by the size of the building and use of the external areas would be controlled by condition to prevent external storage or parking outside approved areas in order to preserve the rural character of the area.
- 6.5 ER7 b) requires no unacceptable impact in terms of appearance, noise, smell, dirt or other pollution. The external changes to the building relate only to additional doors and result in no material harm. The closest dwelling is Norwood Lodge which is 87 metres away behind intervening buildings. The use for paint spray and vehicle repairs raises potential concern in terms of noise or smells. Environmental Health have been consulted and their comments will be updated at the meeting.
- 6.6 ER7 c) requires satisfactory vehicular access and car parking to be provided. No alterations are proposed to the existing access which serves the wider site with permission for B8 storage and therefore likely to generate larger vehicles than the current proposal. There is ample parking available with customer parking shown along the north side of the building and staff parking and vehicle storage to the south side. The Highway Authority have no objection having regard to the existing storage use.
- 6.7 ER7 e) confirms that the open storage of goods or waste will not be allowed where such activity is considered visually intrusive. The submitted plans show customer, staff and vehicle storage areas which are either screened by the existing building or by the existing dense conifer screen. Conditions are recommended to ensure retention of the conifer screen and to restrict parking and storage to these areas only in order to preserve the rural character of the area.
- 6.8 The change of use from B8 storage and distribution to vehicle body repairs and paint spraying (use class B2) is therefore considered acceptable in principle, subject to no objections in relation to noise or odour to be confirmed by Environmental Health.

Impact on residential amenity

- 6.9 The closest dwelling is Norwood Lodge which is 87 metres away behind intervening buildings. The proposal must be considered in relation to the existing B8 storage and distribution use which also includes buildings within 40 metres of that dwelling and utilising a vehicular access 25 metres from the dwelling. Conditions were imposed on that permission (04/01639/FUL) to protect the amenities of Norwood Lodge in terms of 02 no external storage; 03 no external flood or security lighting; 04 no loading/unloading, use of forklift or movement of goods externally outside the hours of 7am-6pm Monday to Friday, 7am-1pm Saturdays or at any time of Sundays or Public Holidays; and 05 no forklift to be fitted with audible alarms.
- 6.10 The forklift related concerns will no longer be relevant to this non storage use, however the external storage and lighting concerns remain and are recommended as conditions. Hours of opening are proposed to be 7.30am-7pm Monday to Friday and 7.30am-1pm on Saturdays with no working on Sundays or Public Holidays. Advice will be sought from Environmental Health regarding the need to restrict hours of working.

Landscape Impact

- 6.11 The external changes to the building are very minor with one additional roller door and one personnel door. The site is not overly prominent in public views being set back around 100

metres from Bentley Road and within a cluster of larger buildings and screened to open countryside beyond by the dense conifer hedge. The proposal is therefore considered to result in no material harm to the character of the surrounding countryside subject to the recommended conditions controlling external storage, parking and lighting.

Conclusion

- 6.12 The proposal for change of use of an existing Nissan hut from B8 storage and distribution to vehicle body repairs and paint spray (use class B2) is considered to result in no material harm to visual amenity or highway safety. Subject to confirmation from Environmental Health in relation to noise and odour issues the application is therefore recommended for approval. This recommendation stands regardless of consideration of application 17/00381/OUT for residential redevelopment of the applicant's existing premises, as this recommendation is in accordance with local and national planning policy to support the rural economy.

Background Papers

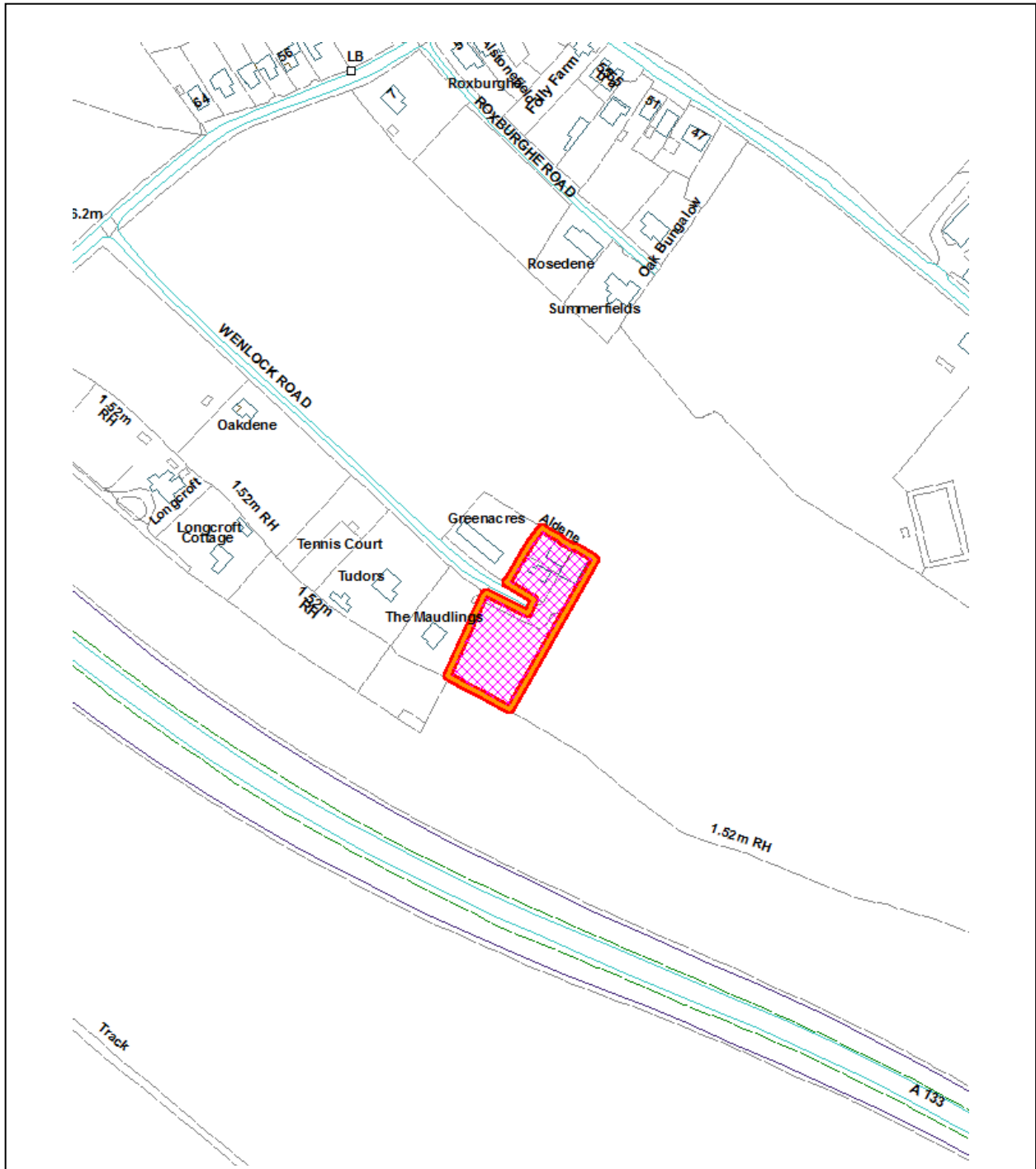
None

PLANNING COMMITTEE

16 MAY 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/00381/OUT - GREEN SPEED, WENLOCK ROAD, WEELEY, CO16 9DX



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Application:	17/00381/OUT	Town / Parish: Weeley Parish Council
Applicant:	Mr Alan Green - Greenspeed Autostylists	
Address:	Green Speed Wenlock Road Weeley CO16 9DX	
Development:	Erection of 3 No. detached houses and garages (Following demolition of one house and vehicle body repair workshops).	

1. Executive Summary

- 1.1 This application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of any defined settlement development boundary. The application is referred alongside application 17/00377/FUL for change of use of B8 storage unit to vehicle body repairs and paint spraying (use class B2) to enable the applicant's existing business to relocate to that site enabling it to expand, and providing justification for the residential redevelopment of the Green Speed site in terms of retaining the employment use within the District.
- 1.2 The application proposes the erection of three dwellings following the demolition of an existing vehicle body repair workshop and one existing dwelling. The application is in outline form with all matters reserved so only the principle of development is under consideration. However, an indicative layout has been provided to show two detached dwellings with garages on the site of the existing buildings and a single detached dwelling with detached double garage to the south on an area of grass partially used by the applicant to store vehicles.
- 1.3 The site lies outside of any Settlement Development Boundary in both the saved and draft Local Plans in the village of Weeley Heath. The draft local plan extends the Settlement Development Boundary to include Roxburghe Road 100 metres to the north of the site and Members will be familiar with recent approvals for three dwellings in that road. The site is therefore classed as countryside and there is an objection in principle to residential development.
- 1.4 As an existing employment use Saved Policy ER3 (protection of employment land) requires proof that the site is no longer suitable for alternative employment use. Marketing has been undertaken since June 2015 with no success. Unfortunately this marketing was undertaken on residential websites and estate agents, rather than commercial sites which would have been much more appropriate. However, application 17/00377/FUL also on the agenda proposes relocation within the District enabling the applicant to expand to larger premises. The existing premises have been in use for 40 years and are in need of substantial modernisation/rebuild. They are also located at the end of a residential road and only 21 metres from a neighbouring dwelling.
- 1.5 It is therefore considered that the principle for residential redevelopment of one replacement dwelling and two additional dwellings is acceptable given the justification in terms of supporting an existing rural business to relocate and expand to more suitable premises. A condition is recommended to ensure that the relocation occurs prior to occupation of any of the dwellings as this is the justification for approving two dwellings outside of any defined Settlement Development Boundary.

Recommendation: Approve

Conditions:

1. Outline time limits
2. Reserved matters submission
3. No occupation of any of the dwellings until relocation of the business to that approved under 17/00377/FUL has been completed
4. Contamination condition
5. Demolition method statement
6. Tree survey
7. Remove permitted development rights for boundary treatments and outbuildings

2. Planning Policy

NPPF National Planning Policy Framework

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings outside Settlement Development Boundaries

ER3 Protection of Employment Land

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP3 Providing for Employment

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History:

None

4. Consultations

Environmental Health Due to previous use of the site (vehicle body repair workshops), prior to the commencement of the proposed development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. Therefore standard contaminated land condition is to be applied.

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the ground clearance and construction processes

to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action.

Regeneration

Having worked with the company assisting them in finding an alternate site for them to relocate to, The Regeneration Team supports this application as not only will it facilitate the opportunity for the business to grow, it could also provide a number of new jobs.

Tree & Landscape Officer

The application site is divided into two parts. To the north of Wenlock Road the existing dwelling and workshops occupy most of the land. To the south the application site is open grassland with established hedgerow trees, mainly Oaks, on the western and southern boundaries.

The only vegetation of any significance on the northern section of the site is a row of established conifers that are on, or close to the western boundary. These are of no real visual amenity value.

With regard to the Oaks on the boundary of the southern part of the application site it appears that there is adequate space for the construction of a dwelling outside the likely Root Protection Areas (RPA's) of the trees.

Whilst it may not be necessary for the applicant to submit a full tree survey and report, at this stage, they will need to provide information, at some stage, to show that the proposed development will not cause harm to the boundary trees ' this could be limited to the production of a site plan showing the extent of the trees RPA's. The information should be in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

Should planning permission be likely to be granted then, in addition to measure to deal with the protection of trees as described above, then details of soft landscaping should be secured, by condition, to screen and enhance the appearance of the development. The treatment of site boundaries will be a key element of soft landscaping and demarcation of boundaries with 2m tall close board or panel fences will not be appropriate in this location. Boundaries should be demarcated with low post and rail or chain-link fences with new hedges

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

' Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

' No unbound material shall be used in the surface treatment of the

vehicular access within 6 metres of the highway boundary.

' Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

' Any single garages should have a minimum internal measurement of 7m x 3m

' Any double garages should have a minimum internal measurement of 7m x 6m

' Any tandem garages should have minimum internal measurements of 12m x 3m

All garages shall be retained for the purposes of vehicle parking in perpetuity

' No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

5. Representations

- 5.1 Parish Council: Weeley Parish Council does not object to this application, however, it should be noted that the site is on an un-adopted road with accompanying maintenance obligations for residents. Protocols should be put in place to ensure that existing residents are not disadvantaged by this development.
- 5.2 One neighbour letter of support summarised as follows:
- In support providing there is an agreement from developers that they will fully repair and/or resurface Wenlock Road once building works are complete.
 - The road is unadopted and therefore the cost of road maintenance is borne by the small number of residents who live on Wenlock road. The size and weight of construction traffic will cause wear to the road surface.
- 5.3 In response to the concerns regarding the private road this would be subject to maintenance by the existing residents. Unfortunately this is the case for private roads and it would be unreasonable in planning terms to require the applicant to fund repair and resurfacing for this road which is around 300 metres long. The proposal will result in the removal of the business which will result in an overall reduction in vehicle movements to the site which long term will result in less intensive use of Wenlock Road.

6. Assessment

The main planning considerations are: Principle of development; landscape and visual impact, Impact on residential amenity, highway safety

Site location

- 6.1 Wenlock Road is a private road located around 80 metres south west of the edge of the Settlement Development Boundary on Bentley Road in both the saved and draft local plans. The road serves horse paddocks and four existing dwellings plus the existing dwelling and business on the application site.
- 6.2 To the immediate west lies the dwelling Greenacres, with open agricultural land to the north, east and south. To the west of the lower section of the site lies the dwelling Mauldings.

Principle of development

- 6.3 The application site is located outside of any defined Development Boundary within the existing and the emerging Local Plan. Settlement development boundaries aim to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.4 The one for one replacement of the existing dwelling is permitted in principle under saved policy HG12 (Extensions to or Replacement of Dwellings outside Settlement Development Boundaries).
- 6.5 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, the two additional dwellings proposed are contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of residential proposals being approved either by the Council or following an appeal.
- 6.6 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Weeley Heath is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Weeley Heath and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. In this respect we would consider the site to fail the social sustainability test and the principle for residential development would not be accepted.
- 6.7 However, as the site is in employment use Saved Policy ER3 (protection of employment land) applies. This policy requires proof that the site is no longer suitable for alternative employment use. Marketing has been undertaken since June 2015 with no success. Unfortunately this marketing was undertaken on residential websites and estate agents, rather than commercial sites which would have been much more appropriate. However, application 17/00377/FUL also on the agenda proposes relocation within the District enabling the applicant to expand to larger premises. The existing premises have been in use for 40 years and are in need of substantial modernisation/rebuild. They are also located at the end of a residential road and only 21 metres from a neighbouring dwelling.
- 6.8 The new building comprises around 331 sq m (existing workshop is around 298 sq m) and is a more usable single space rather than the collection of smaller spaces at the existing site. The new building is taller which will allow for new equipment to be installed which will

allow faster drying and a quicker turn around of vehicles with more than one booth able to operate at a time. This will enable more turnover and greater efficiency for the business.

- 6.9 It is therefore considered that the principle for residential redevelopment of one replacement dwelling and two additional dwellings is acceptable given the justification in terms of supporting an existing rural business to relocate and expand to more suitable premises. A condition is recommended to ensure that the relocation occurs prior to occupation of any of the dwellings as this is the justification for approving two dwellings outside of any defined Settlement Development Boundary.

Landscape and visual impact

- 6.10 The site is surrounded by open countryside to three boundaries but other dwellings in Weeley Heath are clearly visible from the site. The existing buildings are in a poor condition and their replacement would enable the site to be tidied up and a comprehensive landscaping scheme to be provided along the northern and eastern boundaries which are currently open. The southern and western boundaries benefit from mature tree and hedgerow screening. The introduction of three dwellings on this site, subject to their detailed design, scale and siting which would be considered at reserved matters stage, would result in no material harm to visual or residential amenity.
- 6.11 The southern and south western boundaries of the site have many mature trees which greatly contribute to the landscape quality of the area. Some of these are within the boundary of the neighbour at The Maudlings. A tree survey will be required by condition to demonstrate that the siting and construction of the dwelling on the southern part of the site would not result in any harm to these trees. The generous plot size means that a dwelling could easily be located with no harm to any of the trees so it was not necessary to require a tree survey at this stage.
- 6.12 In the interests of preserving the rural character of the surrounding area, permitted development rights will be removed for fencing and other boundary treatments and outbuildings to enable the Local Planning Authority to retain control over these features.

Residential amenity

- 6.13 The existing business results in a level of noise and vehicular movements which is usually considered inappropriate in a residential area, particularly such a rural residential area. The applicant states there are currently up to 30 vehicle movements per day associated with the business. The replacement of the business with two additional dwellings is therefore likely to result in a positive impact upon the amenities of existing neighbours in terms of reduction of noise and comings and goings.
- 6.14 Given the size of the site the 3 dwellings will be set within generous plots and their detailed design and siting will therefore result in no harm in terms of loss of light or privacy. Ample private garden can be provided to each plot in accordance with saved Policy HG9. A contaminated land condition will be imposed given the previous use of the site to ensure that the land is made safe for residential occupation. A demolition method statement is also recommended via condition to minimise the impact to neighbouring dwellings during demolition of the existing buildings.

Highway Safety

- 6.15 Wenlock Road is a private road. The Highway Authority have no objection subject to conditions as detailed in their comments above. However as the proposal shown is purely indicative at this stage and subject to change these matters with ample space for the required parking and turning this can all be addressed within the reserved matters

application. The request for residential travel packs is not considered reasonable for a development of this scale.

Conclusion

- 6.16 The application proposes the acceptable one for one replacement of an existing dwelling outside of any defined settlement boundary. The application also proposes the replacement of an existing employment use with two dwellings which is acceptable in this socially unsustainable location only in association with the relocation of the business as proposed under application 17/00377/FUL. A condition has therefore been imposed to ensure that the proposed dwellings cannot be occupied until the business has relocated as without this condition the proposal would not be acceptable. In all other respects the proposal is considered acceptable with no material harm to visual or residential amenity or highway safety.

Background Papers

None

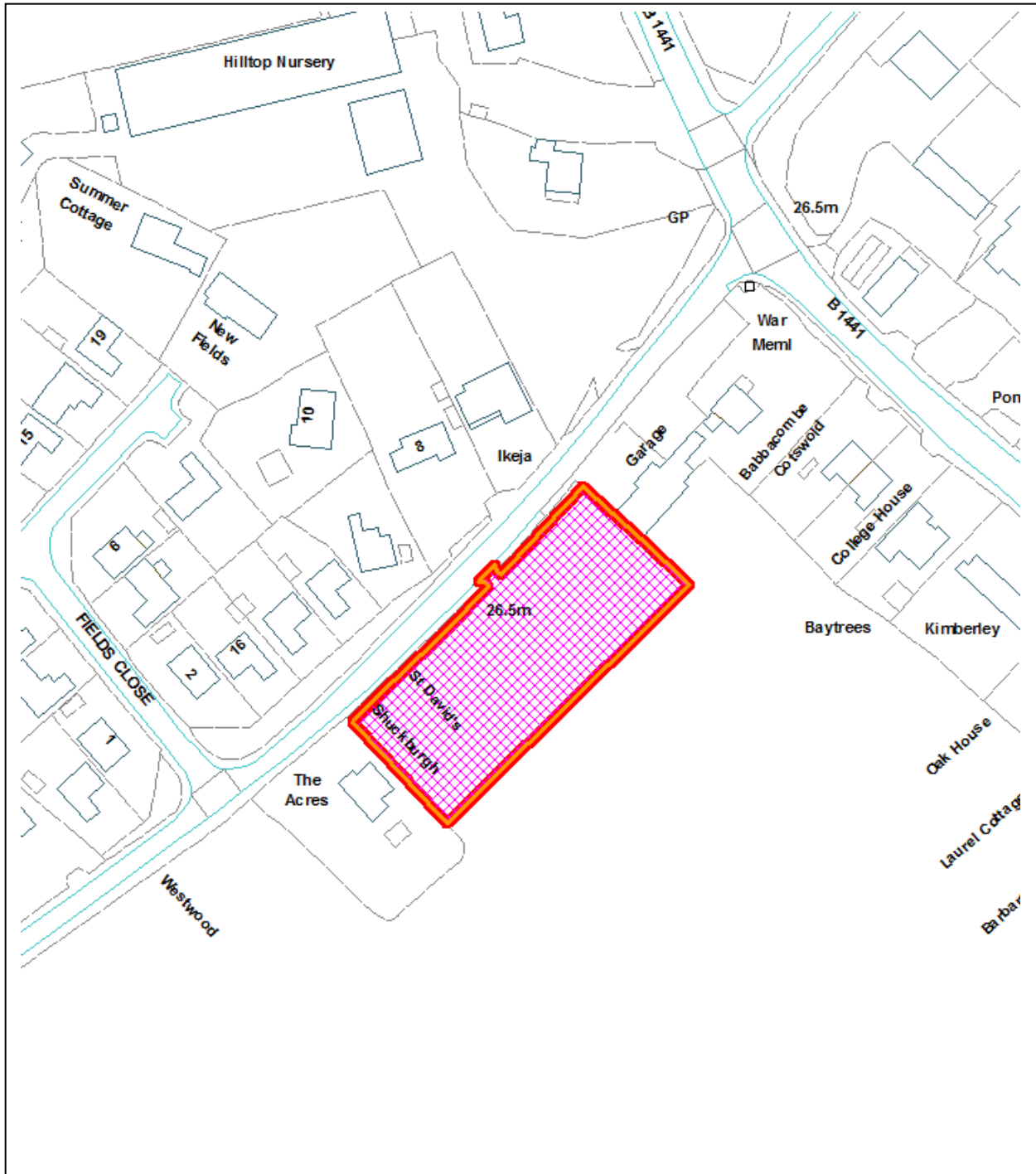
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PLANNING COMMITTEE

16 MAY 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/00172/DETAIL - LAND EAST OF BENTLEY ROAD, WEELEY, CO16 9DP



DO NOT SCALE

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Application:	17/00172/DETAIL	Town / Parish: Weeley Parish Council
Applicant:	Mr Steve Wheelhouse - J Moody Properties Ltd	
Address:	Land East of Bentley Road Weeley CO16 9DP	
Development:	Reserved matters application following outline planning approval 16/00186/OUT - Residential development comprising of up to 6 dwellings.	

1. Executive Summary

- 1.1 Outline application 16/00186/OUT for residential development of up to 6 dwellings on this site was approved at Planning Committee on 18th May 2016 at which time it was requested that the reserved matters be brought back to the committee for determination.
- 1.2 This application seeks approval of the reserved matters application for the erection of 6 no. dwellings (4 no. x 3 bedroom semi-detached properties and 2 no. x 4 bedroom dwellings) each served by garaging and driveway parking with a single access point from Bentley Road serving the development.
- 1.3 The application site is situated on the eastern side of Bentley Road outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007) but fully within the defined settlement development boundary of the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016.
- 1.4 As established through the granting of outline application 16/00186/OUT, the principle of residential development for up to 6 dwellings on this site is accepted.
- 1.5 This reserved matters application satisfies design and highways, trees and landscaping, biodiversity and residential amenity considerations and is recommended for approval.

Recommendation: Approve

Conditions:

- 1). All parking areas and garages to be provided prior to first occupation of the dwellings.
- 2). Accordance with approved plans

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning

application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

16/00186/OUT	Residential development comprising up to 6 dwellings.	Approved	20.05.2016
17/00172/DETAIL	Reserved matters application following outline planning approval 16/00186/OUT - Residential development comprising of up to 6 dwellings.	Current	

4. Consultations

Tree & Landscape Officer The amended site plan shows hedging species for the site boundaries and the species selected are acceptable however before the condition can be discharged it will need to be made clear how many plants will be incorporated into the scheme.

At the present time the only plant quantities provided relate to groundcover.

The applicant will need to provide details of the number of plants to be used in the new hedge. This can be by either: the number of plants per square meter or the spacing at which the hedging plants will be space e.g. 50cm centres.

As the information provide on the amended site plan is otherwise acceptable the required information can be provided as an attachment to that plan or by a minor amendment to the site layout plan.

ECC Highways Dept This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by the site maximum in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

- Prior to the first occupation of the development, the proposed drive

shall be constructed to a width of 6 metres for at least the first 6 metres within the site, tapering over the next 6 metres to any lesser width and provided with an appropriate dropped kerb crossing to the satisfaction of the Local Planning Authority.

- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- Any single garages should have a minimum internal measurement of 7m x 3m
- Any double garages should have a minimum internal measurement of 7m x 6m
- All garages shall be retained for the purposes of vehicle parking in perpetuity

Building Control and
Access Officer

No adverse comments at this time.

5. Representations

- 5.1 Weeley Parish Council states that given that this site has already received outline planning approval they have no comments to make on these detailed proposals.
- 5.2 Two letters of objection received in respect of the following;
- not enough width of road to manoeuvre vehicles safely out of the proposed development;
 - mainly bungalows in Bentley Road;
 - concerns over increase in traffic;
 - lack of school/doctor places in the area;
 - invasion of privacy;
 - adverse impact upon local environment.

6. Assessment

The main planning considerations are:

- Site Context;
- Proposal;
- Visual Impact/Design;
- Neighbouring Amenity;
- Highway Considerations, and;
- Landscaping/Biodiversity.

Site Context

- 6.1 The application site is a rectangular area of land lying to the east of Bentley Road within the settlement of Weeley Heath. The site is located within the northern part of Weeley Heath and is approximately 0.21 hectares in size. The site is flat and characterised by improved grassland.
- 6.2 The site is bordered to the north-east by a commercial unit where the boundary is marked by tall conifer trees. To the south-west the site is bounded by a property known as 'The Acres' which is a large detached bungalow. The boundary treatment with this property is marked by a 2m high privet hedgerow. The land to the rear of the site is in agricultural use.

The opposite side of Bentley Road to the west is occupied by several detached bungalows and further north by 2 detached dwellings.

- 6.3 The site frontage is marked by a low hedgerow set behind a drainage ditch. The rear boundary of the plot is open in character. The opposite side of Bentley Road is served by a public footpath that runs into Weeley to the north.
- 6.4 The application site is situated outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007) but fully within the defined settlement development boundary of the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016.

Proposal

- 6.5 The current application seeks approval of the reserved matters relating to outline permission 16/00186/OUT and the erection of 6 no. dwellings (4 no. x 3 bedroom semi-detached dwellings and 2 no. x 4 bedroom detached dwellings).
- 6.6 The development will be served by a single access point from Bentley Road. The access will be sited centrally within the plot in the middle of a newly planted set back hedgerow.
- 6.7 All 6 properties will be served by a private garden area in excess of the minimum 100 square metres required by Saved Policy HG9 of the adopted Tendring District Local Plan (2007).
- 6.8 All 6 properties will be served by at least 3 parking spaces in the form of garaging and parking spaces in front in line with the current Parking Standards.
- 6.9 The proposed site layout plan shows substantial landscape planting around the perimeter of the site, including new hedgerow planting to the rear of the plot inside a new post and rail fence and a new frontage hedgerow set back behind the access visibility splays. This additional planting would make a positive contribution to the bio-diversity credentials of the site.

Visual Amenity/Design

- 6.10 The development of the site with 6 dwellings in a linear style represents an appropriate response to the character of the area. The introduction of a comprehensive soft landscaping scheme including planting to the rear of the site and the re-planting of a native species hedgerow to the site frontage will help in softening views of the development from surrounding vantage points and from Bentley Road and will assist in assimilating the development into its surroundings. The rear boundary of the site will be marked by post and rail fencing with native species planting on its inside, which represents a sympathetic arrangement to this boundary which is currently open to the countryside beyond to the south-east.
- 6.11 In respect of the design of the dwellings, the submitted plans show full height two-storey properties comprising of a mixture of 3 dwelling types. These being; a two-storey detached property with a projecting gable element clad with boarding, a boarded two-storey property with a set back pitched roof element incorporating garaging at ground floor with accommodation above at the southern end of the development and 4 no. semi-detached properties at the northern end of the development comprising of a symmetrical half boarded and half brick suspended gable element. The proportions and scale of the proposed properties relate appropriately to the character of the locality, which comprises of detached 1960/70's style bungalows and detached two-storey dwellings that sit opposite the site. The

use of contrasting styles and materials assists in ensuring the development appears varied and aesthetically pleasing. The introduction of brick plinths, suspended gable ends, chimneys and detailing above the entrance doors and windows gives the dwellings added interest.

- 6.12 The dwellings are set on similar width plots to those in the locality and would retain appropriate side isolation to the boundaries of each plot to ensure the development would not appear cramped or out of character in this location. Each property would be served by private amenity space in excess of that required by saved policy HG9 of saved local plan.
- 6.13 Overall the development would relate acceptably to the character of the area in terms of its layout, spacing and design and with the introduction of soft landscaping, the development would represent an appropriate response to its surroundings.

Residential Amenities

- 6.14 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 supports these objectives supports these objectives.
- 6.15 The proposed dwellings are sufficiently separated from those properties on the opposite side of Bentley Road behind a proposed intervening hedgerow not to cause any harm to the resident's amenity in terms of outlook, light deprivation and privacy. To the north of the site is a commercial property and to the south is a large detached bungalow known as 'The Acres'. In respect of the impact on this property, the proposed dwelling on plot 1 would not extend rearwards of 'The Acres' and due to the orientation of the existing bungalow facing north and the presence of a 2m high privet hedge on the shared boundary, would not cause any adverse harm in terms of outlook or light received. There are no windows proposed in the south facing elevation of the property to plot 1, therefore no loss of privacy would arise.
- 6.16 In terms of the access point, this would be located centrally within the site opposite a brick wall to the front of no.8 Bentley Road. Due to the presence of the brick wall, patches of vegetation and the significant set back of no. 8 Bentley Road, no amenity concerns arise in regard to headlights shining into the property.

Highway Considerations

- 6.17 The arrangement of a single access point from Bentley Road remains as shown on the indicative plans submitted at outline stage. Essex County Council Highways have reviewed the plans and confirm they have no objections subject to several conditions which were previously included at outline stage. These include the width of the accesses, provision of visibility splays, size of parking bays and garaging and the use of no unbound materials in the first 6m from the highway boundary. All these requirements are reflected on the submitted plans and secured through conditions on the outline approval.
- 6.18 In terms of parking provision, each property would be served by a garage with frontage parking. As a result each property would be given a minimum of 3 spaces each which allows for a good level of visitor's parking too and accords with the requirements of the current parking standards.

Landscaping/Biodiversity

- 6.19 As confirmed above the development proposes a significant amount of additional soft planting to the rear and front of the site. The Council's Trees and Landscaping Officer has confirmed that the species and siting of the planting is acceptable subject to additional details as to its spacing. This information has now been included on the revised plans and confirms planting at 0.5m centres, which accords with landscaping requirements.
- 6.20 The soft landscaping proposed will assist in providing added biodiversity benefits along with assimilating the development into its surroundings. The one tree to be removed is sited within plot 1. This is a small Grey Willow tree and its removal was agreed at outline stage due to its low amenity value.
- 6.21 At outline stage a phase 1 habitat survey was submitted which confirmed that the site is not generally suitable for protected species due its use as agricultural land. The survey confirmed that providing precautionary measures are adhered to the development would not cause any significant impacts upon protected species potentially utilising the site. As such at outline stage conditions relating to the timing of vegetation clearance and the use of sensitive lighting were included. The survey also stated that there is an opportunity to increase the ecological value of the site, which is currently low, via wildlife friendly landscaping and the provision of bat and bird boxes. Consequently, the plans show the siting of bat and bird boxes within the existing and proposed planting areas.

Background Papers

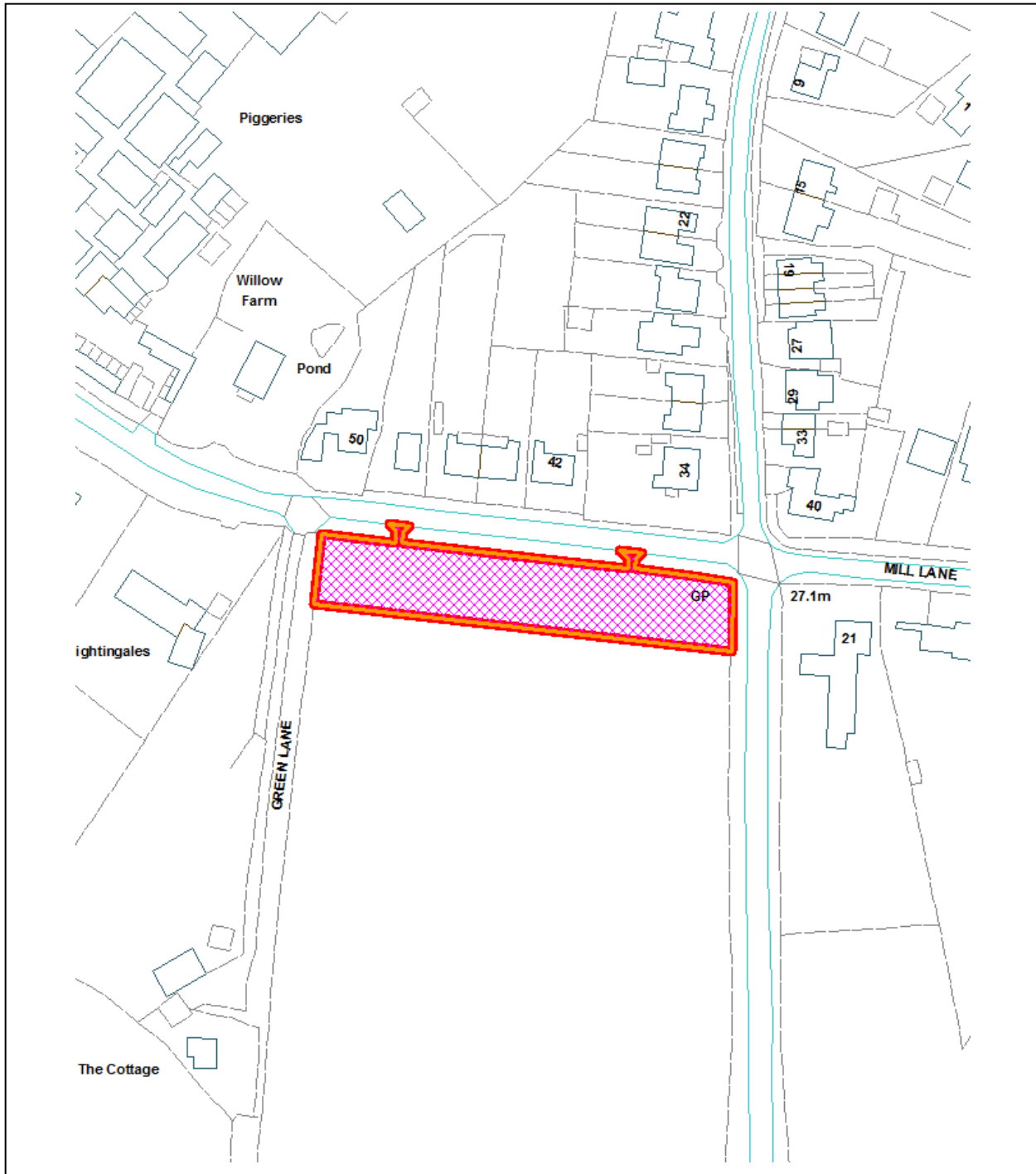
None

PLANNING COMMITTEE

16 MAY 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/00180/DETAIL - LAND WEST OF RECTORY ROAD, WEELEY HEATH, CO16 9AX



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Application:	17/00180/DETAIL	Town / Parish: Weeley Parish Council
Applicant:	Mr Steve Wheelhouse	
Address:	Land West of Rectory Road Weeley Heath CO16 9AX	
Development:	Reserved matters application following outline planning approval 16/00183/OUT - Residential development comprising of up to 6 dwellings.	

1. Executive Summary

- 1.1 Outline application 16/00183/OUT for residential development of up to 6 dwellings on this site was approved at Planning Committee on 18th May 2016 at which time it was requested that the reserved matters be brought back to the committee for determination.
- 1.2 This application seeks approval of the reserved matters application for the erection of 6 no. 4 bedroom detached dwellings each served by a double garage and driveway parking with two access points from Mill Lane serving the development.
- 1.3 The application site is situated on the southern side of Mill Lane outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007) but fully within the defined settlement development boundary of the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016.
- 1.4 As established through the granting of outline application 16/00183/OUT, the principle of residential development for up to 6 dwellings on this site is accepted.
- 1.5 This reserved matters application satisfies design and highways, trees and landscaping, biodiversity and residential amenity considerations and is recommended for approval.

Recommendation: Approve

Conditions:

- 1). All parking areas and garages to be provided prior to first occupation of the dwellings.
- 2). Accordance with approved plans

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG6 Dwelling Size and Type
- HG9 Private Amenity Space
- HG14 Side Isolation
- EN1 Landscape Character
- EN6 Biodiversity
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SPL1 Managing Growth
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP4 Housing Layout
- PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the

NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

15/30202/PREAPP	Proposed residential development comprising 34 dwellings including 13 affordable units.		12.10.2015
16/00183/OUT	Residential development comprising of up to 6 dwellings.	Approved	20.05.2016
17/00180/DETAIL	Reserved matters application following outline planning approval 16/00183/OUT - Residential development comprising of up to 6 dwellings.	Current	

4. Consultations

ECC Highways Dept PLEASE NOTE THE FOLLOWING COMMENTS ARE MADE HAVING REGARD TO AMENDED SITE LAYOUT PLAN NUMBER 01F

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development, the accesses at their centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by the site maximum, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres within the site, tapering one-sided over the next 6 metres to any lesser width and provided with an appropriate dropped kerb crossing to the satisfaction of the Local Planning Authority.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- Any single garages should have a minimum internal measurement of 7m x 3m

- Any double garages should have a minimum internal measurement of 7m x 6m
- All garages shall be retained for the purposes of vehicle parking in perpetuity

Tree & Landscape Officer The amended site plan shows hedging species for the site boundaries and the species selected are acceptable however before the condition can be discharged it will need to be made clear how many plants will be incorporated into the scheme.

At the present time the only plant quantities provided relate to groundcover.

The applicant will need to provide details of the number of plants to be used in the new hedge. This can be by either: the number of plants per square meter or the spacing at which the hedging plants will be space e.g. 50cm centres.

As the information provide on the amended site plan is otherwise acceptable the required information can be provided as an attachment to that plan or by a minor amendment to the site layout plan.

With regard to the impact of the development proposal on the Oak trees close to the eastern elevation of plot 1 it was noted that they have been previously reduced in size because of the proximity of the overhead power cables. As similar works are likely to be required in the future to control their growth potential the adjacent dwelling will not unduly compromise the retention of the trees or create additional pressure for them to be inappropriately worked on to address issues relating to shading or debris.

5. Representations

- 5.1 Weeley Parish Council has no additional comments to make on this amended detailed application but wishes to re-iterate our point about the hedgerow. As much as possible should be retained and the revised plans remain ambiguous with regard to the amount of hedgerow to be removed.
- 5.2 2 letters of objection have been received and 1 letter pointing out observations. These letters contain the following points;
- Narrow country lane cannot deal with amount of traffic
 - Impact on countryside
 - Large amount of hedgerow being removed (amended plans have been received showing whole frontage hedgerow being retained aside for access points and additional planting to its rear to strengthen it).

6. Assessment

The main planning considerations are:

- Site Context;
- Proposal;

- Visual Impact/Design;
- Neighbouring Amenity;
- Highway Considerations, and;
- Landscaping/Biodiversity.

Site Context

- 6.1 The application site is a rectangular area of land lying to the southern side of Mill Lane to the west of Rectory Road in the settlement of Weeley Heath. The site measure 0.3 hectares in size, is relatively flat and is currently in agricultural use.
- 6.2 The site is bordered to the west by vegetation that encloses a narrow track known as Green Lane which serves a residential property. Beyond this property are two further detached houses. The northern frontage of the site onto Mill Lane is marked by a mature hedgerow and drainage ditch beyond which are several residential properties located on the opposite side of the lane including detached and semi-detached bungalows and several chalet style properties. The southern boundary is open in character and forms part of the agricultural field. To the east is Rectory Road and beyond this is Mill Lane which contains further residential development which comprises of a mixture of detached bungalows and semi-detached dwellings.
- 6.3 The application site is situated on the southern side of Mill Lane outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007) but fully within the defined settlement development boundary of the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016.

Proposal

- 6.4 The current application seeks approval of the reserved matters relating to outline permission 16/00183/OUT and the erection of 6 no. 4 bedroom detached properties.
- 6.5 The development will be served by 2 new vehicular accesses from Mill Lane.
- 6.6 All 6 properties will be served by a private garden area in excess of the minimum 100 square metres required by Saved Policy HG9 of the adopted Tendring District Local Plan (2007).
- 6.7 All 6 properties will be served by at least 3 parking spaces in the form of a double garaging and parking space in front in line with the current Parking Standards.
- 6.8 The proposed site layout plan shows substantial landscape planting around the perimeter of the site, including new hedgerow planting to the rear of the site and along the eastern boundary to Rectory Road with further planting to the rear of the frontage hedgerow, which would make a positive contribution to the bio-diversity of the site.

Visual Amenity/Design

- 6.9 The development of the site with 6 detached dwellings in a linear style represents an appropriate response to the character of the area. The introduction of a comprehensive soft landscaping scheme and the retention of the majority of the mature hedgerow present on the site frontage to Mill Lane helps in softening views of the development from surrounding vantage points and assists in assimilating the development into its surroundings. The rear boundary of the site will be marked by post and rail fencing with native species planting on its inside, which represents a sympathetic arrangement to this boundary which is currently open to the countryside beyond to the south.

- 6.10 The original plans showed the removal of the frontage hedgerow which would have been in conflict with the conditions stipulated on the outline approval 16/00183/OUT. As such amended plans have been received showing the retention of this hedge, aside for the two access points and trimming for visibility splays, along with additional planting to its rear to strengthen it.
- 6.11 In respect of the design of the dwellings, the submitted plans show full height two-storey properties comprising of a mixture of 3 dwelling types. These being; a traditional two-storey style dwelling with a central entrance door with bay windows on either side, a two-storey property with a projecting gable element clad with boarding and at each end of the development a boarded two-storey property with a set back pitched roof element incorporating garaging at ground floor with accommodation above. The proportions of the proposed properties relate appropriately to the character of the locality, which comprises of a mixture of bungalows, chalet style dwellings and two-storey properties, and the use of contrasting styles and materials assists in ensuring the development appears varied and aesthetically pleasing. The introduction of brick plinths, gable ends, chimneys and detailing above the entrance door and windows gives the dwellings added interest.
- 6.12 The dwellings are set on similar width plots to those in the locality and would retain appropriate side isolation to the boundaries of each plot to ensure the development would not appear cramped or out of character in this location. Each property would be served by private amenity space in excess of that required by saved policy HG9 of saved local plan.
- 6.13 Overall the development would relate acceptably to the character of the area in terms of its layout, spacing and design and with the introduction of soft landscaping to supplement the existing frontage hedgerow, the development would represent an appropriate response to its surroundings.

Residential Amenities

- 6.14 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 supports these objectives.
- 6.15 The proposed dwellings are sufficiently separated from those properties on the opposite side of Mill Lane behind an intervening hedgerow not to cause any harm to the resident's amenity in terms of outlook, light deprivation and privacy. Furthermore, to the east and west of the site the nearest residences are located beyond dense vegetation and intervening highways. As such any impact of the development upon the residents would be minimal.
- 6.16 In terms of the access points from the Rectory Road end the first entrance is opposite the garden/garage and brick wall of the corner plot, and the second entrance is opposite the garage between the dwellings, so these are positioned in the best places with respect to shine from vehicle headlights.

Highway Considerations

- 6.17 The arrangement of two access points from Mill Lane remains as shown on the indicative plans submitted at outline stage. Essex County Council Highways have reviewed the plans and confirm they have no objections subject to several conditions which were previously included at outline stage. These include the width of the accesses, provision of visibility

splays, size of parking bays and garaging and the use of no unbound materials in the first 6m from the highway boundary. All these requirements are reflected on the submitted plans and secured through conditions on the outline approval.

- 6.18 In terms of parking provision, each property would be served by a double garage with frontage parking. As a result each property would be given a minimum of 3 spaces each which allows for a good level of visitor's parking too.

Landscaping/Biodiversity

- 6.19 As confirmed above the development proposes a significant amount of additional soft planting to the perimeters of the site. The Council's Trees and Landscaping Officer has confirmed that the species and siting of the planting is acceptable subject to additional details as to its spacing. This information has now been included on the revised plans and confirms planting at 0.5m centres, which accords with landscaping requirements.
- 6.20 The soft landscaping proposed along with the retention of the mature roadside hedge to the frontage of the plot will assist in providing added biodiversity benefits along with assimilating the development into its surroundings.
- 6.21 At outline stage a phase 1 habitat survey was submitted which confirmed that the site is not generally suitable for protected species due its use as agricultural land. The survey confirmed that providing precautionary measures are adhered to the development would not cause any significant impacts upon protected species potentially utilising the site. As such at outline stage conditions relating to the timing of vegetation clearance and the use of sensitive lighting were included. The survey also stated that there is an opportunity to increase the ecological value of the site, which is currently low, via wildlife friendly landscaping and the provision of bat and bird boxes. Consequently, the plans show the siting of bat and bird boxes within the existing and proposed planting areas.

Background Papers

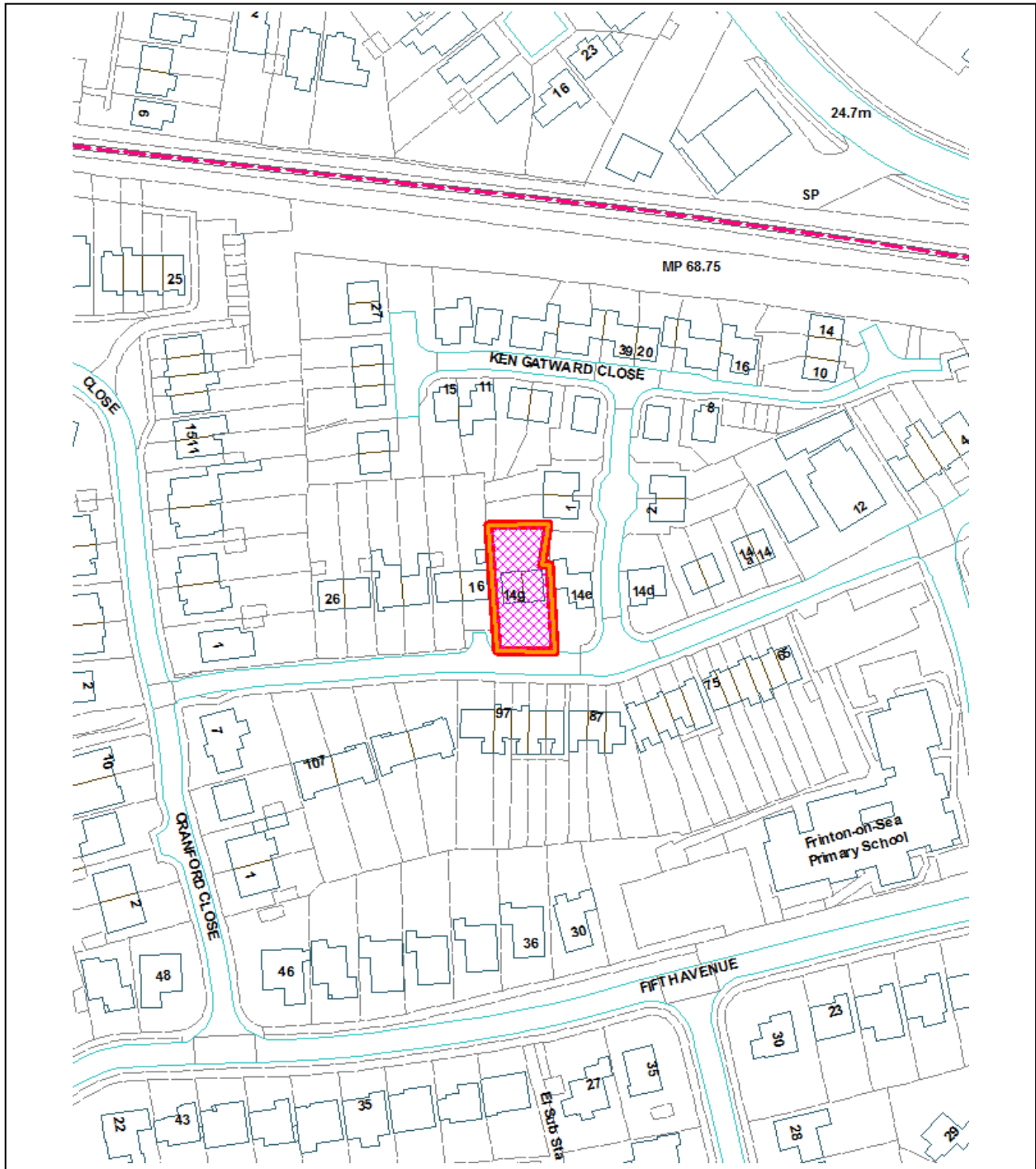
None

PLANNING COMMITTEE

16 MAY 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 17/00502/FUL - 14F WITTONWOOD ROAD, FRINTON-ON-SEA, CO13 9LB



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Application:	17/00502/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr Stuart McAdam - Persimmon Homes Essex	
Address:	14F Wittonwood Road Frinton On Sea CO13 9LB	
Development:	Erection of two dwellings - (retention of) amendment to that approved under 14/01447/DETAIL	

1. Executive Summary

- 1.1 The application has been 'called-in' to Planning Committee by Cllr Turner who is concerned that, the design is inferior to that was originally approved and what should have been built.
- 1.2 Outline planning permission - 11/00796/OUT - and Reserved Matters Approval - 14/01447/DETAIL were granted on 30.06.2014 and 23.03.2015 respectively.
- 1.3 The development related to the creation of 37 no. two, three and four bedroomed houses, plus associated roads, car parking, landscaping and public open space.
- 1.4 The site lies within the defined settlement boundary of the saved Local Plan and the site was historically used as an overground reservoir (now capped) with associated grounds.
- 1.5 All the relevant conditions were discharged and the development commenced, however 2 plots – a pair of semi-detached houses on the Wittonwood Road frontage – have not been built in accordance with the approved plans, and this application is to regularise the “as-built” situation.
- 1.6 The siting and scale of the proposed dwellings is similar to the approved units, with only the design – principally the external appearance differing from the approved plans, and the changes are considered acceptable to officers with no material harm to visual or residential amenity, or highway safety. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. Dev in accordance with approved plans
2. Parking to be retained

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

- QL2 Promoting Transport Choice
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Meeting Housing Needs
- SP5 Place Shaping Principles
- SP6 Spatial Strategy for North Essex
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to

relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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
14/01447/DETAIL	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.	Approved	23.03.2015
14/01644/ADV	1 no. freestanding, non illuminated sales sign.	Approved	06.03.2015
17/00502/FUL	Erection of two dwellings - (retention of) amendment to that approved under 14/01447/DETAIL	Current	

4. Consultations

None Undertaken

5. Representations

- 5.1 Frinton and Walton Town Council: REFUSAL – against the retrospective application; poor design and out-of-keeping with the development. Have not stuck to the assurances given ahead of the development.
- 5.2 One neighbour representation has been received, which states:-
- 5.3 Regarding the above proposed planning application I wish to voice my concern over the fact that my property and my neighbours' property (14F) both have access to a shared drive which has to be kept clear at all times. My concern is that with this proposed building work lorries, vans and cars will be parked on the shared drive thereby restricting my access to and from my property and garage both on foot and in my car.

- 5.4 There will also be noise, dirt and disruption with no indication of how long this work will be going on for.

6. Assessment

- 6.1 As the development relates solely to a change to the elevational treatment of the 2 frontage plots concerned - and the layout/design of those dwellings remains the same – the only issue to consider is whether the as-built development is acceptable in planning terms or not.
- 6.2 In all other respects – layout of the dwellings on the estate, access roads/parking, the open space and the number of dwellings (including affordable units) – remains unchanged, and hence there are no ‘Policy’ implications.
- 6.3 The only consideration is whether the changes to the appearance of the dwellings is acceptable or not.

Site Location

- 6.4 The 2 dwellings concerned (plots 1 and 2) are 2 of the frontage dwellings facing on to Wittonwood Road, and they are adjacent to No 16 Wittonwood Road, an existing pair of semi-detached houses.
- 6.5 The new development along the frontage, consists of the 2 semis the subject of this applicant, 2 pairs of semi-detached houses at the other end of the site frontage, and 2 detached houses situated at each side of the main estate road, that serves a further 29 dwellings served from a modern estate layout.
- 6.6 The site is a modern development to the north of Wittonwood Road (a former reservoir site), and the estate is situated opposite rows of established terraced houses on the south side of Wittonwood Road.
- 6.7 The terraced house opposite the site are a mix of older traditional units, and more recent dwellings, and they are an attractive design with substantial chimney stacks being a feature of the roof-line.
- 6.8 When the estate was designed, there were several different dwelling types, with the Hanbury dwelling type - built as a pair (the Hanbury B) on plots 7/8; 11/12 and 16/17, - with the same design of dwelling built as a terrace (the Hanbury C) on plots 13-15.
- 6.9 The Hanbury B and C types, are a simple design with a lean-to porch on the front, but with simple eaves and ridge detailing.
- 6.10 For Plots 1 and 2 (the application site), a variation of the design (the Hanbury A) was produced, which was basically the same dwelling in terms of its layout and front lean-to porch, but it had embellishments due to it’s prominent road-frontage location, having pitched roof structures with moulded barge-boards above the upper-floor main bedroom windows and a ‘mock’ chimney stack on the ridge.
- 6.11 The developer has not constructed the special Hanbury ‘A’ type on the plots concerned, and has instead built the dwelling without the chimney stack or the elaborate barge-boards to the pitched roof above the upper windows, which have been provided with a simpler tiled edge instead.

- 6.12 In addition – due to the changes in levels across the site – the pair of dwellings has been constructed with a slight “step” at the party wall, although the ‘finished floor levels’ have been agreed via the discharge of condition process.

Proposal

- 6.13 The proposal is to retain the dwellings in their “as-built” form, which is basically the same house-type as approved, but without the chimney stacks and with the changed detail to the pitched roof detail above the first floor windows.
- 6.14 The changed finished floor level has been approved under the condition discharge approval of ‘levels’ – and the ‘step’ in the ridge and eaves line would have been necessary in any event, even if the dwellings had been built as per the original approval.
- 6.15 The issue to consider is whether the minor changes to the dwellings erected on these 2 plots are acceptable in visual terms, and the key changes are discussed below:-

The Chimney Stacks

- 6.16 The dwellings have been constructed without the chimneys stracks of the ‘approved’ dwellings, which the applicants suggested has come about due to the step in the ground and floor levels, however as these are not a working chimney, and are built off the party wall, there is no technical reason why the stacks could not be provided, although there would have been additional lead-work due to the levels changes.
- 6.17 Chimney stacks are a feature of this part of Wittonwood Road, and the originally approved scheme provided chimney stacks on all of the 2 pairs of semi’s fronting directly on to Wittonwood Road, as this reflected the character of the surrounding properties.
- 6.18 Whilst the loss of the chimney stacks is regrettable, it is noted that the detached houses at the junction of the new estate road and Wittonwood Road, have been approved without chimney stacks and not all of the existing dwellings in the surrounding area have chimneys.
- 6.19 The site is not within a sensitive area – such as a Conservation Area or within the setting of a listed building – where the attention to such details is critical, and would have been fundamental to the acceptability of the scheme.
- 6.20 Whilst the lack of chimney stacks on these 2 units is regrettable, and reduces somewhat the quality of the development, it is not reduced to such a level whereby planning permission could be justifiably refused, particularly as other dwellings on the same frontage and approved along with this estate are not provided with chimney stacks, and not all the existing dwellings have stacks.
- 6.21 The chimney stacks, whilst attractive features which are missing from the current proposal, are not so important as to warrant a refusal of planning permission.

The Window Detailing

- 6.22 The differences between the ‘approved’ dwellings and the as-built dwellings amounts to the treatment of the upper floor windows, and in both instances, a “feature” pitched roof and gable is provided above the upper floor bedroom windows on the front elevation.
- 6.23 On the ‘approved’ plans, the windows were fitted with moulded timber barge-boards, topped with a finial, whereas on the as-built dwellings, the same roof detail is finished with a plain barge-board and the roof-tiles of the dormer feature are of the cloaked-verge design, with a

wrap-over detailing that hides the edge of the roof tiles, and the adjacent detached houses have a similar treatment to their projecting gable.

- 6.24 Due to the non-sensitive nature of the surroundings, it is not considered that this change fundamentally affects the standard of the development, and as the same treatment has been approved on the adjacent dwellings, it would be extremely difficult to argue that such a feature is unacceptable in visual terms.
- 6.25 Whilst the changes to the design of these dwellings is different from the ones previously approved, it can be seen that the changes are not out-of-place and have been approved on other dwellings on the same frontage.
- 6.26 The dwellings as built, whilst not being as originally approved, are never-the-less acceptable in visual terms and as a result, would be difficult to resist.
- 6.27 The development 'as built' remains visually acceptable and is recommended for approval.

Background Papers

None

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