



PLANNING COMMITTEE

DATE: Tuesday 13 June 2017

TIME: 6.00 pm

VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)
Councillor Heaney (Vice-Chairman)
Councillor Alexander
Councillor Baker
Councillor Bennison
Councillor Cawthron

Councillor Everett
Councillor Fairley
Councillor Fowler
Councillor Hones
Councillor McWilliams

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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 686 585.

DATE OF PUBLICATION: FRIDAY 2 JUNE 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 - 6)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 16 May 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 - 16/01084/FUL - Strangers Home, The Street, Bradfield, CO11 2US (Pages 7 - 14)

Erection of shower block.

5 A.2 - Planning Application - 16/02107/FUL - Bramcote, Thorpe Road, Clacton-on-Sea, CO16 9SA (Pages 15 - 26)

Demolition of existing dwelling and erection of 47 no. bungalows and 2 no. houses with garages, access and public open space.

6 A.3 - Planning Application - 17/00392/FUL - 2 High Street, Manningtree, CO11 1AD (Pages 27 - 42)

Alterations and extensions to existing vacant bank premises and change of use to multi-residential accommodation (7 flats) and erection of dwelling.

7 A.4 - Planning Application - 17/00393/LBC - 2 High Street, Manningtree, CO11 1AD (Pages 43 - 52)

Internal and external alterations and extensions of existing vacant bank premises in connection with residential re-development.

8 A.5 - Planning Application - 17/00527/FUL - Land adjacent 6 Manningtree Road, Little Bentley, CO7 8SP (Pages 53 - 60)

Erection of 6 No. detached new dwellings, associated garaging and access road.

9 A.6 - Planning Application - 16/0198/-FUL - 138 Colne Way, Point Clear, St Osyth, CO16 8LU (Pages 61 - 68)

Proposed replacement dwelling following demolition of existing.

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, 11 July 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 16 MAY 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Baker, Bennison, Cawthron, Everett, Fairley (except item 4), Fowler and Hones
Also Present:	Councillors McWilliams and Turner
In Attendance:	Lisa Hastings (Head of Governance and Legal Services), Gary Guiver (Planning Manager), Ian Ford (Committee Services Manager) and Matthew Lang (Planning Officer)(except item 8)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Due to the fact that she had been unable to attend the site visits, Councillor McWilliams did not attend the meeting as a member of the Committee but instead sat in the public gallery.

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 19 April 2017, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

Councillor Fairley indicated that she would declare a non-pecuniary interest in relation to Planning Application 17/00377/FUL due to family connection to the application site and that she would withdraw from the meeting during the consideration of that application and the voting thereon.

Councillor Everett indicated that he would declare a non-pecuniary interest in relation to Planning Application 17/00502/FUL by virtue of the fact that he lived in the Ward.

At the request of the Chairman, the Planning Manager (GG) addressed the Committee and informed it that the Council could now demonstrate that it had a five year supply of deliverable housing sites and was no longer automatically expected planning applications for housing that ran contrary to the Local Plan as per the Government's 'presumption in favour of sustainable development'.

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

Further to Minute 3 above, Councillor Fairley, having declared a non-pecuniary interest, withdrew from the meeting whilst the application was considered and determined.

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.

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

- (1) Additional information provided by the applicant to the Council's Environmental Health Section regarding spray paint usages;
- (2) Confirmation from the Council's Pollution and Environmental Control Team that they had no objections to the application; and
- (3) An additional proposed planning condition to control the hours of working.

Alan Green, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Hones and **RESOLVED** (a) that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to confirmation of no objection from Environmental Health and the following 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; and
 6. Hours of working restricted to 7.30 a.m. – 7.00 p.m. Monday to Friday and 7.30 a.m. – 1.00 p.m. on Saturdays with no working on Sundays or public holidays.
- (b) that an informative be sent to the applicant requesting him to ensure that any external lighting/security lighting submitted in relation to planning condition 5 above takes the form of down lighting in order to minimise the impact of light pollution.

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

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.

Alan Green, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Fairley and **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. 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; and
8. Construction Method Statement

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

Members recalled that outline planning application 16/00186/OUT which had been for a residential development of up to six dwellings on this site was approved at Planning Committee on 18 May 2016. The Committee had requested that the reserved matters application be brought back for determination.

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 (ML) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Baker, 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 the following conditions:

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

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

Members recalled that outline planning application 16/00183/OUT which had been for a residential development of up to six dwellings on this site was approved at Planning Committee on 18 May 2016. The Committee had requested that the reserved matters application be brought back for determination.

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 (ML) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Heaney and **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. All parking areas and garages to be provided prior to first occupation of the dwellings; and
2. Accordance with approved plans.

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

Further to Minute 3 above, Councillor Everett had declared a non-pecuniary interest in this application.

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

Members recalled that outline planning permission 11/00796/OUT and Reserved Matters Approval 14/01447/DETAIL had been granted on 30 June 2014 and 23 March 2015.

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.

An update sheet was circulated to the Committee prior to the meeting with details of an amended address for the application description.

Alan Eldret, a local resident speaking on behalf of the Frinton Residents' Association, spoke against the application.

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

Stuart McAdam, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee and having taken into consideration the advice provided by the Planning Manager and the Head of Governance and Legal Services, it was moved by Councillor Fairley, seconded by Councillor Heaney and **RESOLVED** (a) that consideration of the application be deferred to enable the Head of Planning (or equivalent authorised officer) to seek an extension of time to determine the application with the applicant (i.e. beyond 26 May 2017 for a maximum of two committee cycles);

- (b) that the Head of Planning (or equivalent authorised officer) invites the applicant to provide an amended plan(s) within two committee cycles that incorporates the following into the external design of the properties namely:-

- (1)Ornamental chimney(s);
- (2)Bargeboards;
- (3)Finials; and
- (4)Lighter Window Lintels.

- (c) that, in the event that the applicant does not agree to an extension of time to negotiate the external appearance of the properties, the Head of Planning (or equivalent authorised officer) be authorised to refuse to grant planning permission for the development on the grounds of:-
 - (i) Unacceptable design; and
 - (ii) Out of character with neighbouring properties.

The meeting was declared closed at 8.20 pm

Chairman

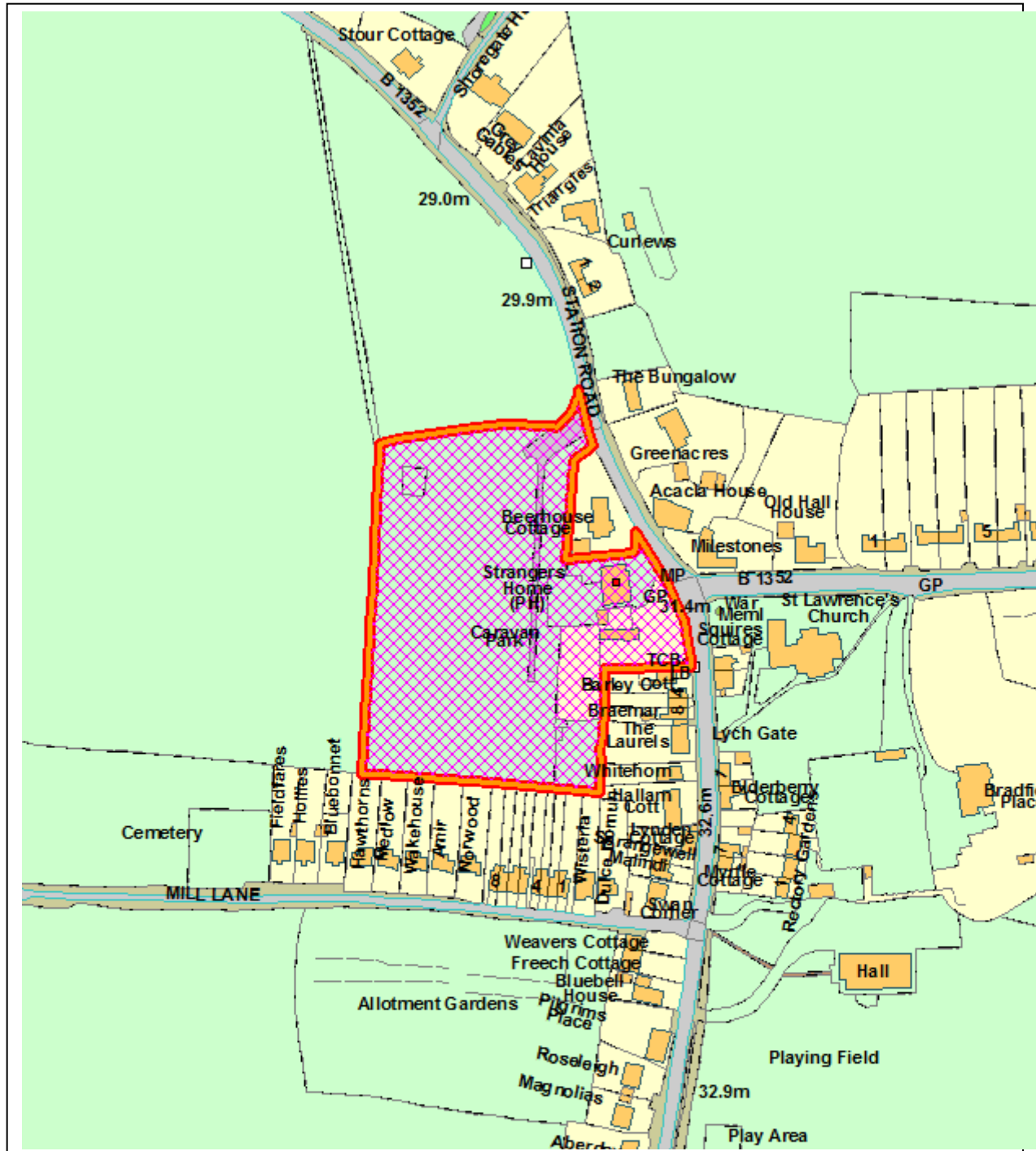
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PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 16/01084/FUL - STRANGERS HOME, THE STREET, BRADFIELD, MANNINGTREE, CO11 2US



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Application:	16/01084/FUL	Town / Parish: Bradfield Parish Council
Applicant:	Mr A Forward (Starglade Ltd)	
Address:	Strangers Home The Street Bradfield CO11 2US	
Development:	Erection of shower block.	

This application was first considered by the Planning Committee on 31st January 2017. Following discussion by the Committee, it was resolved that consideration of this application be deferred for Officers to seek the following additional information:

- Evidence to justify a compelling functional need (as set out in Policy EN3 of the 2007 Local Plan);
- Details of the proposed materials of the building;
- Details of how refuse will be removed from the waste store, and;
- Evidence that alternative locations within the site are explored/considered to minimise any identified harm to the amenities of neighbouring residents, setting of listed buildings and the adjoining Conservation Area.

Officers have contacted the applicant's agent to request this information. The applicant's justification for the shower block is that there is a need to upgrade and improve facilities at the site, as the existing are well past their best and far below the standard guests staying at the site expect. No consideration of alternative locations has been provided by the applicant. In response to the request for further details of materials and refuse disposal arrangements, the applicant has declined to provide such details on the basis that this information could be secured through planning conditions if necessary.

The Officers' report of 31st January 2017 is replicated below with relevant updates highlighted in bold text. The Committee is now invited to make a decision on whether or not to grant planning permission.

1. **Executive Summary**

- 1.1 The application is brought before Planning Committee at the request of Cllr. Fairley as she considered that the proposed shower block and managers' dwelling (subject to a separate application) is likely to have a materially damaging impact on amenities of neighbours. Residents express extreme concerns that this proposed development will lead the way to this site becoming a static rather than a family touring site which would not be suitable for the area.
- 1.2 This proposal seeks planning permission for the erection of a shower block measuring 13 metres in width, 5 metres in depth with an eaves height of 2.5 metres and a ridge height of 4 metres. The proposed building is situated to the south-east of the public house; approximately 13 metres from the rear boundary with the properties in The Street and 38 metres from the rear boundary with properties in Mill Lane.
- 1.3 Both the Saved and Emerging Local Plan seeks to support tourist facilities in the District. Therefore there is no objection in principle to the proposal.

- 1.4 Given the design, scale and appearance of the proposed building it is not considered that proposal would result in any adverse impact on the character and appearance of the Conservation Area or that of the surrounding area, which is forms part of the extension of the AONB nor the Coastal Protection Belt.
- 1.5 The shower block proposed as part of this application is situated approx. 13 metres from the rear boundary with the nearest residential properties. It is considered that this distance of separation is sufficient for the proposal not to result in any significant harm to the neighbour's amenities, subject to a condition to ensure additional planting takes place in the area between the shower block and the residential properties in The Street.

Recommendation: Approve

Conditions:

1. Standard time limit
2. In accordance with approved plans
3. Sample of materials
4. Details of planting scheme to be submitted and approved
5. Implementation of planting scheme

2. Planning Policy

NPPF National Planning Policy Framework
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
ER16 Tourism and Leisure Uses
ER19A Touring Caravans and Tents
ER20 Occupancy Timescales
EN1 Landscape Character
EN3 Coastal Protection Belt
EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB
EN17 Conservation Areas
EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design
PP8 Tourism
PP10 Camping and Touring Caravan Sites
PPL3 The Rural Landscape
PPL8 Conservation Areas
PPL9 Listed Buildings

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

76/00922/FUL	Campsite for touring caravans and tents	Approved	16.11.1977
79/01418/FUL	New entrance lobby and provision of internal toilets also sectional case store	Approved	30.10.1979
01/01428/FUL	Change of use from overgrown waste ground to caravan storage area	Withdrawn	16.11.2001
03/00823/FUL	Limited storage of touring caravans during winter months	Approved	28.07.2003
10/01242/TCA	1 No Ash - remove dead wood and reduce tree	Approved	22.11.2010
10/01319/FUL	Erection of an extension to the public house	Approved	18.01.2011
11/01015/FUL	Use of the land to the rear of Strangers Home Public House Bradfield as a camping site for 70 touring pitches, for either caravans or tents, between the 1st March and 15th January of the following year, together with retention of the modified site access and use of part of the site for caravan storage between the 15th January and the 1st March (replacement of existing planning consent TEN/922/76).	Withdrawn	04.11.2011
11/01213/FUL	Erection of single storey rear extension to public house.	Approved	05.12.2011
12/00321/FUL	Continued use of the land to the	Refused	21.06.2012

	rear of Strangers Home for the existing 67 touring pitches (caravans or tents) between 1st March and 15th January of the following year. Limit of 50 caravans at any one time (increased from 25) together with the retention of the modified site access and use of part of the land for caravan storage between 15th January and 1st March (Replacement of existing consent TEN/922/76).	and Allowed at Appeal	
13/00168/FUL	Construction of new access road to existing camp site.	Withdrawn	11.07.2013
14/00552/TCA	Common Ash (Fraxinus Excelsior) - fell leaving approximately 3ft standing stump.	Approved	29.05.2014
14/00657/DISCON	Discharge of condition 2 (hard and soft landscaping) & 14 (waste and recycling storage and disposal) of 12/00321/FUL (allowed under appeal reference APP/P1560/A/12/2189605/NWF).	Approved	15.10.2014
14/01838/FUL	Use of land for stationing of managers accommodation (twin mobile home) and shower block.	Refused	03.02.2015
16/01077/FUL	Use of land for stationing of twin unit mobile home for use as managers dwelling and site office.	Refused	14.03.2017

4. Consultations

None

5. Representations

5.1 Given the limited additional information received by the agent, it was not considered necessary to re-consult; as the proposal has not been amended nor has any additional evidence been put forward.

5.2 Bradfield Parish Council – objection to the application as it is outside of the proposed Settlement Development Boundary in the emerging Local Plan. The proposed shower block is directly behind residential homes and will result in noise and inconvenience for neighbours.

5.3 8 letters of objection have been received which raise the following concerns:

- The proposed location is at the rear of houses in The Street and will cause nuisance from 24 hour use by campers both by noise and light pollution at night.

- The use appears to be expanding to create year round noise, increased traffic resulting in a detrimental affect on the village.
- The site for the proposed new shower block is outside the development area.
- The proposed building will clash with the adjoining Conservation Area.
- No provisions for a new shower block were requested or insisted on by conditions for the extension to 47 pitches, 2 years ago.
- The development is not necessary.
- The proposed location could lead to more of the existing planting being removed – lessening the screening of the site from neighbouring residents.
- The existing facilities could be upgraded.
- The village as it is struggles with drainage and sewage issues from new build houses.
- This is in an area being designated as of outstanding natural beauty.

6. **Assessment**

The main planning considerations are:

- Principle of Development;
- Impact on Conservation Area and character of the area, and;
- Impact on Residential amenity.

Proposal

- 6.1 This proposal seeks planning permission for the erection of a shower block. The proposed building comprises of a separate female and male toilets and shower facilities and an open roofed campsite waste store. In total the proposed building measures 13 metres in width, 5 metres in depth with an eaves height of 2.5 metres and a ridge height of 4 metres. The proposed materials are not specified but can be secured by condition.
- 6.2 The proposed building is situated to the south-east of the public house; approximately 13 metres from the rear boundary with the properties in The Street and 38 metres from the rear boundary with properties in Mill Lane.

Site and Surrounding Area

- 6.3 The application site is approx. 1.5 hectares in size, it comprises of the Strangers' Home Public House and car park to the east of the site with a caravan site to the rear.
- 6.4 The site is boarded to the north and west by hedgerows with open land beyond. The eastern boundary where it separates the site from the neighbouring residential dwellings is delineated by a close boarded wooden fence. The southern boundary also provides separation between the site and residential properties and is predominately a close boarded wooden fence, with part being mature vegetation.
- 6.5 The majority of the site lies outside of the Settlement Development Boundary in the 2007 Saved Local Plan and the 2016 Preferred Options Consultation Document. Within the 2007 Saved Local Plan the majority of the site is also designated as Coastal Protection Belt; however this designation is not continued in the 2016 Preferred Options Consultation Document. In both Plans the site lies within the area designated as a proposed extension to the AONB and some of the eastern part of the site lies within the Bradfield Conservation Area.
- 6.6 As part of planning application 14/01838/FUL planning permission was refused for a shower block of a similar size and scale, however, this was located almost immediately adjacent to the boundary with residential properties in The Street and within the

Conservation Area. It was considered that in this location the shower block would have result in a materially damaging impact on the amenities of occupiers of the nearby residential properties.

Principle of Development

- 6.7 The application seeks planning permission for a shower block to be used in connection with an existing tourist facility. Both the Saved and Emerging Local Plan seeks to support tourist facilities in the District. Therefore there is no objection in principle to the proposal, subject to the detailed considerations set out below.

Impact on Conservation Area and character of the area

- 6.8 The submitted planning statement includes a Heritage Statement. Whilst this is relatively simple paragraph 128 of the NPPF does state in determining planning applications, local planning authorities should require and applicant to describe the significance of any heritage assets affected, and the level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. On this basis the Heritage Statement is considered acceptable.
- 6.9 The proposed shower block is situated close to the boundary of but outside of the Conservation Area. Policy EN17 states that for development outside a Conservation Area development would be refused where it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.
- 6.10 The proposed shower block would be located mostly behind the rear boundary fencing to properties along The Street and therefore would not be prominent in views from the Conservation Area. There would be some views gained from The Street and car park of the public house however, given the design, scale and appearance of the proposed building it is not considered that proposal would result in any adverse impact on the character and appearance of the Conservation Area or that of the surrounding area, which is forms part of the extension of the AONB.
- 6.11 The proposal would result in the loss of a small row of conifer trees, these trees are not considered to be of significant visual amenity and therefore there is no objection to their loss.

Impact on Residential amenity

- 6.12 The NPPF in paragraph 17 states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the 2007 Saved Plan states that amongst other criteria, 'development will only be permitted if the development would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.' This requirement is carried through into Policy SPL3 of the Emerging Plan.
- 6.13 The previous application (14/01838/FUL) was refused as it was considered that the proposal would have a materially damaging impact on the amenities of occupiers of the nearby residential properties as it was sited close to the boundary of the site. The shower block proposed as part of this application is situated approx. 13 metres from the rear boundary with the nearest residential properties. It is considered that this distance of separation is sufficient for the proposal not to result in any significant harm to the neighbour's amenities, subject to a condition to ensure additional planting takes place in the area between the shower block and the residential properties in The Street.

Coastal Protection Belt

- 6.14 Within the 2007 Local Plan the site lies within the designated Coastal Protection Belt. Policy EN3 states that new development which does not have a compelling functional need to be located in the Coastal Protection Belt, will not be permitted. The introduction to this policy states that the purpose of the Coastal Protection Belt is to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development.
- 6.15 It is considered that due to the location, design and scale of the proposed building and the authorised use of the surrounding land (as a caravan park) that the proposal would not have adverse impact on the character and appearance coastal protection belt. On this basis it is considered that whilst there is no compelling functional need for the development it is not inappropriate.

Other Issues

- 6.16 In the most recent appeal decision against the refusal of planning permission 12/00321/FUL a condition was imposed stating that 'no caravan or tent shall be sited on the land hatched blue'. The reason for imposing this condition was in the interest of visual amenity and the living conditions of the neighbouring properties. The proposed shower block is within the area hatched blue on Drawing No. 2537/05; however, as the proposal is not for a caravan or tent this condition can still be complied with.
- 6.17 Located on the opposite side of The Street there are a couple of listed buildings and the listed church. It is considered that given the scale of the proposed building and its distance from these buildings that the proposal would not result in any adverse impact on the setting of these buildings.
- 6.18 The letters of objection received state that the existing facilities could be upgrading resulting in this proposal being unnecessary. Whilst this may be the case; it is not a material planning consideration the Council has to determine the applications submitted and consider it based on the development plan and material planning considerations.
- 6.19 Concern has also been raised that the proposal would lead to the current use expanding. This proposal does not propose to alter any of the existing restrictions which are currently imposed.

Conclusion

- 6.20 **It is accepted that the agent has not submitted the level of information that the Members of the Planning Committee expected to see. However, for the reasons set out above the Officer's recommendation remains the same. It is considered that the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the National Planning Policy Framework, the Tendring District Local Plan and the Emerging Local Plan. Accordingly the application is recommended for approval.**

Background Papers

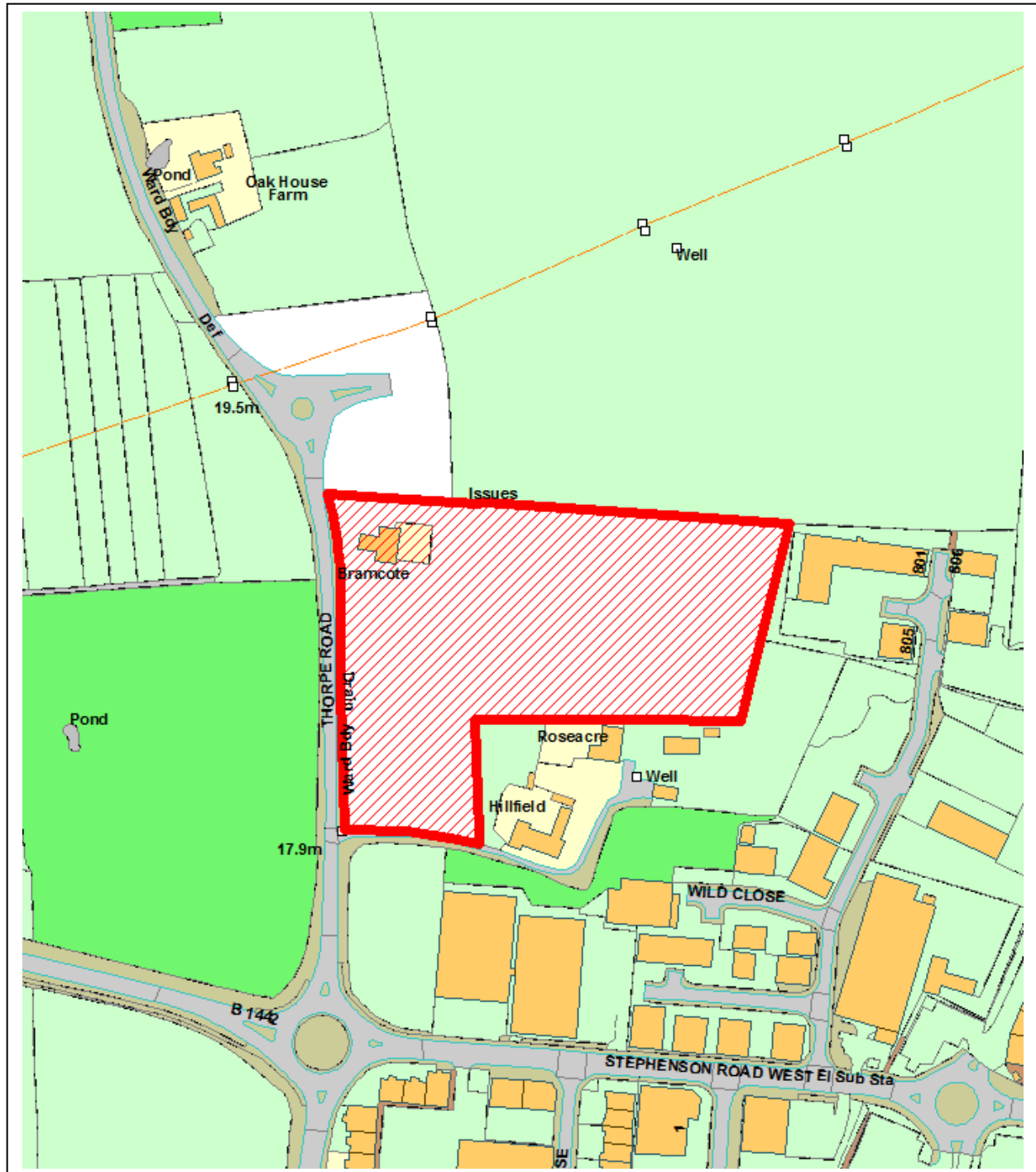
None

PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 16/02107/FUL – BRAMCOTE, THORPE ROAD, CLACTON-ON-SEA, CO16 9SA



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Application:	16/02107/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr West - Bramwood Property Development Ltd	
Address:	Bramcote Thorpe Road Clacton On Sea CO16 9SA	
Development:	Demolition of existing dwelling and erection of 47 no. bungalows and 2 no. houses with garages, access and public open space.	

1. **Executive Summary**

- 1.1 This application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of the settlement development boundary in the 2007 adopted plan. The application proposes 49 dwellings on a site which lies outside, but abutting to the northern and southern boundaries, the settlement development boundary of the 2007 adopted plan. The site lies wholly within the settlement development boundary of the emerging plan and is allocated for residential development. To the immediate north outline planning permission has been granted at Oakwood Park under 12/01262/OUT (approved November 2015) for up to 250 dwellings and B1c employment units. On the opposite side of the road lies a proposed employment allocation within the emerging plan and beyond Oakwood Park to the north east lies a large proposed mixed use allocation within the emerging plan.
- 1.2 To the south east, set at least 80 metres back from the highway, lie two existing dwellings at Roseacre and Hillfield with employment units beyond. The existing dwelling, Bramcote, on the application site is demolished as part of the redevelopment.
- 1.3 The application proposes two houses at the site access with 47 bungalows and three areas of public open space within the site. The proposal is considered acceptable in terms of detailed design, parking provision and highway safety. The application has been amended to improve the relationship to the neighbour at Roseacre and is now considered to result in no material harm to residential amenity. At the time of writing the report there is an objection sp1 from Essex County Council's Suds Team on the grounds of an inadequate surface water drainage strategy and an update will be provided at the meeting.
- 1.4 A section 106 legal agreement is required to provide £93,116 for education, three gifted affordable dwellings, a shared use cycleway/footway on the eastern side of Thorpe Road, and provision and maintenance of the on-site public open space. Approval is recommended subject to completion of the S106.

Recommendation: Approval subject to no objection from Essex County Council Suds

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - Education contribution of £93,116.
 - Three gifted dwellings for affordable housing.
 - Provision of shared use cycleway/footway on eastern side of Thorpe Road

between the existing facilities located at the two roundabouts to the north and south.

- On site public open space provision to LAP standard and maintenance.

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

Conditions:

1. Standard 3 year time limit for commencement
 2. Accordance with approved plans
 3. Details of construction materials
 4. Highways conditions (as recommended by the Highway Authority)
 5. Hard and soft landscaping plan/implementation
 6. Details of public open space equipment
 7. Construction method statement
 8. Details of boundary treatments
 9. Tree protection as detailed in tree report
 10. Timing of clearance to protect nesting birds and erection of nest boxes to compensate for loss of potential nesting sites
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

- 2.2 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

- 2.3 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

Local Plan

Tendring District Local Plan (2007)

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts
QL12	Planning Obligations
HG1	Housing Provision
HG3A	Mixed Communities
HG4	Affordable Housing in New Development
HG6	Dwellings Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Developments
COM26	Contributions to Education Provision
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN13	Sustainable Drainage Systems
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR5	Provision for Cycling
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
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP4	Open Space, Sports and Recreation Facilities
LP1	Housing Supply

- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PP12 Improving Education and Skills
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

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

15/30308/PREAPP	Pre application for outline planning permission for up to 48 three bedroom bungalows with single access/egress onto Thorpe Road.	13.04.2016
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4. Consultations

ECC SuDS Consultee	Object: Inadequate surface water drainage strategy.
Anglian Water Services Ltd	Anglian Water has assets within or close to the site and request informatives to this effect. Available capacity for foul drainage. Surface water strategy submitted is unacceptable. Request conditions for foul water strategy and surface water management strategy.
TDC Housing	Clacton is the area of highest demand in the district and just over 50% of all applicants on the housing register would prefer to live in Clacton. Therefore, there is a need for affordable housing to be delivered on sites such as this in the Clacton area. The applicant has expressed on their application that 3 of the properties (all 3 beds) will be delivered as affordable housing on the site and I am happy with this provided they are gifted to the Council.
TDC Open Space	There is currently a deficit of 41.08 hectares of equipped play areas in the Clacton/Holland area. The nearest play area is off Chingford Avenue (1.1km)

and is not accessible from the development on foot so an on site play area is required to LAP standard in accordance with Policy COM6.

TDC
Environmental
Health

Due to proximity to existing commercial units require a report from a competent acoustic consultant to consider background noise levels from the commercial site and any necessary mitigation. A full construction method statement will be required to show any noise/dust/light/vibrations/odour from the demolition and construction will be dealt with and hours of operation.

Satisfied with the submitted noise assessment and have no comments to make.

TDC Tree &
Landscape Officer
(Original plans)

The main body of the application site has been cleared of all significant vegetation. In order to establish the extent of the constraint that the remaining trees are on the development potential of the land and to show their Root Protection Areas (RPA's) the applicant has provided a Tree Survey and Report that is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations.

The tree report makes provision for retention and physical protection of the trees included in the tree report. In terms of the layout of the site there appears to be little scope for new tree planting and or soft landscaping. It would be desirable to re-consider the element of the design where properties abut Thorpe Road ' soft landscaping along the boundary of the application site adjacent to Thorpe Road would improve the appearance of the development. If planning permission is likely to be granted then details of soft landscaping; including tree, shrub and hedgerow planting should be secured by condition to soften and enhance the appearance of the development and to ensure that it is satisfactorily assimilated into its setting.

ECC Highways
Dept

No objection subject to 11 conditions:

- 1) Visibility splay of 2.4mx70m at access
- 2) provision of vehicular parking and turning as shown prior to occupation
- 3) no unbound materials within 6m of highway boundary
- 4) Vehicular access to have adoptable carriageways min 5.5m wide, 2x2m footways on both sides of adoptable road, appropriate pedestrian crossing facilities where new road adjoins highway, shared use carriageways min 6m wide, kerb radii measuring 10.5m
- 5) Means to prevent surface water discharge onto highway
- 6) details of wheel cleaning facility within the site for duration of construction period
- 7) Timings of estate road carriageway and footway levels
- 8) Vehicular hardstandings to be 5.5x2.9m retained in perpetuity
- 9) Garage dimensions: single 3x7m, double 6x7m, tandem 3x12m
- 10) Provision of residential travel packs
- 11) Provision of a shared use cycleway/footway min 3m wide on eastern side of Thorpe Road between the existing facilities located on the two roundabouts north and south of the development.

Environment
Agency

Holding objection on foul drainage grounds as not confirmed. First presumption should be connection to public sewer. The applicant can overcome our objection by confirming that the development will be connected to the main sewer.

ECC Schools
Service

Development of this size will generate the need for up to 2.3 early years and childcare (EY&C) places, 7.6 primary school and 5.1 secondary school places. According to childcare sufficiency data there is sufficient capacity to accommodate children from this development.

Primary: Priority admissions area for Burrsville Infant Academy and Great Clacton CE Junior School which offer 420 places in total and will both be full. Overall deficit in this Clacton forecast area (group 2) is 213 places for 2020. Additional primary school places are therefore necessary costing £93,116.

Secondary: Priority admissions area for Clacton County High which is full and forecasts deficit of 314 places by 2020 increasing to 476 when looking at wider area. Restrictions on the pooling of contributions mean it is impractical to request contributions where pupil generation is less than 6. Also not seeking school transport contributions.

5. **Representations**

3 letters of objection have been received summarised as follows: (with response in brackets where not addressed in the report)

- Contrary to local plan does not respect local context, design or scale of surrounding development which is typically large dwellings on large plots.
- Insufficient information regarding the public open spaces (the most central of the three open spaces (between plots 5 and 49) will be a Local Area of Play with equipment to be agreed by the Council, the other two open spaces are likely to contain only soft landscaping as informal areas of public open space full details will be secured by condition).
- Development is cramped with insufficient soft landscaping and small gardens.
- Loss of privacy and quiet and safe environment.
- Inadequate surface water drainage strategy.
- Is access road to south serving Hillfield and Roseacre to be used for the proposed development? (this road lies outside of the application site so does not form part of the development. The Construction Method Statement will agree details such as construction access and parking areas).
- Contrary to PPS1 and PPS3 as detrimental to quality, character and amenity value of the area (PPS1 and PPS3 have been superseded by the NPPF. The concerns raised have been addressed within the report).
- Hours of operation should be controlled and construction parking unloading etc.
- Widening Thorpe Road would encourage greater speed (Thorpe Road is not proposed for widening as part of the application).
- Bungalows likely to attract older residents less likely to walk to shops (this will be market housing available to any prospective occupants).
- Local schools and surgeries at capacity (A financial contribution towards education is required. The application falls below the threshold for comment by the NHS).
- More competition for local jobs (not a material planning consideration).
- Creeping urbanisation which will result in Great Clacton joining Little Clacton (the site forms part of a draft housing allocation with wider mixed use allocations in the area representing a planned expansion of this part of Clacton. Land to the west of Thorpe Road is designated as Strategic Green Gap to ensure that the settlements remain separate).
- Noise survey dates are incorrect (this has been corrected).

6. **Assessment**

The main planning considerations are:

- Principle of development;
- design and visual impact;
- Impact on residential amenity;
- Highway safety;
- Surface water, and;
- Legal agreement.

Site location

- 6.1 The application site lies outside, but abutting to the northern and southern boundaries, the settlement development boundary of the 2007 adopted plan. The site lies wholly within the settlement development boundary and is allocated for residential development in the emerging plan. To the immediate north outline planning permission has been granted at Oakwood Park under 12/01262/OUT for up to 250 dwellings and B1c employment units. On the opposite side of the road lies a proposed employment allocation within the emerging plan, and beyond Oakwood Park to the north east lies a large proposed mixed use allocation within the emerging plan.
- 6.2 To the south east lie two existing dwellings at Roseacre and Hillfield with employment units beyond. The existing dwelling, Bramcote, on the application site is demolished as part of the redevelopment.
- 6.3 The site is generally flat and cleared of any significant vegetation with existing hedgerow and trees to the site boundaries and close boarded fencing to the boundary with the two neighbouring dwellings.

Principle of development

- 6.4 The application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of any defined settlement development boundary in the 2007 saved plan. However, the site forms a housing allocation and lies within the settlement development boundary of the emerging local plan. It is also located adjacent to land benefiting from outline planning permission for residential and employment development at Oakwood Park and wider mixed use and employment allocations in the immediate vicinity in the emerging plan. These draft allocations indicate that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.
- 6.5 The Council can now identify a five year supply of deliverable housing sites so is no longer automatically expected to approve planning applications for housing that run contrary to the Local Plan, as per the government's 'presumption in favour of sustainable development'.
- 6.6 Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental and these are assessed below:

Economic

- 6.7 The proposal meets the economic dimension in providing employment through construction of the properties and through future residents supporting local businesses.

Social

- 6.8 The site is located on the edge of the town of Clacton-on-Sea which is the most sustainable settlement type in the District providing a wide range of employment opportunities, public transport links, services and facilities. The site is therefore considered to be socially sustainable.

Environmental

- 6.9 The site is not subject to any landscape designations or in close proximity to any heritage assets. The trees on the site have been subject to an arboricultural assessment with the majority of trees retained as part of the proposals. Additional landscaping has been added to the development with hedgerow to the Thorpe Road boundary and northern boundary to the Oakwood Park site. Three separate areas of public open space are proposed with soft landscaping. Originally every property had a detached garage and amendments were made to significantly reduce this to allow for a more spacious layout with more soft landscaping particularly to the Thorpe Road frontage. The proposed dwellings are typically located close to the roads with little space available for soft landscaping to the frontage, but given the edge of town centre location and the need to promote an efficient use of land this is considered acceptable.
- 6.10 A habitat assessment has been carried out which found the site to be of low ecological value. Standard advice is recommended in terms of timing of clearance to protect nesting birds and erection of nest boxes to compensate for loss of potential nesting sites. Four trees were found to have bat roosting potential but no bats were recorded using these trees.
- 6.11 The residential redevelopment of this land will be viewed in the wider context of existing employment uses to the south and east, and at a later date the Oakwood Park development to the north. It is not considered that the proposed development would result in any material harm to the character of the surrounding area subject to the recommended conditions relating to tree protection and soft landscaping provision.
- 6.12 A contamination assessment confirms no remedial action is required. At the request of the Council a noise assessment has also been submitted due to the close proximity to the neighbouring employment uses and Environmental Health are satisfied and raise no objection.
- 6.13 The proposal is therefore considered to represent sustainable development and the principle for residential development is accepted subject to the detailed considerations below.

Design and visual impact

- 6.14 The application proposes two houses either side of the access drive with the remaining 47 dwellings being bungalows. Eight units have two bedrooms and 41 have three bedrooms. Amendments have been made to reduce the number of detached garages to create a more spacious development, and to reduce the number and close proximity of proposed bungalows along the boundary with the neighbour at Roseacre. The density is around 21.6 dph and each dwelling is provided with at least the minimum private amenity space required by saved Policy HG9 with most properties exceeding this level.
- 6.15 There are a variety of different dwelling designs across the development, which although relatively plain incorporate visual interest through the use of bay windows and porches. All the bungalows and the majority of the detached garages have hipped roofs creating some uniformity across the development and subject to a condition requiring approval of external materials the detailed design is considered acceptable.

- 6.16 Although existing dwellings in the immediate vicinity are large dwellings on spacious plots this would not represent an efficient use of land for the proposed site in this sustainable location. The Oakwood Park development to the North is likely to be of comparable density to the current proposal and the application site would be viewed in conjunction with that site with the existing residential dwellings to the south set at least 80 metres back from the highway.

Impact on residential amenity

- 6.17 To the north lies the permission for 250 dwellings at Oakwood Park and to the eastern corner lies employment units. The only residential neighbours to the site are Roseacre and Hillfield which lie to the south.
- 6.18 Roseacre lies around 3 metres south of plot 43 with its main garden to the south of plots 48 and 49. There is further garden land and a swimming pool to the south of plots 41 and 42 and the smallest of the three areas of public open space. Hillfield lies to the south of Roseacre with its main garden around 9 metres from the rear boundary of Plot 3.
- 6.19 The proposed dwellings (excluding the two at the site access) are all bungalows of 5.5-5.7 metres high with hipped roofs so there will be no harm in terms of loss of light or privacy. The amended proposal results in a better separation (minimum 13 metres) between Roseacre and proposed dwellings to the north preserving the outlook for the neighbouring occupiers.
- 6.20 A condition will be imposed requiring a construction method statement to control hours of construction, location of storage and parking areas etc in the interests of residential amenity.

Highway safety

- 6.21 Each dwelling is provided with two off street parking spaces plus 19 visitor parking spaces (9 of which are located within individual dwelling plots). This is sufficient to meet the needs of the development. 25 dwellings have garages to incorporate cycle storage and the remaining plots have ample private amenity space to provide storage for cycles.
- 6.22 The Highway Authority has no objection subject to conditions as detailed above which are all considered reasonable and necessary in the interests of highway safety.

Surface water

- 6.23 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.24 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere.
- 6.25 At the time of writing the report there is an objection from Essex County Council Suds on the grounds of an inadequate surface water drainage strategy. The applicant is currently in

negotiation with them to resolve this objection and an update will be provided at the meeting.

- 6.26 The Environment Agency have a holding objection on foul drainage grounds. The applicant has verbally confirmed that the development will be connected to the main sewer and we are awaiting amended application forms to confirm this. This would overcome the Environment Agency's objection.
- 6.27 Anglian Water also confirm the surface water drainage strategy is unacceptable and request a condition to require approval of this. A condition is not currently recommended as negotiations are being undertaken with ECC Suds and their advice will confirm whether further conditions are required. Anglian Water also request a condition for a foul water strategy, however this will not be necessary if connection is to the mains sewer and Anglian Water have already confirmed sufficient capacity.

Legal agreement

- 6.28 In order to make the development acceptable a S106 legal agreement is required. This has yet to be drafted and the recommendation is to approve after its completion.
- 6.29 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. The advice of Essex County Council, in its role as the local education authority, is that there is sufficient capacity for early years and childcare. However, the existing primary schools at Burrsville Infant Academy and Great Clacton CE Junior School would not be able to accommodate the expected number of additional pupils likely to be generated by this proposal and a contribution of £93,116 is therefore required. Clacton County High does not have capacity to accommodate pupils likely to be generated by this proposal and there is a requirement for 5.1 secondary places. However restrictions on the pooling of contributions mean it is impractical for ECC to request contributions where pupil generation is less than 6 so a secondary contribution is not requested. They are also not seeking school transport contributions.
- 6.30 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Highways have requested provision of a shared use cycleway/footway of minimum 3 metres in width to be provided on eastern side of Thorpe Road between the existing facilities located at the two roundabouts to the north and south.
- 6.31 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The Housing team have confirmed that Clacton is the area of highest demand for affordable housing. The applicant has offered three three-bedroom dwellings on the site to be gifted to the Council for affordable housing and this is satisfactory.
- 6.32 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in the Clacton/Holland area with the nearest play area not accessible on foot from the development. Due to the size of the site at least 10% should be laid out as open space to a LAP standard.

- 6.33 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. Open space is incorporated as part of the development and discussions regarding maintenance are currently ongoing.

Conclusion

- 6.34 The proposal for 49 dwellings is considered to represent sustainable development, on the edge of an urban settlement, and in an area benefiting from planning permission for residential development at Oakwood Park to the immediate north and as proposed allocations for residential and employment development within the emerging Local Plan.
- 6.35 Subject to resolution of the surface water drainage objections and completion of the S106 legal agreement the application is recommended for approval.

Background Papers

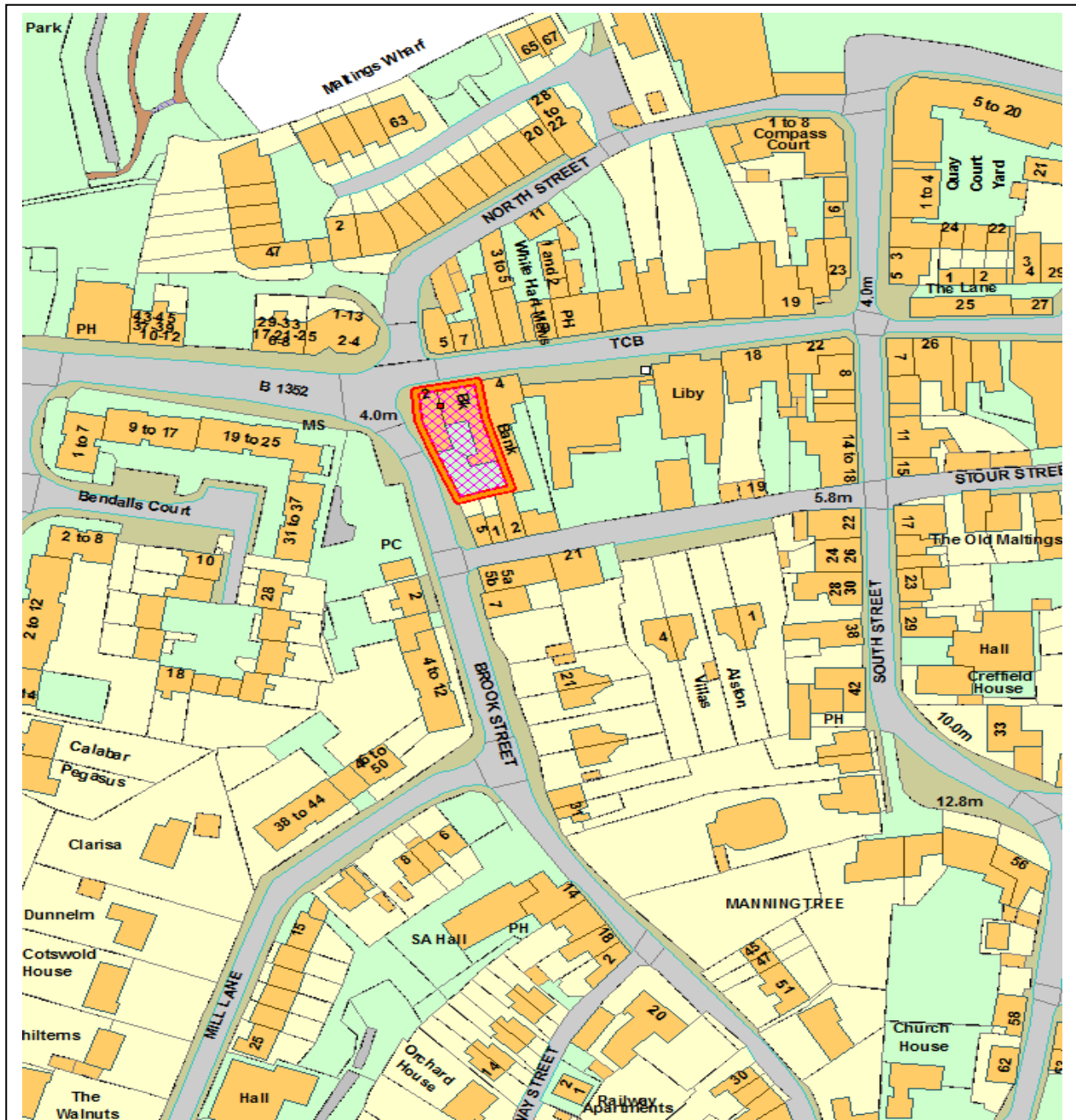
None

PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/00392/FUL - 2 HIGH STREET, MANNINGTREE, CO11 1AD



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Application:	17/00392/FUL	Town / Parish: Manningtree Town Council
Applicant:	Edwards - Roundwood Restorations	
Address:	2 High Street, Manningtree, CO11 1AD	
Development:	Alterations and extensions to existing vacant bank premises and change of use to multi-residential accommodation (7 flats) and erection of dwelling	

1. Executive Summary

- 1.1. The application is referred to Planning Committee following a call-in request from Cllr. Giancarlo Guglielmi, Deputy Leader and Cllr. Alan Coley which states “we strongly oppose the change of use from commercial to residential, on the basis that there has been a massive residential provision of Housing already in our three Parishes, and therefore the High Street will need even more so now than ever before, to retain commercial premises. I also understand that the Regeneration Team has submitted a strong objection”. This proposal has attracted a considerable level of public objection.
- 1.2. The land and building was a former bank in a prominent location on the corner of High Street and Brook Street, opposite the Council car-park/w.c's and within the Conservation Area.
- 1.3. The site lies with the defined settlement boundary and Town Centre within the Adopted Local Plan and within a mixed commercial/residential area but it is not a defined shopping frontage protected by Local Plan Policy ER33, it is however classed as an employment site under Policy ER3.
- 1.4. The site is an important Grade II listed building that has suffered from unsympathetic alterations and extensions over the years, and is in a poor state of repair, and as part of the proposed residential redevelopment, a major restoration – including the re-instatement of its historic façade (following removal of the banks front entrance feature at ground floor) and removal of unsightly rear alterations – would be undertaken. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to opportunities to preserve and enhance listed buildings like this, and given the statutory duty to preserve the Historic Environment, and the advice within the N.P.P.F to have regard to the preservation of Heritage Assets, the proposed works to the listed building meet this statutory duty.
- 1.5. Whilst the proposal would result in the loss of a commercial property contrary to Local Plan policy ER3, its retention as a commercial building (or even a commercial ground floor with residential on the upper floors) would not secure the improvement works to the listed building, or the enhancement of the conservation area, which in this instance are considered to be compelling, and is considered on-balance, to out-weigh the policy objection.
- 1.6. The consideration of this development proposal is a planning balance, between retaining a commercial use within the building that would not secure the restoration of the listed building, or allowing a residential scheme contrary to Policy ER3, but which would secure the proposed improvements to the listed building and the application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. 3 year commencement.
2. Development in Accordance with Approved Plans.
3. No dwelling to be occupied until completion of works to the listed building.
4. Materials to be agreed.
5. Hard/soft landscaping to be agreed.
6. Archaeology Condition as advised.
7. Removal of P.D rights.
8. Finished floor levels above 4.2m AOD and the basement shall not be used for habitable accommodation.
9. Highway conditions as advised by ECC.

2. Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990 – contains a statutory duty in relation to listed buildings and conservation areas

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
ER3 Protection of Employment Land
ER33 Non-retail Uses Within Primary Shopping Frontages
HG1 Housing Provision
HG3 Residential Development Within Defined Settlements
HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
HG10 Conversion to Flats and Bedsits
HG14 Side Isolation
COM3 Protection of Existing Local Services and Facilities
EN17 Conservation Areas
EN20 Demolition within Conservation Areas
EN22 Extensions or Alterations to a Listed Building
EN23 Development Within the Proximity of a Listed Building
EN29 Archaeology
EN27 Enabling Development
EN30 Historic Towns
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
 HP2 Community Facilities
 LP1 Housing Supply
 LP2 Housing Choice
 LP3 Housing Density and Standards
 LP4 Housing Layout
 PPL7 Archaeology
 PPL8 Conservation Areas
 PPL9 Listed Buildings
 PPL10 Enabling Development
 CP1 Sustainable Transport and Accessibility

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

91/01216/FUL	Change of use from residential to office use, renewal of consent TEN/1240/85.	Approved	27.11.1991
93/00427/ADV	Projecting sign.	Refused	13.07.1993
93/00963/ADV	Hanging sign.	Approved	05.10.1993
93/00964/LBC	Hanging Sign.	Approved	05.10.1993
94/00874/FUL	Installation of service till to Brook Street elevation.	Approved	23.08.1994
94/00875/LBC	Installation of service till adjacent to existing window on Brook Street elevation.	Approved	23.08.1994

94/01520/FUL	Installation of new bank front.	Approved	14.02.1995
94/01521/ADV	Externally illuminated fascia and projecting signs.	Approved	14.02.1995
95/00004/LBC	Elevational alterations and new signage.	Approved	14.02.1995
96/00743/ADV	Externally illuminated projecting signs (2 No.).	Approved	16.07.1996
96/00919/LBC	Installation of two externally illuminated projecting hanging signs.	Approved	23.08.1996
97/01199/LBC	Air conditioning condensing unit on flat roof.	Approved	16.01.1998
02/01569/ADV	Internally illuminated fascia strip and two projecting signs. ATM illuminated signage and other signage.	Refused	15.10.2002
02/01608/LBC	External signage alterations.	Refused	15.10.2002
02/02318/ADV	Sign.	Refused	27.01.2003
02/02322/LBC	Display of non-illuminated signage.	Refused	05.02.2003
03/00622/LBC	Alterations to external advertisement signage.	Approved	14.05.2003
03/00623/ADV	Advertisement signage	Approved	14.05.2003
04/01244/FUL	5 No. external lights. Remove existing entrance step and handrail and install new entrance door and frame	Approved	19.08.2004
04/01245/CON	3 No. external lights. Remove existing entrance step and hand rail and install new entrance door and frame.		08.07.2004
04/01246/LBC	5 No. external lights. Remove existing entrance step and hand rail and install new entrance door and frame	Approved	19.08.2004
06/01479/LBC	Construction of 2nd sets of steps to rear fire exit and installation of handrails to unprotected roof to rear elevation.		16.03.2007
11/00575/FUL	Installation of galvanised counter balance handrails to provide roof	Approved	25.08.2011

edge protection and installation of fixed retractable galvanised cat ladder to provide safe access to maintain M & E Equipment to rear flat roof.

11/00731/LBC	Installation of free standing galvanised counter balance handrails to provide roof edge protection and installation of fixed retractable galvanised cat ladder to provide safe access to maintain M and E equipment to rear flat roof.	05.07.2011
15/01264/FUL	Upgrade of existing ATM and formation of a secure ATM room including a new access door, and construction of internal secure servicing room/lobby.	Approved 12.11.2015
15/01265/ADV	Upgrade of existing ATM (non illuminated).	Approved 12.11.2015
15/01266/LBC	Upgrade of existing ATM and formation of a secure ATM.	Approved 12.11.2015

4. Consultations

Building Control and Access Officer	This proposal will require Building Regulations consent. No other comments at this time.
ECC Highways Dept	<p>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:</p> <ul style="list-style-type: none"> • 'Prior to occupation of the development the vehicular parking 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. Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. • 'No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. • 'At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity. Reason - To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety and

in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 'Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 'Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.
Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- '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.
Reason - In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check

safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex County
Council
Archaeology

The above planning application has been identified as having the potential to harm a designated heritage asset.

The Essex Historic Environment (HER) Record shows that the building proposed for conversion is a Grade II listed building which dates to the 18th century and lies within the Conservation Area and historic settlement of Manningtree. The building originated as a house along the High Street, reflecting its growth and prosperity in the 18th century. Manningtree appears to have been deliberately planted as a market town and port in the mid thirteenth century. A market was granted to the manor of Sciddinghou in 1238 which may have been held on the Manningtree site, although the earliest reference to the town is in 1248. The town's layout suggests some form of planning based on the market in the High Street and the Quay, both running parallel to the river. The building proposed for conversion is a prominent building that has local significance as well as regional architectural merit. Although much of the building has been formerly altered the Heritage Statement refers to survival of some original features and layout which may help understand the origin and evolution of the building before it is converted. It is therefore important that a historic building record is made before any conversion takes place.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

Recommendation -

'No demolition, development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.'

Regeneration

The Regeneration Team do not support this application as they believe the loss of this commercial/retail unit would have a negative impact on the High Street and they therefore like to see it retained for commercial use.

Although the property is situated just outside the towns' Primary Shopping Frontage, it is located in an excellent position and a very important part of the High Street.

Currently, although there are a number of much smaller properties in the town that are vacant, a commercial property of this size could, they believe have been of interest to larger retail or other businesses, especially had it become available on the market as a property available to rent.

However, they have no major objection to the upper floors having a change of use.

5. Representations

- 1.1. Lawford Parish Council objects to this proposal on the grounds that housing on the site of commercial premises will contribute further to the demise of an already floundering High Street. There is a distinct lack of parking in the area already and the risk of traffic congestion is increased with this proposal. We would be in favour of a slightly different proposal - the ground floor is maintained for commercial use and flats can be developed on the 1st floor if there is felt to be a need for further housing in the town. It would lead to less traffic/ parking in the vicinity by new residents but by allowing the ground floor to remain as

a commercial property it may well attract locals and visitors back to the area and increase the local economy.

- 1.2. Manningtree Town Council objects to this planning application. This unified proposal of one house, seven flats and two car parking spaces represents an overdevelopment of the site. The Town Council is concerned about losing the commercial unit on the ground floor in a high street that needs to be preserved and is also worried about the insufficient car parking allocation and the impact this will have on public car parking spaces.
- 1.3. Mistley Parish Council objects to this planning application because: (1) do not want to lose ground floor commercial premises in the High Street, especially with the proximity to the market place; and (2) additional housing will put pressure on parking.
- 1.4. 47 individual letters of objection has been received which make some of the following points:-
 - Manningtree High Street should not be sacrificed for residential property.
 - Plenty of places for new housing – not in our shopping centre.
 - Prime retail site, once its use is changed it can never be retail again.
 - Manningtree does not need any more houses – it wants shops not flats.
 - Should be rejected as there are plenty of dwellings planned – but doctors and services cannot cope – we will be left with housing but nothing to serve them.
 - With the pub changing to flats, the High St is changing to residential.
 - It is essential that commercial premises be retained.
 - We need local employment so people don't have to drive or use crowded trains to get to work – it is enough of a commuter town as it is.
 - High St should be retained as the business heart of the community – losing this site will cram the businesses in to a couple of hundred yards.
 - Will set precedent for loss of other business premises.
 - We cannot lose a valuable community asset.
 - The service nature of Manningtree is being lost and will result in the High Street becoming charity-shops, and a dormitory town for London and Colchester.
 - Policy ER33 seeks to protect main shopping frontages – the ground floor at least should be a commercial use.
 - This is a valuable commercial space due to its size which should not be lost – existing shops need larger premises if they are to expand.
 - There seems to be no attempt to find an alternate use.
 - Employment sites are to be retained for that use by the Plan Strategy.
 - We request (on behalf of Barclays Bank) that disturbance from construction is minimised – steps should be taken to minimise dust and no materials should be burnt on site.
 - There is an absence of dedicated parking, which will increase on-street parking.
 - Parking is problematic as it is, and less parking will restrict shoppers.
 - Council have lost control of the parking situation and residents cannot use their private car-park at times.
 - Car park opposite is the market twice a week and can't be used for parking.
 - Not enough parking even if the use was right for this building.
 - 8 dwellings should have 12 spaces as parking is forbidden in surrounding roads.
 - Any scaffolding should not interfere with use of the ATM, and it should be alarmed so as not to create a security issue for adjacent bank.
 - This is too much development for the town.
 - I am in favour of affordable housing (rather than the expensive 4 and 5 bedroomed ones being built) but this is the wrong place for it.
 - This is a blind corner turning in to the High Street, and more cars would add to the danger.
 - New-build adds nothing to the centre of Manningtree.

- Will change the character of the area.
- The poor grade buildings should be removed to make way for amenity areas for fewer flats.
- Should include new shop fronts to the High St corner.

6. Assessment

The main planning considerations are:

- The Principle of the Use;
- Loss of Commercial Use;
- Loss of Employment;
- The Impact on Heritage Assets;
- Highway Safety/Parking;
- The Impact on Neighbouring Amenities, and;
- Flood-risk.

Site Location

- 1.5. The application site – which is a Grade II listed building - fronts on to the High Street in Manningtree with a secondary elevation to Brook Street.
- 1.6. The land is situated within the Town centre and the conservation area, in an area containing numerous listed buildings, and is directly opposite the Council car-park
- 1.7. The application site - formally the Nat West Bank – is an imposing 3-storey building on to High Street, and 2-storey on to Brook Street - although it is suffering from a poor state of repair, and unsympathetic alterations in the past, and numerous extensions and alterations at the rear, and the deteriorating condition is a concern and the building currently has a negative impact on the character of the area. In particular, the bank entrance/shop front – installed in the 1990's – seriously detracts from the architectural quality of the building as it fails to respect the former balanced frontage and window fenestration.
- 1.8. Whilst the Bank has closed, the ATM machine within a single-storey wing on Brook Street, is retained under contract.
- 1.9. The site has a rear service yard containing several unsightly extensions with flat roof, guard-rails and a secure 'vault' building with no windows, and there is a poor quality low wall and metal gates to the rear yard.
- 1.10. Internally, the building has been significantly altered, especially at ground floor, and there are few internal features of any merit remaining – some sash window to the main elevation, a fire-place within a first floor room, and the upper floor, room-plan.

Proposal

- 1.11. The applicant seeks permission to change the building in to 7 flats across 3 floors, with 2 unsightly structures at the rear being rebuilt on the same footprint, and raising the single storey wing (retaining the ATM machine) to 2 storey height, and with a new 2-storey dwelling on the back-edge of the pavement.
- 1.12. The proposal is for a mix of one and 2 bedroomed flats, and a 3 bedroomed house, all grouped around the central rear courtyard that is to provide the communal amenity area, bin and cycle storage.

- 1.13. The dwelling would have its own garden and 2 parking spaces at the southern end of the site.
- 1.14. The re-development scheme proposes a major re-furbishment of the Grade II listed building which includes:
- the removal of the unsightly rear extensions, flat-roof structures and untidy rear yard – replacing them with a new dwelling and rear flat.
 - Repairs to failing elements – structural cracking above the side door – and the replacement of unsympathetic elements at the rear including a concrete lintel.
 - Up-grading of the rear wall of the building, which has been subject to various blocked-up openings in the past and poor pointing.
 - General repairs through-out.
 - Removal of 1970's style internal alterations and stud walls/compartments.
 - Refurbishment of the interior and repair of the sash windows/fitting of secondary glazing, and importantly.
 - The removal of the unsightly former bank entrance/shop-front on to High Street and the reinstatement of the original style frontage, with central entrance door and side sash windows, restoring the historic façade.
- 1.15. The re-instatement of a historic style frontage with a central main entrance and balanced window fenestration, including new sash windows to match the original ones remaining on the front elevation is seen as a significant benefit in relation to the quality of the architecture of the listed building.

The Principle of the Use

- 1.16. The site falls within the defined town centre of Manningtree, and the N.P.P.F favours the re-use of brownfield sites and existing buildings for housing purposes, and at paragraph 23 indicates that local planning authorities should
- 1.17. “recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites”.
- 1.18. The N.P.P.F and Local Plan policies direct new development (including housing) to sustainable locations within the larger towns and villages, and the current site falls within the settlement development limits, where current Local Plan policies encourage new housing development.
- 1.19. The site is a highly sustainable location for new housing development, with ready access to services, jobs and public transport and the current scheme retains the ATM machine – a community facility, the retention of which is in line with Local Plan Policy COM3.
- 1.20. The development represents a suitable mix of dwelling types as advocated by National and Local Policies and Policy HG10 of the Local Plan encourages the conversion of buildings within development limits to flats and bedsits.
- 1.21. As the site falls within the recognised town centre, the proposal raises no other policy concerns other than the change from a commercial property and the loss of an employment site, which are discussed below, and the amenity and parking issues.

Loss of Commercial Use

- 1.22. Paragraph 23 of the N.P.P.F indicates that Local Planning Authorities should:-

“define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations”.

- 1.23. The Adopted Tendring District Local Plan defines the Town Centre boundary (and the site falls within it) where policy ER31 applies, and which sets a hierarchy for town centre uses.
- 1.24. The Local Plan also defines the Primary Shopping Frontage, where Policy ER33 applies, although it should be noted that the former use of the site was not in Use Class A1 (retail use) being a bank within the A2 (Financial Services) use class, and the building and site does not fall within the Primary Shopping frontage – as this is confined to the more obvious retail areas on the north side of the High Street opposite the site and on both sides of the High Street further to the east.
- 1.25. Many of the objections raised refer to ‘High Street Protection Policies’ although as stated above, the site does not fall within the defined Primary Shopping Frontage.
- 1.26. Whilst Policy ER33, seeks to prevent non-retail uses at ground floor level - and that other changes from retail to the other A-use classes, would only be permitted if they do not result in more than 10% of the frontage being other uses – the Policy does not apply to the current site, which was a non-retail use in any event.
- 1.27. The change of use of this building to residential use does not therefore conflict with the retail frontage protection policy ER33 and could not be justifiably refused on such grounds.

Loss of Employment

- 1.28. Policy ER3 of the Adopted Tendring District Local Plan, seeks to protect ‘employment’ sites from other uses, and permission would only be granted if it can be shown that it is no longer viable or suitable for employment use.
- 1.29. The policy states that the applicant should either:

Submit evidence of an un-successful marketing exercise, or
Show that the land (site or premises) is inherently unsuitable and/or not viable for employment use, and
the policy goes on to state that if the re-use of an employment site is permitted, the applicant would be expected to provide alternative employment site elsewhere in the District or contribute the Council’s employment, training or re-generation programmes.

In relation to marketing, the applicant indicates that:

- the marketing of the bank before we purchased it, was marketed for ‘about 4 weeks’ prior to the auction and that there was limited interest.
 - the marketing agent states - The property was advertised nationally, including emailing our e:list of about 40,000 and hard copies to c. 5,000 people, a board was also placed on the property. This resulted in 36 parties registering for the legal pack. Strong interest.
 - There were 2 block viewings in which were well attended with the majority being local developers and investors.
 - The seller has no recollection of a part being interested with a restaurant in mind.
- 1.30. It is apparent from the above that whilst there was some marketing carried out, this was not the “sustained but ultimately unsuccessful marketing exercise” expected by Policy ER3, however in the current economic climate, with many retail shops being empty, it was not

anticipated that a new employment generating use would be successful, particularly with the site constituting the liability of a substantial listed building in poor condition.

- 1.31. The N.P.P.F states at paragraph 22, that “Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 1.32. Clearly, it appears that the marketing of the building does not meet the exacting standards of Policy ER3, and is therefore in conflict with the Development Plan, although the above paragraph of the N.P.P.F suggests that such policies should not be applied dogmatically.
- 1.33. It is noted from the comments of the Parish Council, that there is a call locally for the building to remain in some form of commercial use – certainly on the ground floor - however the down-side of this is that any potential user would be likely to want to rent the building in its current form, and spend as little as possible on repairs and alterations, and there are few investors currently taking on listed buildings, particularly those requiring significant funds spending on them, and the future of the listed building and its long-term maintenance is in this instance, of paramount and over-riding concern.
- 1.34. It is considered that by forcing the retention of the building as a commercial use, this could potentially impact on the future of the listed building, and the protection of such buildings and their long-term future, is a statutory duty placed on Local Planning Authorities by the Planning (Listed Buildings and Conservation Areas) Act 1990, and as such outweighs any development plan policy considerations.
- 1.35. By allowing the re-development of this building contrary to Policy ER3, it would constitute a form of enabling development, and the applicant’s proposals for residential re-development would result in significant improvements to both the structural stability and repair (that would preserve the building), but would also result in the significant enhancement of the building by securing the removal of the current bank-front (which seriously detracts from the character of the building) and the re-instatement of an architecturally more appropriate façade in keeping with the original form of the building.
- 1.36. It is considered that this current proposal represents a one-off means of securing substantial preservation and enhancement benefits for the building, that would otherwise not occur, and the benefits are so substantial that they completely out-weigh any minor breach of the above policy which seeks to retain the building in employment use.
- 1.37. The benefits for the future of the listed building arising from the proposal are considered to be so significant, they over-ride any breach of development plan policy, and due to the special circumstances, would not set a precedent for the change of use of other buildings.

The Impact on Heritage Assets

- 1.38. The site lies within the boundary of policy EN30 - Historic Towns - which requires an appropriate archaeological investigation before development takes place, however in this instance, the development relates to a site which has already had appreciable disturbance within the open areas of the site and as a result, any sensitive archaeology that might have existed will already have been disturbed.
- 1.39. As a result, the archaeology consultee is only requiring a ‘historic building recording’ condition.

- 1.40. The building falls within the conservation area and adjacent to several other listed buildings, and the current deteriorating condition of the building, as well as the unsightly modern additions at the rear combine to have a detrimental and harmful impact on the character of the conservation area as well as the setting of listed buildings.
- 1.41. The proposed works or repair and restoration of the listed building will be significant, and as stated above, are only likely to be delivered as a result of the applicant's proposed residential re-development.
- 1.42. The benefits for the listed building (and the character of the conservation area) are substantial, and the works will result in the long-term restoration of historic features as well as overall improvements and repairs, and as a result of the development, the impact on the character and setting of listed buildings as well as the character of the conservation area will be significant.
- 1.43. In addition to the re-instatement of an imposing façade, the listed building will be enhanced by the repairs and retention of the few remaining features of any architectural significance.
- 1.44. Apart from the changes to the front elevation, the proposals will remove the unsightly structures, flat-roof buildings and railings from the rear, and the key change to the appearance will be along Brook Street.
- 1.45. The existing single-storey wing containing the ATM machine would be built over to provide a small flat, and the new dwelling attached to it (with an arched entrance leading to the rear courtyard), would mask the unsightly rear of this building and the adjacent one, which has a very high party-wall, comprising a multitude of brick types.
- 1.46. The new buildings would create a form of enclosure and would enhance the street scene and more closely reflect the surrounding built-form and the new dwelling is of simple design that reflects the surrounding development and would not impact on the character of the Conservation Area.
- 1.47. The character and setting of the conservation area/listed buildings would therefore be unharmed and therefore preserved as required by the Act.

Highway Safety/Parking

- 1.48. The building currently consists of a substantial former bank, with upper floor accommodation, with very restricted parking, and which is to be replaced with 7 flats and a dwelling.
- 1.49. The new dwelling would have the required 2 parking spaces, however the flats would only have pedestrian access and provision to securely store a bicycle, however given that the development is located within the town centre and with good access to facilities and public transport, it is not considered – given the existing lawful use of the building for A2 Use and employment, that the lack of domestic parking would create any additional traffic or parking issues.
- 1.50. Whilst a lack of parking is far from ideal, the modest size of the flats, and the town centre location would allow someone to live near the centre as a non-car household, and no-car housing schemes are becoming more common.
- 1.51. It is considered that no appreciable highway safety issues would arise as a result of the development and the Local Highway Authority has raised no objections, subject to conditions, and the development would not result in a 'severe' danger to highway safety as

noted in the N.P.P.F that would need to be demonstrated if the development was to be refused on highway safety grounds. The sustainable travel pack condition is only imposed on major development sites.

The Impact on Neighbouring Amenities.

- 1.52. This is a very on balance judgement, as the town centre location would ensure that the residents of the flats have good access to local facilities, and a modest communal courtyard is provided at the rear.
- 1.53. The dwelling would have a modest garden of around 32sqm, and the flats a communal sitting out area of 36 sqm which falls short of the requirements of Local Plan Policy HG9 which would require 100sqm (for the dwelling) and 175sqm for the flats.
- 1.54. Given the difficulties encountered when converting listed buildings, and the town centre location, it is considered that this shortfall can be accepted.
- 1.55. The design of the flats and the dwelling is such that there would be no direct overlooking between the properties or their neighbours.
- 1.56. The nearest other dwellings are further to the south on Brook Street with its junction with Stour Street, although given the distances between the dwellings and the orientation of windows, it is not considered that any appreciable over-looking or loss of privacy would result, nor would the development appear oppressive.
- 1.57. The scale of the development and the manner that it would be operated is such that the occupants would have a reasonable level of residential amenity.

Flood Risk

- 1.58. The N.W corner of the building is located within Flood Zone 3, with part of the frontage of the site located within Flood Zone 2.
- 1.59. The National Planning Policy Framework (NPPF) states that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.
- 1.60. A bank falls within the less vulnerable classification and residential dwellings falls within the more vulnerable category as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.
- 1.61. The applicant has submitted a topographic survey to demonstrate that the finished floor levels within the main building (around 450mm above ground level) and therefore well above the 4.2m flood level, and the new build would have a floor level above 4.28, and on this basis whilst there is a slight increase in vulnerability, the development is acceptable in flood risk terms.

The Planning Balance

- 1.62. The proposal is a finely balanced one in that it seeks to provide a high density development of modest dwellings within a town centre location, but with a reduced standard of amenity area, and no on-site parking for the flats, however it is a sustainable location and the N.P.P.F encourages housing in town centres and the re-use of brownfield sites and existing buildings.

- 1.63. The land is proposed to be developed, in a manner that would add to the mix of dwelling types as advocated by the N.P.P.F and the proposal would not harm the amenity of the neighbours or create a severe highway danger.
- 1.64. The development does not meet the terms of Local Plan Policy Er3 in relation to marketing, however retaining the building in commercial use, would not deliver the considerable benefits in terms of the preservation and enhancement of a listed building as is now proposed.
- 1.65. On balance, it is considered that the overall benefits to the repair and restoration of the listed building is compelling. The development would not cause any demonstrable harm, and is considered to be a sustainable one, where the benefits of the scheme are not significantly and demonstrably out-weighted by any harmful impacts.
- 1.66. The development is therefore an appropriate one and recommended for approval.

Background Papers

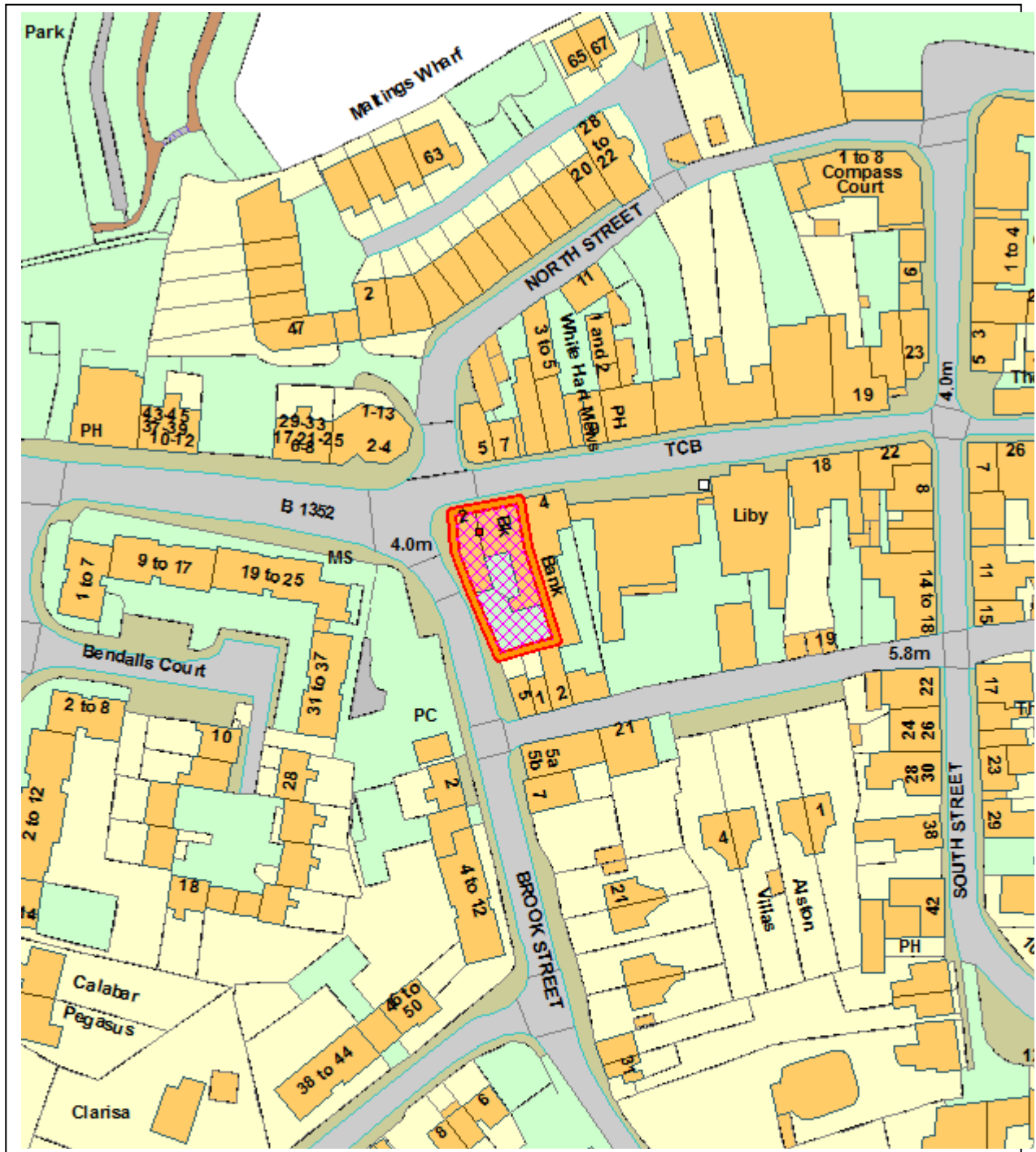
None

PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/00393/LBC - 2 HIGH STREET, MANNINGTREE, CO11 1AD



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Application:	17/00393/FUL	Town / Parish: Manningtree Town Council
Applicant:	Edwards - Roundwood Restorations	
Address:	2 High Street, Manningtree, CO11 1AD	
Development:	Internal and external alterations and extensions of existing vacant bank premises in connection with residential re-development.	

1. Executive Summary

- 1.1. The application is referred to Planning Committee following a call-in request from Cllr. Giancarlo Guglielmi, Deputy Leader and Cllr. Alan Coley on the basis that “we strongly oppose the change of use from commercial to residential, on the basis that there has been a massive residential provision of Housing already in our three Parishes, and therefore the High Street will need even more so now than ever before, to retain commercial premises. I also understand that the Regeneration Team has submitted a strong objection”.
- 1.2. The land and building was a former bank in a prominent location on the corner of High Street and Brook Street, opposite the Council car-park/w.c's and within the Conservation Area.
- 1.3. The call-in relates more to ‘policy’ issues in relation to the equivalent Planning Application rather than any matters specific to the listed building, and irrespective of the outcome of the Planning Application, the Local Planning Authority must assess whether the proposed works are acceptable in relation to the character and setting of the listed building.
- 1.4. The site is an important listed building that has suffered from unsympathetic alterations and extensions over the years, and is in a poor state of repair, and as part of the proposed residential redevelopment, a major restoration – including the re-instatement of its historic façade (following removal of the banks front entrance feature at ground floor) and removal of unsightly rear alterations – would be undertaken.
- 1.5. Whilst the planning proposal would result in the loss of a commercial property contrary to Local Plan policy ER3 that is not relevant in relation to the consideration of the impact on the listed building and it's retention as a commercial building (or even a commercial ground floor with residential on the upper floors) would not secure the improvement works to the listed building, or the enhancement of the conservation area, which (in relation to the planning application) are considered to be compelling, and are considered to out-weigh the policy objection.
- 1.6. Whilst the consideration of this development proposal in relation to the planning application is a planning balance, between retaining a commercial use within the building that would not secure the restoration of the listed building, or allowing a residential scheme contrary to Policy ER3, but which would secure the proposed improvements to the listed building, however in relation to the current Listed Building Consent application, the sole issue is whether the works would be beneficial or not in relation to the special architectural/historic importance of the building.
- 1.7. The proposed works, particularly the re-instatement of the façade and the removal of unsightly modern structures at the rear, are considered to be extremely beneficial, and the application is therefore recommended for approval.

Recommendation: Approve**Conditions:**

1. 3 year commencement.
2. Development in Accordance with Approved Plans.
3. Materials to be agreed for new build.
4. Matching materials for repairs.
5. Further details to be submitted for joinery, gutters, eaves/verge treatment, sill/lintels and plinth.

2. Planning Policy

NPPF National Planning Policy Framework
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
EN17 Conservation Areas
EN20 Demolition within Conservation Areas
EN22 Extensions or Alterations to a Listed Building
EN23 Development Within the Proximity of a Listed Building
EN29 Archaeology
EN27 Enabling Development
EN30 Historic Towns

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

SP1 Presumption in Favour of Sustainable Development
SPL3 Sustainable Design
PPL7 Archaeology
PPL8 Conservation Areas
PPL9 Listed Buildings
PPL10 Enabling Development

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

93/00964/LBC	Hanging Sign.	Approved	05.10.1993
94/00875/LBC	Installation of service till adjacent to existing window on Brook Street elevation.	Approved	23.08.1994
94/01520/FUL	Installation of new bank front	Approved	14.02.1995
95/00004/LBC	Elevational alterations and new signage.	Approved	14.02.1995
96/00919/LBC	Installation of two externally illuminated projecting hanging signs.	Approved	23.08.1996
97/01199/LBC	Air conditioning condensing unit on flat roof.	Approved	16.01.1998
02/01608/LBC	External signage alterations.	Refused	15.10.2002
02/02322/LBC	Display of non-illuminated signage.	Refused	05.02.2003
03/00622/LBC	Alterations to external advertisement signage.	Approved	14.05.2003
04/01246/LBC	5 No. external lights. Remove existing entrance step and hand rail and install new entrance door and frame.	Approved	19.08.2004
06/01479/LBC	Construction of 2nd sets of steps to rear fire exit and installation of handrails to unprotected roof to rear elevation.		16.03.2007
11/00731/LBC	Installation of free standing galvanised counter balance handrails to provide roof edge protection and installation of fixed retractable galvanised cat ladder to provide safe access to maintain M and E equipment to rear flat roof.		05.07.2011
15/01266/LBC	Upgrade of existing ATM and formation of a secure ATM room.	Approved	12.11.2015

4. Consultations

None

5. Representations

- 1.5. Mistley Parish Council objects to this planning application because: (1) do not want to lose ground floor commercial premises in the High Street, especially with the proximity to the market place; and (2) additional housing will put pressure on parking.
- 1.6. 2 individual letters of objection has been received which make the following points:
- Object to change of use from retail/business to residential
 - Service nature of Manningtree is under threat already with the loss of the White Hart, and will become a High Street of charity-shops and will decline in to a dormitory for Colchester, Ipswich and London
 - Plan for house and 7 flats should have 8 parking spaces for 12 bedrooms, but there is only 2
 - Parking concerns are secondary to degradation of Manningtree High Street
 - NPPF says we should recognise town centres at the heart of the community, and when in decline, Planning Authorities should plan positively for the future – what is Tendring Council going to encourage more economic activity in Manningtree?
 - We need more jobs and services not housing
 - Granting this will add to the demise of the town
 - There will be a dramatic effect on Parking, which is inadequate for the size of the dwellings

It should be noted that the above comments relate to the Planning application considerations and are not relevant to the listed building application.

6. Assessment

The main planning considerations are:

- The Principle of the Re-use, and;
- Impact on Heritage Assets.

Site Location

- 1.1. The application site – which is a Grade II listed building - fronts on to the High Street in Manningtree with a secondary elevation to Brook Street.
- 1.2. The land is situated within the Town centre and the conservation area, in an area containing numerous listed buildings, and is directly opposite the Council car-park
- 1.3. The application site - formally the Nat West Bank – is an imposing 3-storey building on to High Street, and 2-storey on to Brook Street - although it is suffering from a poor state of repair, and unsympathetic alterations in the past, and numerous extensions and alterations at the rear, and the deteriorating condition is a concern and the building currently has a negative impact on the character of the area. In particular, the bank entrance/shop front – installed in the 1990's – seriously detracts from the architectural quality of the building as it fails to respect the former balanced frontage and window fenestration.
- 1.4. Whilst the Bank has closed, the ATM machine within a single-storey wing on Brook Street, is retained under contract.

- 1.5. The site has a rear service yard containing several unsightly extensions with flat roof, guard-rails and a secure 'vault' building with no windows, and there is a poor quality low wall and metal gates to the rear yard.
- 1.6. Internally, the building has been significantly altered, especially at ground floor, and there are few internal features of any merit remaining – some sash window to the main elevation, a fire-place within a first floor room, and the upper floor, room-plan.

Proposal

- 1.7. The planning application seeks permission to change the building in to 7 flats across 3 floors, with 2 unsightly structures at the rear being rebuilt on the same footprint, and raising the single storey wing (retaining the ATM machine) to 2 storey height, and with a new 2-storey dwelling on the back-edge of the pavement.
- 1.8. The proposal in relation to Listed Building Consent, relates to the internal and external works to the building in order to carry out the conversion works of the planning application.
- 1.9. The proposed works to the listed building involve demolition and replacement of flat roof structures at the rear with new buildings, and the insertion of a new façade on the front elevation, replacing the existing bank front entrance.
- 1.10. The re-development scheme proposes a major re-furbishment of the Grade II listed building which includes:
 - the removal of the unsightly rear extensions, flat-roof structures and untidy rear yard – replacing them with a new dwelling and rear flat.
 - Repairs to failing elements – structural cracking above the side door – and the replacement of unsympathetic elements at the rear including a concrete lintel.
 - Up-grading of the rear wall of the building, which has been subject to various blocked-up openings in the past and poor pointing.
 - General repairs through-out.
 - Removal of 1970's style internal alterations and stud walls/compartments
 - Refurbishment of the interior and repair of the sash windows/fitting of secondary glazing, and importantly.
 - The removal of the unsightly former bank entrance/shop-front on to High Street and the reinstatement of the original style frontage, with central entrance door and side sash windows, restoring the historic façade.
- 1.11. The re-instatement of a historic style frontage with a central main entrance and balanced window fenestration, including new sash windows to match the original ones remaining on the front elevation is seen as a significant benefit in relation to the quality of the architecture of the listed building.

The Principle of the Use

- 1.12. The site falls within the defined town centre of Manningtree, and the re-use for residential purposes is considered in relation to the planning application, although clear, changing the use of a listed building has implications for any necessary alterations.
- 1.13. The building was formerly a substantial Town-house with servants quarters at the rear, although the previous bank-use has totally obliterated any previous architectural features of any merit on the ground floor – the ground floor being totally open-plan, with all former walls removed with the insertion of steel beams to hold up the upper floors remaining walls.

- 1.14. Generally, a re-use for the original purpose of a listed building is the most beneficial in relation to alterations to the building, although given its size, it is doubtful whether the building would ever again be re-used as a single residence, however a flat-use is appropriate and can be accommodated without too many changes to the building, and importantly, can be accommodated whilst retaining the original plan-form and room layouts.
- 1.15. Key to the restoration of the listed building is the removal of the unsightly bank entrance and its replacement with a replica of the façade that would have previously existed.
- 1.16. The bank entrance as currently exists has been installed just below the projection brick-band between the ground and first floor windows, and the entrance is a rendered panel with a horizontal emphasis which jars with the brick detail of the remainder of the elevation and in particular, the existing window fenestration has a vertical emphasis that has been lost.
- 1.17. The treatment of the 1990's bank frontage, contains a front door with a disproportionately small door, and a very large fan-light which fails to reflect the historic façade and large Georgian sash-windows, and a row of 6 windows have been added, the proportions and scale of which are at odds with the elegant nature of the remainder of the façade, and with the application of render – which breaches the projecting brick plinth – coloured fascia and projecting signs and night-safe, the front of the building in its current form, seriously harms the character and setting of the listed building.
- 1.18. Clearly, the removal of this existing front entrance – which comprises around 60% of the ground floor front elevation – and its replacement with a more historically correct façade, will be a considerable building operation and expensive, not least because replica sash windows will need to be manufactured.
- 1.19. The new façade will have 2 new sash windows of proportions to match the existing windows on the front elevation – positioned correctly below the equivalent windows on the first floor, and the sill/lintel treatment will match. A correctly proportioned front door and surround will be inserted below the upper floor window.
- 1.20. The above treatment, when combined with the removal of unsightly modern structures at the rear – including a very substantially constructed bank vault – will be expensive, and is only justified by the proposed residential conversion.
- 1.21. It is noted from the comments of the Parish Council, that there is a call locally for the building to remain in some form of commercial use – certainly on the ground floor - however the down-side of this is that any potential user would be likely to want to rent the building in its current form, and spend as little as possible on repairs and alterations, and there are few investors currently taking on listed buildings, particularly those requiring significant funds spending on them, and the future of the listed building and its long-term maintenance is in this instance, of paramount and over-riding concern.
- 1.22. It is considered that by forcing the retention of the building as a commercial use, this could potentially impact on the future of the listed building, and the protection of such buildings and their long-term future, is a statutory duty placed on Local Planning Authorities by the Planning (Listed Buildings and Conservation Areas) Act 1990, and as such outweighs any development plan policies.
- 1.23. By allowing the re-development of this building contrary to Policy ER3, it would constitute a form of enabling development, and the applicant's proposals for residential re-development would result in significant improvements to both the structural stability and repair (that would preserve the building), but would also result in the significant enhancement of the building by securing the removal of the current bank-front (which seriously detracts from the

character of the building) and the re-instatement of an architecturally more appropriate façade in keeping with the original form of the building.

- 1.24. It is considered that this current proposal represents a one-off means of securing substantial preservation and enhancement benefits for the building, that would otherwise not occur, and the benefits are so substantial that they completely out-weigh any minor breach of the above policy which seeks to retain the building in employment use.
- 1.25. The benefits for the future of the listed building arising from the proposal are considered to be so significant, they over-ride any breach of development plan policy, and due to the special circumstances, would not set a precedent for the change of use of other buildings.

The Impact on Heritage Assets

- 1.26. The site lies within the boundary of policy EN30 - Historic Towns - which requires an appropriate archaeological investigation before development takes place, however in this instance, the development relates to a site which has already had appreciable disturbance within the open areas of the site and as a result, any sensitive archaeology that might have existed will already have been disturbed.
- 1.27. As a result, the archaeology consultee is only requiring a 'historic building recording' condition.
- 1.28. The building falls within the conservation area and adjacent to several other listed buildings, and the current deteriorating condition of the building, as well as the unsightly modern additions at the rear combine to have a detrimental and harmful impact on the character of the conservation area as well as the setting of listed buildings.
- 1.29. The proposed works or repair and restoration of the listed building will be significant, and as stated above, are only likely to be delivered as a result of the applicant's proposed residential re-development.
- 1.30. The benefits for the listed building (and the character of the conservation area) are substantial, and the works will result in the long-term restoration of historic features as well as overall improvements and repairs, and as a result of the development, the impact on the character and setting of listed buildings as well as the character of the conservation area will be significant.
- 1.31. In addition to the re-instatement of an imposing façade, the listed building will be enhanced by the repairs and retention of the few remaining features of any architectural significance.
- 1.32. Apart from the changes to the front elevation, the proposals will remove the unsightly structures, flat-roof buildings and railings from the rear, and the key change to the appearance will be along Brook Street.
- 1.33. The existing single-storey wing containing the ATM machine would be built over to provide a small flat, and the new dwelling attached to it (with an arched entrance leading to the rear courtyard), would mask the unsightly rear of this building and the adjacent one, which has a very high party-wall, comprising a multitude of brick types.
- 1.34. The new buildings would create a form of enclosure and would enhance the street scene and more closely reflect the surrounding built-form and the new dwelling is of simple design, that is clearly subservient to the main principal listed building, and is a form that reflects the surrounding development and would not impact on the character of the Conservation Area.

- 1.35. The character and setting of the conservation area/listed buildings would therefore be unharmed and therefore preserved as required by the Act.

Conclusion

- 1.36. The Planning (Listed Buildings and Conservation Areas) Act 1990, places a special duty on the Local Planning Authority to consider the preservation and enhancement of the special character and setting of listed buildings and the character and appearance of Conservation Areas, and in relation to the proposed works to the listed building, these are the only considerations that can be taken in to account.
- 1.37. On balance, it is considered that the overall benefits to the repair and restoration of the listed building is compelling. The proposed works would not cause any demonstrable harm to the listed building (and is considered to be a sustainable one), where the benefits of the scheme demonstrably out-weight any other considerations, and would ensure the long-term future of the listed building.
- 1.38. Allowing the proposed works to the listed building would meet the statutory duty placed on the Council by the above Act, and the works are appropriate and recommended for approval.

Background Papers

None

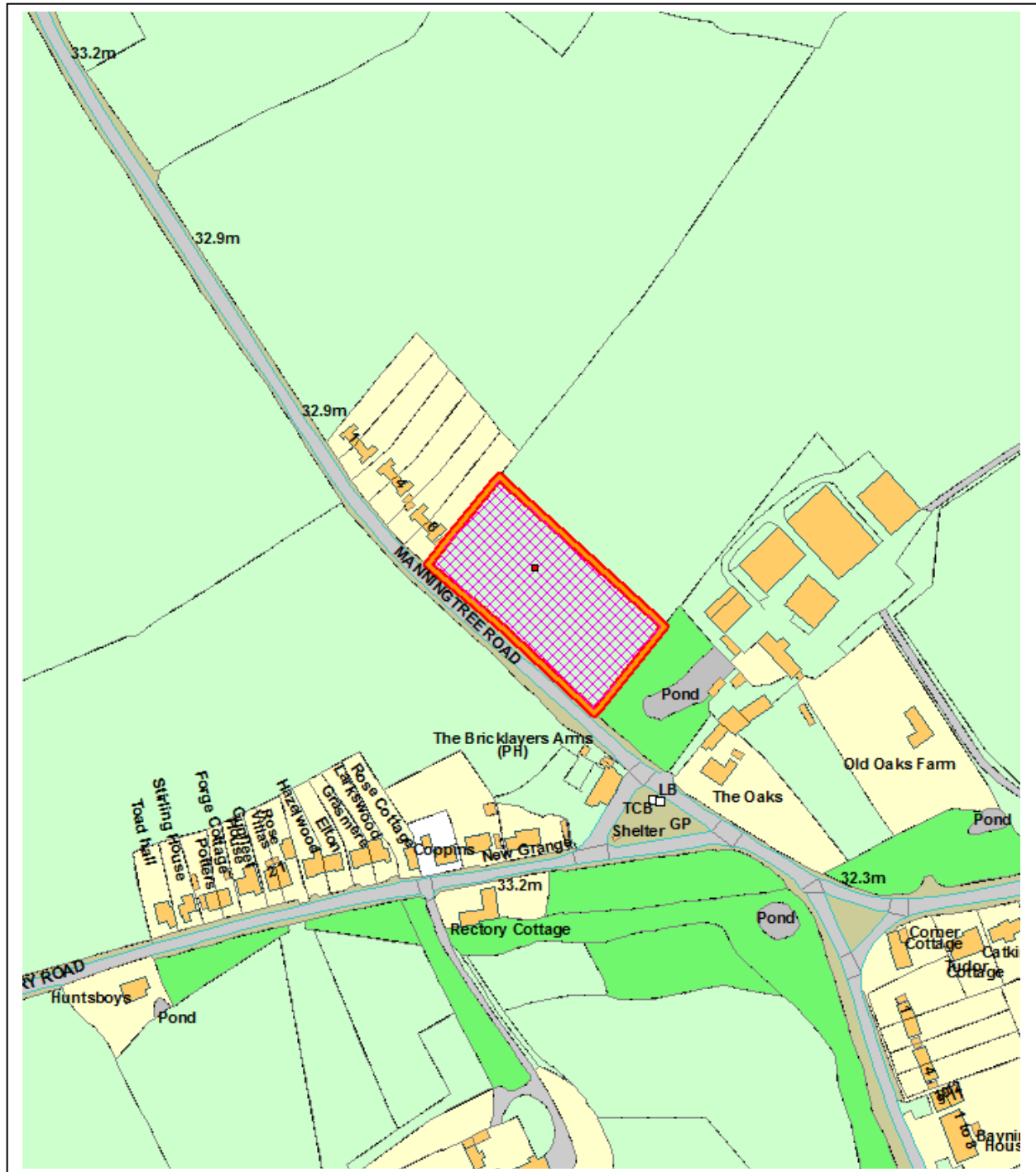
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PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 17/00527/FUL - LAND ADJACENT 6
MANNINGTREE ROAD, LITTLE BENTLEY, CO7 8SP



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Application:	16/00527/FUL	Town / Parish: Little Bentley Parish Council
Applicant:	Rose (Builders) Properties Ltd	
Address:	Land adjacent 6 Manningtree Road, Little Bentley, CO7 8SP	
Development:	Erection of 6 No. detached new dwellings, associated garaging and access road.	

1. **Executive Summary**

- 1.1. Outline planning permission for 8 dwellings was refused on 07 June 2016 (16/00533/OUT), and a later application for the outline erection of 6 dwellings – all matters reserved - was approved by the Planning Committee on 02 Nov 2016. (Ref 16/01370/OUT). The current application is a full application [rather than a reserved matters submission], however it was clear that the Planning Committee wanted to review the detailed application following the approval of the outline.
- 1.2. In accordance with Members' request the current application is before Members seeking approval for a detailed scheme for the erection of 6 detached houses and garages, with a single, central access point and the retention of the feature front boundary hedge.
- 1.3. Little Bentley does not have a defined settlement boundary in the Adopted Local Plan as Policy QL1 does not define Little Bentley as a settlement for development but there is a defined settlement boundary within the emerging Local Plan, although the site lies outside of that boundary. However, the principle of residential development has been accepted by the granting of outline planning permission.
- 1.4. The site is accessed from Manningtree Road with a private drive serving the 6 frontage plots. The scheme retains the substantial hedge to the western boundary as noted within the sketch scheme submitted at the outline stage.
- 1.5. The design, siting and scale of the proposed dwelling is considered acceptable with no material harm to visual or residential amenity, or highway safety. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. Start within 3 years.
2. Development in accordance with approved plans (including Construction Method Statement & Ecological Working Method Statement).
- 3-8. 6 Conditions as advised by Highway Authority.
9. Landscaping scheme and implementation.

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
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
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
SP2	Meeting Housing Needs
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP3	Green Infrastructure
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL3	The Rural Landscape
CP1	Sustainable Transport and Accessibility

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

16/00533/OUT	Construction of 8 No. detached dwellings	Refused	07.06.2016
16/01370/OUT	Outline application for the construction of 6 No. detached dwellings.	Approved	02.11.2016

4. Consultations

Building Control and Access Officer The driveway should be capable of carrying a fire tender.
No other comments at this time.

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 60 metres 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.
Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- '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.
Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 'No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 'Prior to the first occupation of the development, the proposed access shall be constructed to a width of 5.5 metres within the site and provided with an appropriate crossing of the verge to the satisfaction of the Local Planning Authority.
Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 'Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- '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.
Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- '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.
Reason - In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

Essex Highways, Colchester Highways Depot, 653 The Crescent,
Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check

safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INF03 Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

5. Representation

- 5.1. Little Bentley Parish Council - No Comments Received.
- 5.2. No neighbour representations have been received.

6. Assessment

The main planning considerations are:

- Principle of Development;
- Design;
- Highway Safety;
- Residential Amenity, and;
- Protected Species.

Site Location

- 6.1. The site is to be accessed directly from Manningtree Road (where an agricultural access currently exists) and the land is generally open farmland with a substantial hedgerow along the western (Front highway) boundary and a pond on land to the south-east.
- 6.2. The site forms part of a larger field, although only the frontage gained outline permission, as development here is linear in nature fronting on to the road, with the site forming an open 'gap' between the 6 semi-detached houses to the North (1-6 Manningtree Road), and the main body of the village to the south, where the Bricklayers Arms P.H is situated, at the junction of Manningtree Road, and Rectory Road

Proposal

- 6.3. The application seeks detailed approval for the development of 6 detached dwellings and garages, (which follows the sketch proposal at outline planning stage), and whilst there was initial concern at the proposal to include garages projecting in front of the building line, amended plans omit these, placing the garages to the rear of the dwellings.
- 6.4. The proposed dwellings are in frontage form, but set-back behind a private drive with turning head. Each dwelling would have a garage and at least 2 parking spaces. All the dwellings are 2-storey detached houses, the smaller plots being 3 bedroomed units (2) and the remaining 4 plots are 4 bedroomed.

Principle of Residential Development

- 6.5. Whilst the site lies outside the defined settlement boundary of the emerging Local Plan and the existing plan does not recognise Little Bentley as a development village, the principle of residential development has been accepted by the grant of outline planning permission.

Consideration under this application is therefore limited to only the general detail design matters and landscaping.

Design

- 6.6. The proposed two storey dwellings would be located to the rear of the access drive, which has been designed to give maximum visibility, with the least removal of the feature boundary hedge, and they are an attractive design incorporating design features including chimney stacks, feature bay windows, rustic porches and a mix of brick, wood cladding and render.
- 6.7. The dwellings would have small front gardens and substantial gardens to the rear significantly in excess of the minimum 100 square metres required by saved policy HG9. Subject to the recommended conditions it is considered that the siting of the proposed dwellings are acceptable. The front and side hedgerow boundary is to be strengthened with additional planting. The new rear boundary would have a post-and-rail fence and native hedgerow.
- 6.8. The height, mass and detailed design of the dwellings, including the front elevation incorporating bay windows is appropriate for this site and provides for an attractive mix of dwelling types. The dwellings would retain sufficient spacing to the side boundaries of their plots as to not appear cramped and to safeguard the semi-rural character of the locality.

Highway safety

- 6.9. Manningtree Road is straight at this point, and the shared access – positioned centrally on the site frontage – will not create any adverse highway safety conditions.
- 6.10. The Highway Authority has no objection to the proposal.
- 6.11. The proposal does not include a new footway across the front of the site, as is normally requested, and the character of the area is such that there are few footways within the village, and a new element of path would look out-of-place. Subject to appropriate conditions, the proposal would be acceptable in highway safety terms, although the highway condition relating to sustainable transport 'packs' as suggested by the Highways Authority is only applied to major application sites and is not appropriate in this instance.
- 6.12. The amended plan indicates a wheelie-bin dwell-area near to the access point for bin-storage on collection days.

Residential Amenity

- 6.13. Due to the siting of the proposed dwellings and the space between any surrounding dwellings there would not be any adverse impact upon future residents in respect of loss of light/outlook. Furthermore, the substantial side hedge offers some separation from dwellings to the north. As such there would be no loss of privacy or amenity issues for neighbouring residents.

Protected Species

- 6.14. The issue of protected species and habitat protection was considered at the outline stage, and the submitted details allow for protection of existing hedgerows, and creation of new habitat.

- 6.15. The applicant has submitted a comprehensive ecology mitigation strategy that will ensure that habitat is protected during construction, and there is no indication that any protected species would be harmed, providing the strategy is complied with.

Overall planning balance

- 6.16. The outline permission established the principle of development of the site for 6 dwellings, and the proposed development meets all other policy considerations.
- 6.17. The land is proposed to be developed, in a manner that would add to the mix of dwelling types as advocated by the N.P.P.F and local policy and is an attractive design which maintains ecology habitat and the roadside hedge.
- 6.18. On balance, the development would not cause any demonstrable harm, and is considered to be a sustainable one, where the benefits of the scheme are not significantly and demonstrably out-weighted by any harmful impacts.
- 6.19. The development is therefore an appropriate one and recommended for approval.

Background Papers

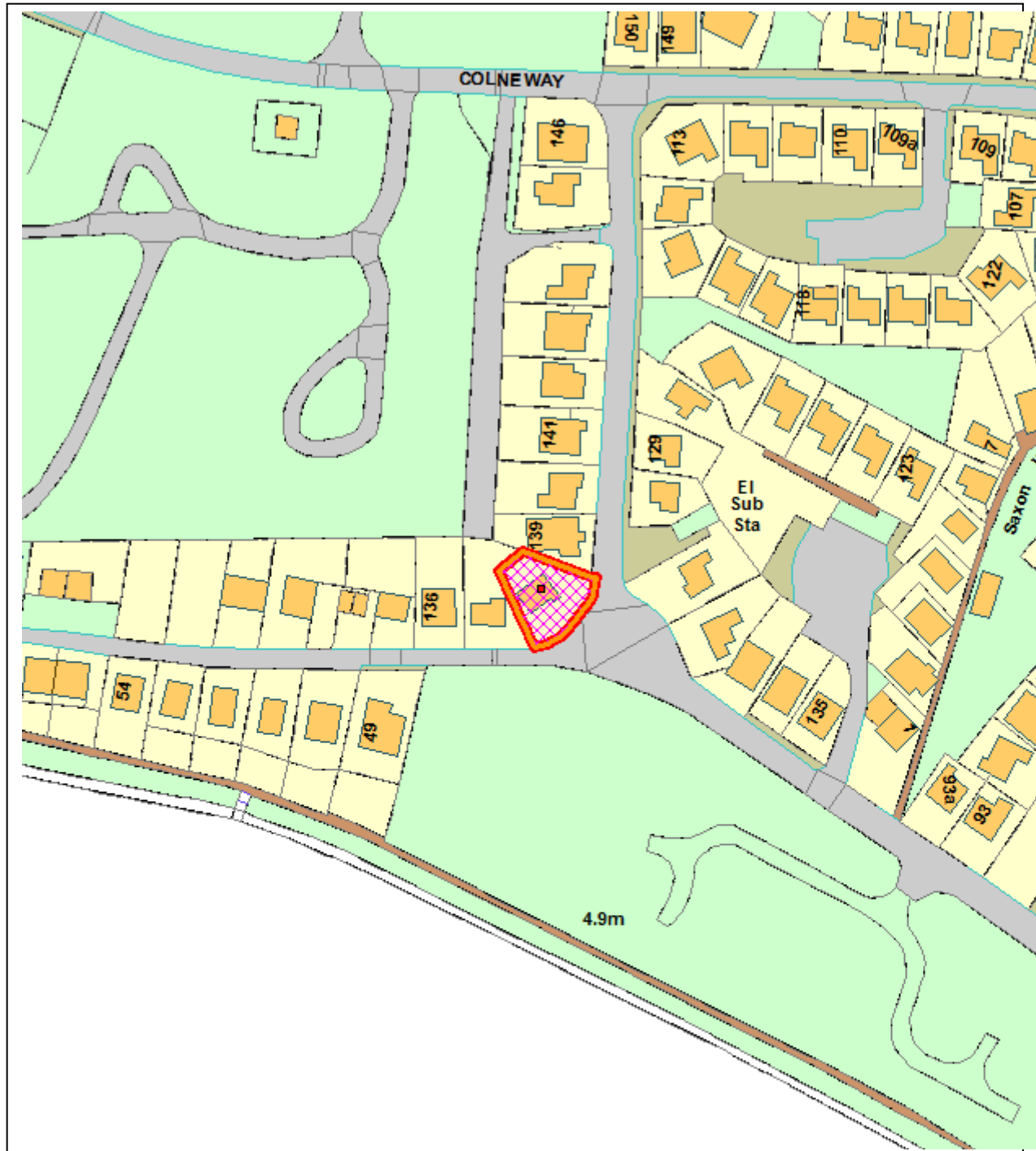
None

PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 16/01985/FUL - 138 COLNE WAY, POINT CLEAR BAY, ST OSYTH, CO16 8LU



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Application:	16/01985/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Mr M Skeels	
Address:	138 Colne Way Point Clear Bay St Osyth CO16 8LU	
Development:	Proposed replacement dwelling following demolition of existing.	

1. **Executive Summary**

- 1.1 This is a full planning application to build a 3 storey two bedroom dwelling to replacement 30.05an existing single storey chalet. The planning application has been referred to Planning Committee as the applicant is an elected Councillor of Tendring District Council.
- 1.2 The application site is located in Point Clear Bay where the existing properties were predominantly built as holiday homes. Most properties are substandard by modern day expectations and are within the tidal flood zone where the risk of flooding is set to increase with the effects of climate change.
- 1.3 The replacement property would be significantly higher and bulkier than the existing property on the plot and those surrounding the site. However, this is an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. By including only storage, utility rooms and parking on the ground floor the development would bring about a net improvement in flood safety.
- 1.4 With this in mind, Officers are advising the Committee to consider whether this approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an example to other property owners who might consider redevelopment to a more resilient, lower flood risk form of development.
- 1.5 Therefore in the absence of any objections from the Environment Agency and Essex County Council Highways and in weighing up the advantages of the development against the disadvantages, the application is recommended for approval.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement.
2. Accordance with approved plans.
3. Garage available for use prior to occupation and retained as approved for parking purposes only.
4. Submission of flood evacuation plan.
5. Ground floor shall only be used for purposes as shown on plans and retained (parking, storage and wet room/utility room).
6. Details of materials/surface finishes
7. Obscure glazing installed as per plans and retained.
8. Removal of permitted development rights (extensions/outbuildings and windows).

2. Planning Policy

NPPF National Planning Policy Framework
National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy
QL3 Minimising and Managing Flood Risk
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG1 Housing Provision
HG9 Private Amenity Space
HG12 Extensions to or Replacement of Dwellings outside Settlement Development Boundaries
HG14 Side Isolation
HG20 Plotland Development
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
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL1 Development and Flood Risk

Local Planning Guidance

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

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

ECC Highways Dept I have had a look at the details of this application and having regard to the fact that the proposal is a like for like replacement the Highway Authority does not wish to submit a formal recommendation

Environment Agency We have no objection to this planning application as the site is currently defended and the Essex and South Suffolk Shoreline Management Plan (SMP) policy for this area has an aspiration for “hold the line.”

5. Representations

- 5.1 St Osyth Parish Council objects to the development on the basis that the application as submitted is considered to be of poor design and is not in keeping with similar dwellings in the vicinity.
- 5.2 Additionally, the proposed site plan would suggest over development of a small site, given that the new dwelling would seemingly extend to the physical boundary of the property.

6. Assessment

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Flood Risk;
- Design/Visual Impact;
- Residential Amenities, and;
- Highway Considerations.

Site Context

- 6.1 The application site is located on a prominent corner plot on the western side of the junction between Western Promenade and Colne Way within the Point Clear Bay area. The area comprises of a mixture of private dwellings and holiday chalets of differing age, scale and design.
- 6.2 The application site currently accommodates a small holiday chalet partly brick built with a shallow felted pitched roof. The chalet appears to have been constructed in the 1950's and, due to the presence of a restrictive occupation condition, cannot be occupied in the winter months (November through to April).
- 6.3 The front of the property is laid to grass and there are no formal parking arrangements. To the rear is a small grassed garden area. The boundaries are marked by bushes and low level timber fencing.
- 6.4 The site is located within a Flood Risk Zone 3 but is protected by current sea defences.

Proposal

- 6.5 This application proposes the replacement of the existing chalet with a 3 storey permanent dwelling. The property would comprise of 2 bedrooms with a dining area at first floor and lounge at second floor level. The ground floor would accommodate a double garage and small utility room and wet room.
- 6.6 The dwelling would comprises of facing brickwork at ground level with 'set in' elements above consisting of fibre cement boarding. The roof of the property would be flat and comprise of a fibre glass GRP finish. The property would measure 8m in height and 10.2m in width by 7.5m in depth.
- 6.7 It is proposed that the property would be lived in all year round and not just on a holiday basis as per the existing chalet.

Principle of Development

- 6.8 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.9 The site comprises existing development outside of any defined settlement boundary contained in the saved or emerging local plans. However, as the site already accommodates a dwelling and the application represents a replacement property there is a general presumption in favour of development in principle.
- 6.10 However, this part of Point Clear Bay falls within Flood Zone 3a, therefore the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.
- 6.11 In the saved local plan the Point Clear Bay area falls within an area controlled by saved policy HG20 which is aimed at limiting development on Plotland sites such as this. The preamble to the policy states, amongst other things, that it is recognised that many Plotland dwellings offer substandard living accommodation and usually located on small sites. The purpose of the policy is therefore to ensure that the impact upon the landscape, street scene and residential amenity is minimised and to assist in controlling the demand on local services and infrastructure. The main content of saved policy HG20 states that the replacement of lawful Plotland dwellings will be allowed provided that the cubic content of the replacement dwelling does not exceed that permitted for the original dwelling under the tolerances of the General Permitted Development Order. This policy is however clearly out of date as the General Permitted Development Order has since changed and permitted development rights for extensions are no longer calculated on a cubic content basis.
- 6.12 Furthermore, as in Jaywick, the policy aimed at strictly controlling development has failed to bring about any positive changes in the area particularly in respect of flood risk. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that lifting some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach. This is reflected by the fact that the Plotland policy has not been carried forward within the 2016 Preferred Options Draft.
- 6.13 Saved Policy HG12 concerns the replacement of dwellings outside settlement development boundaries. This policy is criteria based and in particular sets out that new development should be well related to the original dwelling, is not visually intrusive, is not detrimental to

highway safety, would not adversely affect the residential amenities of adjoining neighbours and sufficient spacing is retained around the dwelling to protect its setting.

- 6.14 Again as stated above a more flexible approach is required in assessing the development against this policy. It is evident that the dwelling will be significant larger than the existing property and higher to incorporate flood resilient measures which is consistent with the Council's approach in Jaywick. As such the principle of replacing the existing building with a larger property is acceptable in principle. Consideration therefore turns to the detailed design of the proposal.

Flood Risk

- 6.15 The site, and the rest of this part of Point Clear Bay, is in Flood Zone 3 - the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging Local Plans, requires a 'sequential approach' to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where a single dwelling could be located however as this development relates to the replacement of a single storey chalet in a poor state of repair a more flexible approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.
- 6.16 The NPPF and Local Plan policies refer to the 'Exception Test' which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 6.17 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an informed decision. The conclusions and recommendations in the assessment are summarised as follows:
- The site is currently protected by flood defences with an effective crest level of 4.5m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.3m AOD. Therefore the site is not at risk of flooding in this event. The current defences will continue to offer protection over the lifetime of the development, provided the hold the line policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
 - If the SMP policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.41m AOD, would overtop the existing defences and the actual risk depth of flooding on site using the minimum site level of 1.96 m AOD would be 3.42m deep and in the building using the proposed finished floor levels of 2.11 m AOD 3.27m deep.
 - Finished ground floor levels have been proposed at 2.11m AOD. This is below the 0.5% annual probability breach flood level including climate change of 5.38m AOD and therefore is at risk of flooding by 3.27m depth in this event.

- Flood resilience/resistance measures have been proposed.
 - Finished first floor levels have not been provided and there may be refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.77m AOD.
 - A Flood Evacuation Plan has not been provided and is necessary to ensure the safety of the development.
- 6.18 The submission of an evacuation plan can be secured through a planning condition. The submitted plans show living accommodation at first and second floor levels which in the event of the SMP not being followed and a 1 in 200yr and 1 in 1000yr breach would allow for the safe refuge of residents.
- 6.19 Overall, it is considered that the development would meet with the NPPF Exception Test and when considering the lightweight construction and single storey nature of the current property on site would represent a significant improvement in terms of flood risk to future residents.

Design/Visual Impact

- 6.20 The proposed replacement property would be significantly larger in terms of its height and bulk than the existing chalet dwelling on the site. Consequently, the property would be highly visible in views along Western Promenade particularly as the building would occupy a prominent corner plot that forms a vista in views from the east. However, the height and scale of properties in the area is mixed. To the west of the site is a tall chalet style dwelling with large dormers to the roof space and to the north is a brick built bungalow with a high ridge line. To the west along Western Promenade are some examples of three storey high properties of considerable bulk.
- 6.21 The design of properties in the locality is mixed. There are traditional brick built properties but there are also examples rendered and boarded buildings too. Consequently the flat roofed contemporary style design proposed incorporating cement boarding and fibre glass roofing would represent an appropriate response to the eclectic appearance of the area.
- 6.22 It is acknowledged by Officers that the dwelling would be significantly higher and more bulky than the existing property on site, those opposite and those situated on either side. However, this is an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because of this the development contains no living accommodation on the ground floor to reduce the risk to residents in the event of a flood. As a result the building is required to be higher to allow for safe refuge in an event of a flood. Officers have also sought amended plans to reduce the width of the building ensuring that 1m side isolation is retained to the boundaries and to set in the top two levels to assist in breaking up the main bulk of the building. The amended plans also show each level being broken up by a banding section which further assists in enhancing the aesthetics of the building.
- 6.23 With this in mind, Officers are advising the Committee to consider whether this approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an opportunity for other property owners to consider redevelopment to a more resilient, lower flood risk form of development. If the Committee feels that the harm to the character of the area and to the amenities of neighbouring residents is not outweighed by the potential benefits, then refusal could be justified in planning terms.

Residential Amenities

- 6.24 The proposed dwelling would be three stories high and therefore has the potential to impact upon the amenities of those residents living nearby. To the north no.139 has an entrance door and associated window within it's facing flank wall. As these are located northwards of the development and are not primary windows the impact upon light received by these openings would be minimal. In terms of outlook, no.139 has a small rear garden from which the development would be visible and fairly imposing. However, the distance and angle of the new property would reduce any impact in this regard.
- 6.25 To the west is no.137 which has an entrance door at first floor level accessed via a spiral staircase and a small high level window within its facing flank. These are not primary openings and therefore are not affected by the development. To the rear the property is served by a conservatory. It is conceded that the conservatory would lose some light and outlook as a result of the development, however the conservatory faces north and receives limited light at present. Furthermore, the identified impact upon the amenities of neighbouring residents is not outweighed by the potential flood risk/regeneration benefits as outlined above.
- 6.26 In terms of overlooking, the front balcony faces south-east over an existing open grassed area and the frontage of properties on the opposite side of the road. Therefore views would be limited to public areas only. The windows to the rear of the building have been designed to be high level or obscured to preserve existing resident's privacy.

Highway Considerations

- 6.27 Essex County Council Highways have confirmed that they have no comments to make upon the proposals as the proposed development is for the replacement of an existing property.
- 6.28 In terms of parking provision, the double garage at ground floor provides space for 2 vehicles. This is sufficient for a two bedroom property and accords with the current parking standards.

Background Papers

None