



PLANNING COMMITTEE

DATE: Tuesday 11 July 2017
TIME: 6.00 pm
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

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

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

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686 585.

DATE OF PUBLICATION: THURSDAY 29 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 Tuesday 13 June 2017.

3 **Declarations of Interest**

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

4 **A.1 - Planning Application - 17/00565/DETAIL - Land South of Cockaynes Lane, Alresford, CO7 8BZ (Pages 7 - 20)**

Reserved matters application for up to 145 dwellings, associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road.

5 **A.2 - Planning Application - 14/01863/FUL - The White Hart, 9 High Street, Manningtree, CO11 1AG (Pages 21 - 32)**

Change of use of ground floor of property from a public house to residential to enable the entire property to be used as a residential unit.

6 **A.3 - Planning Application - 17/00725/FUL - West Country House, Cherry Tree Avenue, Clacton-on-Sea, CO15 1AR (Pages 33 - 42)**

Proposed new access road to serve new development approved under 16/00731/FUL.

7 **A.4 - Planning Application - 17/00567/FUL - Starena Lodge Holiday Park, Clacton Road, Weeley, CO16 9DH (Pages 43 - 52)**

Change of use of land to site 67 holiday lodge caravans.

8 **A.5 - Planning Application - 16/00500/OUT - Tamarisk, 19 The Street, Kirby-le-Soken, CO13 0EE (Pages 53 - 74)**

Erection of 3 bungalows and 7 houses, following demolition of No. 21 The Street, and alterations to No. 19 The Street.

9 **A.6 - Planning Application - 17/00502/FUL - 14F and 14G Wittonwood Road, Frinton-on-Sea, CO13 9LB (Pages 75 - 82)**

Retention of two dwellings incorporating revised elevational changes, amendment to that approved under 14/01447/DETAIL.

10 **A.7 - Planning Application - 16/00838/OUT - Land to South of Frinton Road, Thorpe Le Soken, CO16 0LG (Pages 83 - 84)**

This application is the subject of a planning appeal. The Committee is asked to review the original grounds for refusal in light of the latest available information and to agree the case upon which Officers will defend the appeal.

MEETING OVERRUN DATE

In the event that all business is not concluded, the meeting will reconvene on Thursday 13 July 2017 at 6.00 p.m. in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ to consider any remaining agenda items

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday, 8 August 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 13 JUNE 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

| | |
|-----------------------|---|
| Present: | Councillors White (Chairman), Heaney (Vice-Chairman), Alexander, Bennison, M Brown, Cawthron, Everett, Fairley (except minute 12), Fowler, Hones and McWilliams |
| Also Present: | Councillors Coley (except minutes 16-17), G V Guglielmi (except minutes 16-17), V E Guglielmi (except minutes 16-17), M J Skeels and M J D Skeels |
| In Attendance: | Gary Guiver (Planning Manager), Charlotte Parker (Solicitor - Property, Planning and Governance), Nigel Brown (Communications and Public Relations Manager), Susanne Ennos (Planning Team Leader), Alison Newland (Planning Team Leader - Major Applications) and Katie Sullivan (Committee Services Officer) |

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Baker (with Councillor M Brown substituting).

10. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 16 May 2017, were approved as a correct record and signed by the Chairman.

11. DECLARATIONS OF INTEREST

Councillor Fairley declared a non-pecuniary interest in relation to Planning Application 16/01084/FUL by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor M J D Skeels, present in the public gallery, made his presence known and the Chairman acknowledged that he had attended the meeting due to the fact that he had a Planning Application on the agenda (16/01985/FUL).

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

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

Councillor Fairley had earlier declared a non-pecuniary interest in relation to Planning Application 16/01084/FUL by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined. Councillor Fairley withdrew from the meeting for this item.

Members recalled that this application had first been considered by the Committee at its meeting held on 31 January 2017 when it had been resolved that consideration be deferred in order 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 had been explored/considered to minimise any identified harm to the amenities of neighbouring residents, the setting of listed buildings and the adjoining Conservation Area.

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

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 given by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of an email received from Bradfield Parish Council raising some issues and the Officers response to that email.

The Chairman confirmed that only those Members who had attended the site visit in January 2017 for this application would be allowed to debate and vote on this item.

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

- The lack of clear and convincing justification contrary to Policy EN3 (Coastal Protection Belt); and
- The detrimental impact on the setting of the Conservation Area and Listed Buildings contrary to paragraph 132 of the NPPF.

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

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 given by the Council's Planning Team Leader (AN) in respect of the application.

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

- (1) An amendment made by the applicant to the application forms; and
- (2) Confirmation from the ECC Suds Team that they had no objection subject to four conditions.

Following discussion, it was moved by Councillor Everett, seconded by Councillor Heaney and unanimously **RESOLVED** that consideration of this application be deferred for the following reasons:

- Update to Ecological Survey; and
- Revisit use of shared surfaces.

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

It was reported that this application had been referred to the Planning Committee at the request of Councillors G V Guglielmi and Coley, the local Ward Members.

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 given by the Council's Planning Manager (GG) in respect of the application.

Town Councillor Ruth Stocks, representing Manningtree Town Council, spoke against the application.

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

Councillor G V Guglielmi, a local Ward Member, spoke against the application.

Martyn Goodwin, the agent on behalf of the applicant, spoke in support of the application.

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

- Contrary to Town Centre Protection Policies;
- Contrary to Policy ER3; and
- Lack of parking.

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

It was reported that this application had been referred to the Planning Committee at the request of Councillors G V Guglielmi and Coley, the local Ward Members.

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 given by the Council's Planning Manager (GG) in respect of the application.

The Committee was reminded that this application was for Listed Building Consent to enable changes to be made to the building.

Councillor G V Guglielmi, a local Ward Member, spoke against the application.

Following discussion and advice provided by Officers, it was moved by Councillor McWilliams, seconded by Councillor Bennison and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reason:

- Changes would fail to facilitate the commercial/employment use considered best for the property (N.B the decision on item A.3).

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

Members recalled that outline planning permission for 8 dwellings had been refused on 7 June 2016 (16/00533/OUT), and a later application for the outline erection of 6 dwellings – all matters reserved – had been approved by the Planning Committee on 2 November 2016. (Ref 16/01370/OUT). The current application was a full application, rather than a reserved matters submission, however it was clear that the Planning Committee had wanted to review the detailed application following the approval of the outline.

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 given by the Council's Planning Team Leader (SE) in respect of the application.

Stephen Rose, the applicant, spoke in support of the application.

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

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

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

It was reported that this application had been referred to the Committee as the applicant was an elected Councillor of Tendring District Council.

Councillor M J D Skeels, present in the public gallery, had earlier made his presence known and the Chairman acknowledged that he had attended the meeting due to the fact that he had a Planning Application on the agenda (16/01985/FUL).

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.

Roger Wright, the agent on behalf of the applicant, spoke in support of the application.

It was moved by Councillor Fairley and seconded by Councillor Alexander that consideration of the application be approved, which motion on being put to the vote was declared **LOST**.

Following discussion by the Committee and consideration of advice provided by Officers, it was moved by Councillor Everett, seconded by Councillor M Brown and **RESOLVED** that consideration of this application be deferred in order to negotiate changes with the applicant and his architect with a view to reducing the bulk of the proposed property and the impact on neighbours.

The meeting was declared closed at 8.48 pm

Chairman

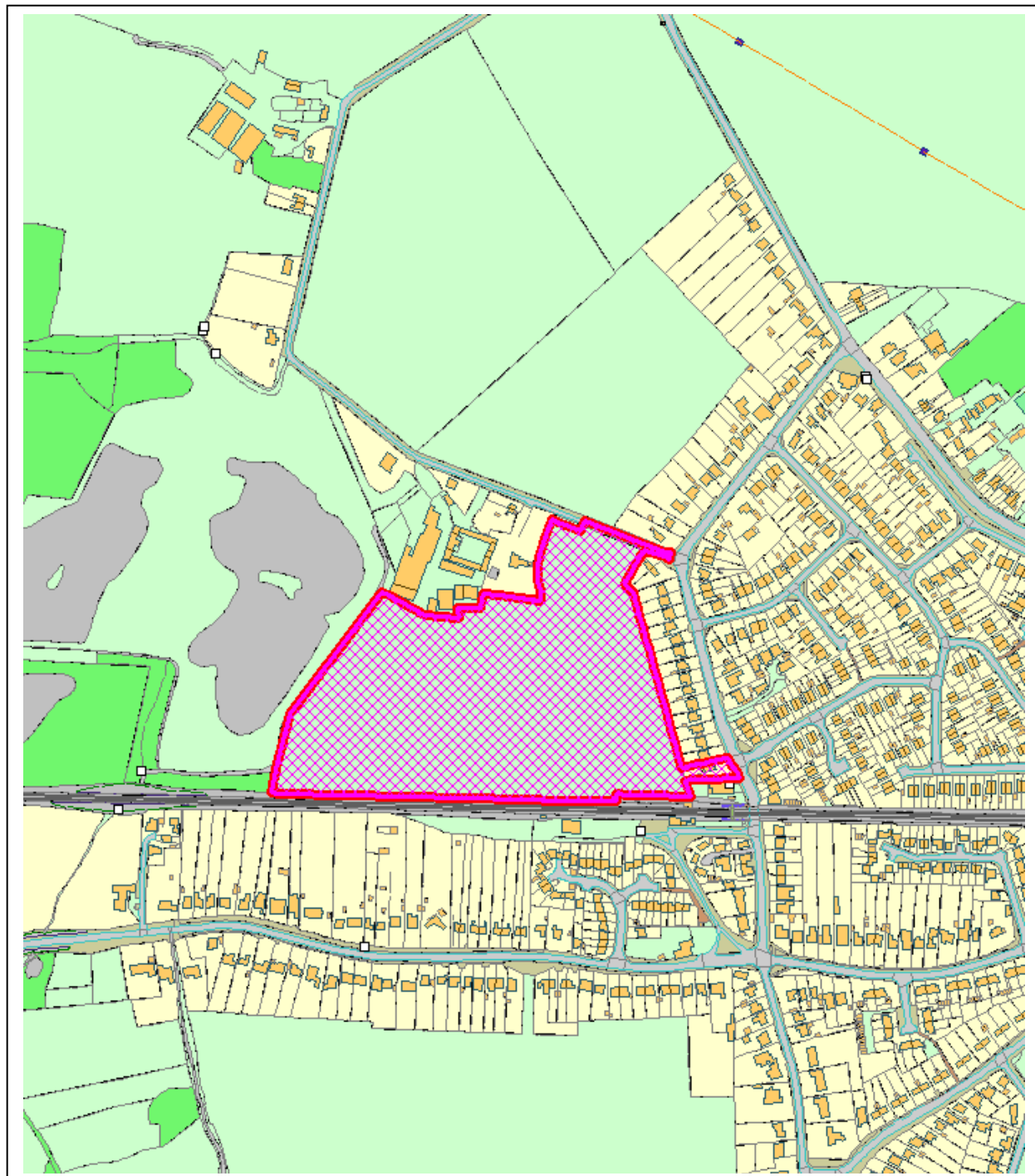
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PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/00565/DETAIL - LAND SOUTH OF COCKAYNES LANE, ALRESFORD, CO7 8BZ



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| Application: | 17/00565/DETAIL | Town / Parish: Alresford Parish Council |
| Applicant: | Taylor Wimpey UK Ltd. | |
| Address: | Land South of Cockaynes Lane, Alresford, CO7 8BZ | |
| Development: | Reserved matters application for up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road. | |

1. Executive Summary

- 1.1 The application is referred to Planning Committee at the request of Councillor Gary Scott.
- 1.2 Outline planning permission 14/01823/OUT (with all matters except access reserved) was refused by Members but allowed at appeal in June 2016. The principle of the development and the means of access has therefore already been approved and the matters for consideration are appearance, landscaping, layout and scale.
- 1.3 The application proposes 145 dwellings comprising 15 bungalows, 112 two storey dwellings and 18 2.5 storey dwellings. The bungalows all back onto Station Road and the 2.5 storey dwellings are all located towards the southern boundary with the railway. The development comprises a mixture of predominantly detached and semi-detached properties, with two blocks of six flats and two terraces of three dwellings. There are 12 one-bed flats, 32 two-bed dwellings (including 15 bungalows), 53 three-bed houses, 46 four-bed houses, and two five-bed houses.
- 1.4 36 affordable dwellings are included which accords with the 25% requirement agreed in the S106 Agreement.
- 1.5 In terms of open space provision there is a LEAP (Local Equipped Area of Play) in the centre of the site; an orchard and green link incorporating dry swales along the internal northern boundary which links to the large green space with attenuation basin and allotments along the western boundary; and additional wide landscaped areas to the full southern boundary with the railway incorporating dry swales.
- 1.6 The application has been amended following objections received by immediate neighbours to the site. These amendments relate to a smaller dwelling on Plot 1 and removal of the landscaping belt to the boundary with No 2 Cockaynes Lane; a smaller dwelling on Plot 145 and re-siting further to the north-east; and provision of bollards at the pedestrian, cycle and emergency access onto Station Road. Tree protection details have also been provided.
- 1.7 The detailed design, layout, landscaping and construction materials are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is recommended for approval.

Recommendation: Approve

Conditions:

1. List of approved plans

2. Landscaping to be provided within first planting and seeding season following commencement of development
3. Any landscaping lost within 5 years to be replaced
4. Boundary treatments to be erected prior to occupation of the dwelling to which they relate
5. Removal of permitted development rights for dormer windows or rooflights to Plots 11-12, 13-14, 18-19 and 20-21.
6. Tree protection measures during construction
7. Bollards to be erected at emergency/pedestrian/cycle access prior to occupation.
8. Details of external lighting.

2. **Planning Policy**

The National Planning Policy Framework (NPPF)

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that development is well designed, functions well and adds to the overall quality of the area.

Local Plan Policy:

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 and Compatibility of Uses |
| QL12 | Planning Obligations |
| HG1 | Housing Provision |
| HG3a | Mixed Communities |
| HG4 | Affordable Housing in new Developments |
| HG6 | Dwelling Size and Type |
| HG7 | Residential Densities |
| HG9 | Private Amenity Space |
| COM6 | Provision of Recreational Open Space for New Residential Development |
| EN1 | Landscape Character |
| EN4 | Protection of the Best and Most Versatile Agricultural Land |

- EN6 Biodiversity
- EN6a Protected Species
- EN6b Habitat Creation
- EN13 Sustainable Drainage Systems
- TR1a Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- SP1 Presumption in Favour of Sustainable Development
- SP3 Meeting Housing Needs
- SP5 Infrastructure and Connectivity
- SP6 Place Shaping Principles
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 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
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- 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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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

| | | | |
|-----------------|--|------------------------------|--------------------------|
| 14/01823/OUT | Outline application for up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road. | Refused Allowed on appeal | 14.04.2015 01.06.2016 |
| 17/00561/DISCON | Discharge of conditions 5 (Appearance, Landscaping and Layout details), 6 (Phasing Plan and Programme), 7 (Drainage scheme and Hydrological and Hydro-geological assessment), 9 (Construction Method statement), 10 (Programme of Archaeological works), 11 (Ecological Method statement), 12 (Contamination Risk Assessment) and 13 (Scheme of suitable interpretation materials) of approved planning appeal application 14/01823/OUT. | Current | |

4. Consultations

| | |
|--|---|
| ECC Archaeology | This application cannot be considered until the archaeological fieldwork required under the outline planning permission has been undertaken and a report received. Officer confirmed that a Written Scheme of Investigation, programme of archaeological fieldwork and report has been submitted under 17/00561/DISCON which is now acceptable. If significant archaeological remains are uncovered this may affect the final layout – this would require planning approval. |
| Natural England | No comment on this application – providing comment on 17/00561/DISCON. |
| TDC Building Control and Access Officer | No comments at this time. |

**TDC Tree &
Landscape Officer**

At the outline stage a full Tree Survey and Report was submitted to demonstrate the works would not have an adverse impact on the long term health and viability of the trees situated on the application site and adjacent land; they also provided a Tree Constraints Plan. This information was in accordance with BS5837: 2012 and showed that the development of the land could take place without causing harm to the trees and other vegetation situated on the boundary of the land.

However at this stage additional information will need to be provided to show how trees will be physically protected for the duration of the construction phase of the development. This information should also be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations and will need to include method statement and a Tree Protection Plan that will be based on the information already provided on the Tree Constraints Plan.

The applicant has submitted a detailed soft landscaping plan and specification which is comprehensive and sufficient to secure an adequate level of new soft landscaping. Special attention has been given to the planting of a new hedgerow, comprising indigenous species, on the boundary of the application site with Cockaynes Lane: set back from the highway and either side of the proposed new access road.

Comments on tree protection details awaited.

**Anglian Water
Services Ltd**

No comments received.

ECC Highways Dept

No objection subject to 13 conditions:

- Vehicular parking and turning for all dwellings
- No unbound material within 6m of highway boundary
- Vehicular access at right angles to highway; carriageway minimum 5.5m wide; 2x2m footways on both sides of access road; pedestrian crossing facilities where the new road joins the existing highway
- private drives constructed to a width of 6 metres
- means to prevent discharge of surface water from the development onto the highway
- details of a wheel cleaning facility within the site and adjacent to the highway
- details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage)
- timing of construction of different levels of the carriageway and footpaths
- 500mm wide overhang strip shall be provided adjacent to the carriageway
- parking spaces to be minimum 2.9 metres x 5.5 metres
- garages to be minimum internal measurement of 7m x 3m
- Residential Travel Information Packs
- Following to be provided at Developer's expense;
 - o The amendments to the alignment of Cockaynes Lane,
 - o The pedestrian/cycle link from the SE corner to Station Road
 - o As appropriate suitable upgrades to the two closest bus stops

Environment Agency

No comments received.

Network Rail

Rear of development backs directly onto the railway and station platform, the developer must ensure adequate security fencing is installed to suitable height and designed so as trespass is not an issue. Development does not interfere directly with Alresford Level Crossing, which is already at our highest level of protection. Provide advisory comments which can be added as informatives to the decision notice.

ECC SuDS Team

Does not impact drainage strategy so no comment.

5. Representations

5.1 Alresford Parish Council make the following observations: Remain concerned over the detail of the Cockaynes Lane access and junction arrangements, in particular the potential for dangerous traffic situations to arise around the pinch-point before the site access off the lane. (In response access was approved by the Inspector at appeal so does not form part of this application. Notwithstanding this the Highway Authority have no objection to the proposal).

5.2 Councillor Gary Scott has requested that this application be determined at Planning Committee and forwards the comments of the objector from 2 Cockaynes Lane (summarised below) as some of the reasons why he wants the application called in.

5.3 Four letters of observation have been received and are summarised as follows (with response in brackets where not addressed in the report):

- Government Inspector has caused irreversible damage and now have to move on and get the best we can for Alresford.
- Inaccuracy in relation to bus service stated in Design and Access Statement (this does not affect consideration of the application, the principle of development was approved at appeal with the Inspector deeming the site to be sustainable).
- Unfortunate sheltered accommodation has not been included (there is no policy requirement to provide sheltered accommodation).
- Appeased by bungalows to rear of Station Road to respect privacy.
- Landscaping looks pleasant and will make it an attractive place to walk.
- Any landscaping lost within 5 years should be replaced (this forms a recommended condition).
- Play area looks good and must be robust and easily maintainable.
- The Environmental Management and Construction Logistics Plan indicates care will be taken to minimise inconvenience and disturbance (this information forms part of application 17/00561/DISCON to discharge conditions imposed on the outline planning permission).
- Appears applicant has a desire to work with the village and District and Parish Councils.
- Disappointing to see Plot 1 is not a bungalow as requested and is one of the largest houses on the development should be changed to a bungalow or small house (this has been changed to a smaller house as detailed in the report).
- Plot 1 should be pulled forward in line with 2 Cockaynes Lane so it does not dominate its rear garden.
- Would prefer proposed trees along boundary with 2 Cockaynes Lane are removed to preserve outlook and light (this has been done).
- Plot 8 is very close to the rear boundary with 26 (28) Station Road, out of keeping with siting of other proposed dwellings, and impacting on views from 2 Cockaynes Lane.

- Request a post and 3 strand wire fence along boundary to 2 Cockaynes Lane so the established 2 metre high hedge can be preserved (this request has been forwarded to the applicant, the plans show a 1.8m high close boarded fence which would ensure privacy for both parties).
- Scheme for Cockaynes Lane North (15/00120/OUT) advises whichever development proceeds first the scheme for the north access will be implemented. This would enable the highway construction works to be carried out once only and make it easier to move Plot 1 forward (there are no conditions in the outline planning permission for 15/00120/OUT which refer to the specifics of the vehicular access. Access was a reserved matter so requires detailed approval through submission of a reserved matters application. The current siting of Plot 1 is considered acceptable as detailed within the report).
- Difficult to see how footpath and road can be constructed without a back fall to 2 Cockaynes Lane which would not be acceptable (access has already been approved at outline planning permission stage).
- Cockaynes Lane should not be used for construction traffic to reduce impact on residents; Site working days and hours should be defined to reduce impact on neighbours; and Site office should be located away from existing properties to reduce impact (The Construction Method Statement has been submitted for approval under 17/00561/DISCON).
- What guarding will protect footpath/emergency access adjacent 56 Station Road (two retractable bollards as shown on amended plans).

5.4 One letter of objection has been received summarised as follows:

- Not happy about location of Plot 8 - too close to boundary and should be orientated with its rear garden to Station Road like all the other bungalows.

6. Assessment

6.1 Outline planning permission 14/01823/OUT (with all matters except access reserved) was refused by Members but allowed at appeal in June 2016. The principle of the development and the means of access has therefore already been approved.

6.2 The main planning considerations are:

- Appearance
- Landscaping
- Layout
- Scale
- Highway safety
- Impact on residential amenity

Site location

6.3 The application site comprises an agricultural field located to the north-west of the village of Alresford; to the south of Cockaynes Lane, a narrow country lane, and to the west of Station Road. The site is located close to the village centre and the railway station, which are at the heart of the village and would be a 30 second walk away from the proposed pedestrian access. The land is generally flat, arable land, with a gentle slope downwards towards the west. The site is generally bordered by trees and hedgerows. The site is bounded to the east by bungalows in Station Road, the railway line to the south, fishing lakes to the west and Cockaynes Lane to the north, which has some residential and commercial development. 15/00120/OUT was refused by Members but allowed at appeal in December 2016 for up to 60 dwellings on land north of Cockaynes Lane to the immediate north west of the site.

- 6.4 Cockaynes Lane is currently a single lane road with no pavements but has wide verges (with drainage ditches either side). The northern edge of Cockaynes Lane is comprised of a wooden fence boundary that is approximately 1.5 m high with low hedgerow in front. The southern side of Cockaynes Lane is comprised of a denser hedgerow approximately 2.5m high. Further along Cockaynes Lane to the west beyond the application site area, there are mature trees and denser hedgerow vegetation and leads on to the public footpath to Cockaynes Wood.

The Proposal

- 6.5 This application seeks approval of the reserved matters of appearance, landscaping, layout and scale. Access has already been approved at outline planning permission stage. A Section 106 legal agreement was also secured at outline planning permission stage requiring 25% affordable housing (36 dwellings); on-site open space and allotment provision plus financial sum of £57,500 for future maintenance; £43,740 financial contribution towards healthcare; and financial contribution towards education.
- 6.6 The applicant participated in pre-application discussions with the Council and sought feedback through a public exhibition which resulted in a number of changes to the proposal including: All dwellings to the rear of Station Road to be bungalows; addition of architectural detailing including chimneys; enhanced landscaping strategy; and increased number of parking spaces. The application has also been amended since original submission following objections received by immediate neighbours to the site. These amendments relate to a smaller dwelling on Plot 1 and removal of the landscaping belt to the boundary with No 2 Cockaynes Lane; a smaller dwelling on Plot 145 and re-siting further to the north-east; and provision of bollards at the pedestrian, cycle and emergency access onto Station Road. Tree protection details have also been provided.
- 6.7 The application proposes 145 dwellings comprising 15 bungalows, 112 two storey dwellings and 18 2.5 storey dwellings. The bungalows all back onto Station Road and the 2.5 storey dwellings are all located towards the southern boundary with the railway. The development comprises a mixture of predominantly detached and semi-detached properties, with two blocks of six flats and two terraces of three dwellings. There are 12 one-bed flats, 32 two-bed dwellings (including 15 bungalows), 53 three-bed houses, 46 four-bed houses, and two five-bed houses.
- 6.8 36 affordable dwellings are included which accords with the 25% requirement agreed in the S106 Agreement.
- 6.9 In terms of open space provision there is a LEAP (Local Equipped Area of Play) in the centre of the site; an orchard and green link incorporating dry swales along the internal northern boundary which links to the large green space with attenuation basin and allotments along the western boundary; and additional wide landscaped areas to the full southern boundary with the railway incorporating dry swales.

Appearance

- 6.10 The detailed design of the dwellings is varied with different roof forms; and use of chimneys, porches, deep brick plinths, bay windows and dormer windows to add visual interest. Five dwellings front Cockaynes Lane and these are well spaced and set back from the road behind a wide landscaped frontage with their parking to the rear therefore preserving the rural character of the lane. Dwellings address the street with corner plots designed to provide an active frontage to both roads. Parking is generally provided to the side or within parking courts which are not prominent from the public realm.

- 6.11 The materials are taken from a palette of six different tiles comprising plain tiles, pantiles and eternit slate; five different bricks of red, orange, light multi, and cream colours; render coloured white and light cream; and Hardieplank boarding in three colours off white, cream and black. This will ensure variety and visual interest across the development.
- 6.12 It is therefore considered that the detailed design and appearance of the proposed dwellings is acceptable.

Landscaping

- 6.13 The applicant has submitted a detailed soft landscaping plan and specification. Special attention has been given to the planting of a new hedgerow, comprising indigenous species, on the boundary of the application site with Cockaynes Lane: set back from the highway and either side of the proposed new access road. New tree and wildflower planting creates a more varied habitat along the green corridor which wraps around the north, west and southern site boundaries.
- 6.14 Two trees adjacent to the boundary with Cockaynes House are covered by Tree Preservation Order (TPO) No. 14/05 and they will not be harmed by the proposals.
- 6.15 All dwellings are set back from the pavement behind soft landscaping with boundary treatments to the footpath comprising brick walls, with fencing to internal boundaries creating a pleasant view from the public realm.
- 6.16 The roads, pavements and most individual parking spaces are constructed of tarmac with block paving to parking courts, the small areas of private drive, and the central square of the development.
- 6.17 A LEAP (Local Equipped Area of Play) is provided to the centre of the site with a variety of play equipment including slides, climbing nets, monkey bars, hammock swing, a snail sculpture and memory games covering a variety of ages. The play area includes seating and is enclosed by bow top steel railings.
- 6.18 The seven allotments are located in the north west corner with three parking spaces of grass cellular construction and all enclosed by chain link fencing with lockable gate. A 1.8 metre high post and wire mesh fence is proposed along the railway boundary to prevent access onto the railway lines.
- 6.19 The submitted landscaping scheme is comprehensive and sufficient to secure an adequate level of new soft landscaping for the development to enhance biodiversity and soften the appearance of the development.

Layout

- 6.20 The development has been arranged into six character areas which relate to existing development at the edges of the site: 'Station Road Edge' and 'Cockaynes Lane Frontage'; a 'Countryside Edge' addressing the main area of public open space on the western boundary; a 'Railway Edge' fronting the railway line, internal access road and southern landscaping strip; and within the core of the site is the 'Central Green' with play area and 'Neighbourhood areas'. These character areas share common design features and construction materials to create a sense of place within the wider development.
- 6.21 In relation to private amenity areas the two blocks of six flats have a small communal amenity space to their rear of around 80 square metres, which is less than the 150 square metres required under adopted policy HG9. There are also four two-bedroom flats which are located at first floor level above ground floor parking which have no private amenity

space. Both these types of accommodation are located around the central square so have immediate access on to the LEAP and surrounding green space.

- 6.22 Nine dwellings do not meet the minimum private amenity space provision specified under adopted policy HG9 (75 square metres for 2 beds and 100 square metres for 3 beds+) however they all provide a useable area in terms of the shape of the garden. Furthermore many of the dwellings provide in excess of the minimum requirement. It is considered that given the scale of development proposed and the level of provision of on site public open space in terms of both quantity and quality, that the proposed provision of public open space is acceptable.
- 6.23 Affordable housing of 36 units is scattered in four main clusters throughout the site, architecturally unrecognisable from the market units and providing a mix of accommodation types. This complies with the requirement in the S106 legal agreement.
- 6.24 In conclusion there are no concerns in relation to the layout of the proposed development.

Scale

- 6.25 Five two storey dwellings are proposed along the Cockaynes Lane frontage. These are in keeping with the scale and design of dwellings in the immediate vicinity and have additional architectural features such as chimneys and cottage style glazing bars to provide a higher quality design. A request has been made that Plot 1 is changed to a bungalow to reduce the impact on the existing neighbour at 2 Cockaynes Lane. However that property is a semi-detached two-storey house and to step down in height so significantly to a bungalow and then back up to two storey to the neighbouring proposed houses would create an incongruous feature in the street scene. Plot 1 has been changed to a smaller dwelling with a hipped roof, lower ridge height and greater separation to the boundary which greatly improves the relationship to 2 Cockaynes Road while retaining an attractive frontage for the development.
- 6.26 Bungalows are proposed along the full Station Road boundary providing a better outlook for and relationship with the existing bungalows.
- 6.27 The 2.5 storey dwellings are all located along the southern boundary with the railway or internal to the site so have no adverse impact on the scale of the existing built development.
- 6.28 It is therefore considered that the scale of development proposed is acceptable.

Highway Safety

- 6.29 Access has already been approved at outline planning permission stage and is a single access from Cockaynes Lane reconfigured so Cockaynes Lane westwards is accessed via a junction off the new road serving the new development. A secondary point of access is in the south east corner onto Station Road, bollarded to restrict to emergency access, pedestrians and cycles only. Amended plans have been provided to show two demountable bollards. Footpaths serve the majority of dwellings within the site.
- 6.30 ECC Highways have requested 13 conditions be imposed however access was considered and approved at outline stage at appeal. The Inspector imposed conditions requiring details of cycle storage; residential travel information packs; details of measures to secure the upgrade of the bus stops closest to the appeal site (such as provision of real time passenger information); and construction method statement to include details of construction parking, loading/unloading, wheel washing and measures to guard against the

deposit of mud or other substances on the public highway. The matters raised have therefore already been considered and controlled at outline planning permission stage.

- 6.31 Each one bedroom dwelling is provided with one parking space, all two bed+ properties have 2 parking spaces, and the full quota of visitor parking spaces (36) is provided. All parking spaces and garages meet the dimensions specified in the adopted parking standards. All properties without garages are provided with a 2.4 metre by 1.8 metre timber cycle shed in the rear garden.
- 6.32 The proposal is therefore acceptable in terms of highway safety.

Impact on residential amenity

- 6.33 The southern boundary abuts the railway line and there are fishing lakes beyond the western boundary. Immediate residential neighbours to the site are the continuous row of bungalows at 28-56 Station Road along the full eastern site boundary; the two storey dwellings at 1 and 2 Cockaynes Lane and 26 Station Road at the site frontage; and Cockaynes House with the plot in front also having planning permission for a single dwelling which lie to the north western boundary.
- 6.34 At outline stage the plans indicated two storey dwellings along the eastern site boundary. Following public consultation these have all been reduced to bungalows therefore removing any concerns in terms of loss of privacy to the bungalows along Station Road. The semi-detached bungalows (plots 11-12, 13-14, 18-19 and 20-21) have ridge heights of 5.9 metres and given this ridge height they could potentially be converted in the future to provide living accommodation in the loft. This raises potential concern in terms of the design of bulky dormer windows and overlooking to the rear gardens of bungalows on Station Road. Permitted development rights have therefore been recommended for removal to allow the council to retain control over any such future alterations in the interests of visual and residential amenity. The detached bungalows are all lower and have different roof forms which make them less likely to be suitable for loft conversions. Excluding Plot 8, all the proposed bungalows back onto the Station Road rear boundaries providing adequate back to back distances (31m-36m) to prevent any material loss of light or outlook. Plot 8 is set back off the main access road and the bungalow is sited side on to number 28 Station Road and 1-2 Cockaynes Lane. It is a modest two bedroom bungalow of 5 metres high with an almost fully hipped pyramid-style roof greatly reducing its bulk. It has no windows on the side elevations. It retains 5 metre separation to the neighbouring rear boundaries and 28.5 metre separation to the rear of the bungalow at 28 Station Road therefore resulting in no material loss of light or outlook. The full boundary to the bungalows fronting Station Road is to be screened by a 1.8 metre high close boarded fences. A condition has been recommended to ensure all boundary treatments are erected prior to occupation of the dwelling to which they relate to ensure privacy to both existing occupiers and the new residents.
- 6.35 Plot 1 fronts Cockaynes Lane and shares a side boundary with 2 Cockaynes Lane. It was requested by a neighbour that this be reduced to a bungalow, however as confirmed above a bungalow would be an incongruous feature in this location with all other surrounding development being of two storeys. The dwelling on Plot 1 has been significantly reduced with over 1 metre lower ridge height and a hipped roof. It is also shallower, sited further from the boundary (6 metres) and moved forward slightly in the site. The request to pull the dwelling forward in line with 2 Cockaynes Lane is also not considered acceptable as this would lose the wide soft landscaping belt at the entrance to the development designed to retain the more rural character of Cockaynes Lane. Due to the siting and scale of the dwelling on Plot 1 it would not result in any material harm in terms of loss of light or outlook and has no windows at first floor level on the side elevations. The neighbour at 2 Cockaynes Lane also requested that the proposed planting along their boundary be

removed due to overshadowing concerns and this has been done. 1.8 metre high close boarded fencing is proposed along the boundary to ensure privacy for occupants of both properties.

- 6.36 Cockaynes House is set well back from Cockaynes Lane and permission has been granted under 17/00505/FUL for a single two-storey dwelling on the land in front of that property and adjacent to Plot 139. Plot 139 has no windows on the facing side elevation and retains sufficient separation to the approved dwelling to result in no material loss of light, outlook or privacy.
- 6.37 The full rear garden boundary of Cockaynes House backs onto the proposed orchard and green space link to the allotments and larger open space along the western boundary. To the eastern boundary lies Plot 142 and 143 with a shared double garage block in between, and to the south east lies 145. This corner of the development has been amended following objections from the neighbour at Cockaynes House that Plot 145 blocked the view from the south east corner of their garden. Plot 145 has been moved to the north east and has changed to a narrower hipped roof dwelling. Plot 145 is now 6-13 metres from the angled side boundary; Plot 143 is 13.5 metres away from the side boundary.
- 6.38 It is therefore considered that the proposal would result in no material harm to residential amenity of existing occupiers. The relationship between the proposed dwellings is also considered acceptable with adequate separation to provide good standards of privacy and light.

Background papers

None.

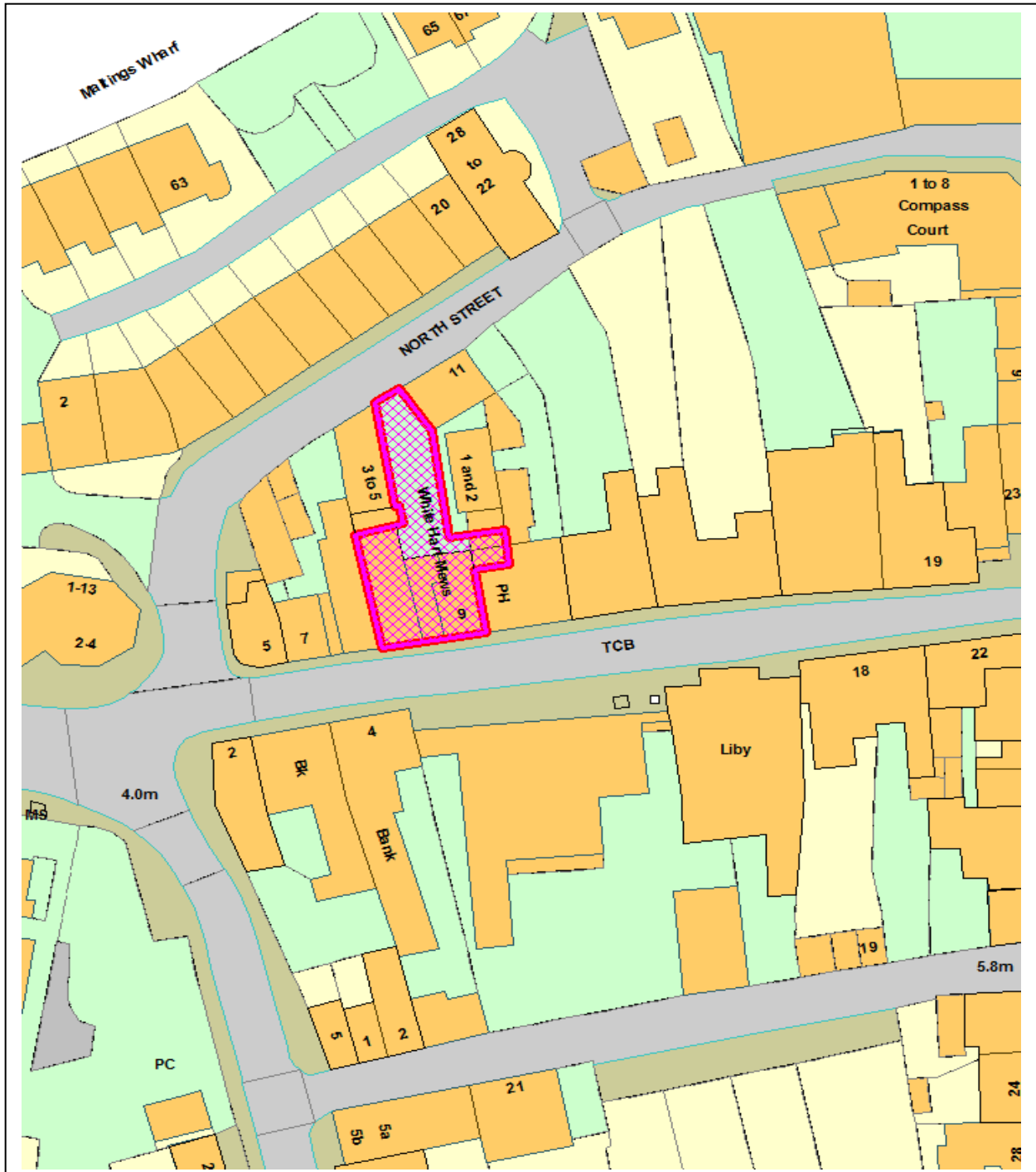
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PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 14/01863/FUL - THE WHITE HART, 9 HIGH STREET, MANNINGTREE, CO11 1AG



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| | | |
|---------------------|---|--|
| Application: | 14/01863/FUL | Town / Parish: Manningtree Town Council |
| Applicant: | Mr T Newman | |
| Address: | The White Hart, 9 High Street, Manningtree, CO11 1AG | |
| Development: | Change of use of ground floor of property from a public house to residential to enable the entire property to be used as a residential unit | |

1. Executive Summary

- 1.1 This application has been brought to Planning Committee at the request of Cllr. C. Guglielmi and Cllr. A. Coley who object most strongly to a loss of a business in a primary position of Manningtree. With around 1200 homes which have already been given permission, the last thing Manningtree needs is further residential premises in a High Street, where there is a compelling need of attractive retail units. Furthermore, they are not convinced that the owner has been fully committed to retain these premises in its current use.
- 1.2 This application seeks planning permission for the change of use of the ground floor of The White Hart, High Street, Manningtree from a public house to enable the entire property to be used as a residential unit.
- 1.3 The application site is situated to the north of Manningtree High Street. It comprises of a Grade II listed building used as The White Hart Public House. The site is situated within the Town Centre, the Primary Shopping Frontage and the Conservation Area.
- 1.4 Whilst the loss of the Public House is unfortunate, it is considered that there is adequate provision of similar facilities within 800m. The Skinners Arms is situated approximately 100 metres from the site and within 200 metres there are two further public houses; The Crown and The Red Lion. The proposal therefore meets the relevant criteria set out in Policy COM3 of the Saved Plan.
- 1.5 The property has been marketed for 13 months. The marketing campaign carried out does not meet the exacting requirements of Policy ER3 of the Saved Plan; however, what has been carried out is not considered to be an unreasonable marketing campaign. Nevertheless, it is considered that any concerns are outweighed by the benefits of finding a long-term viable use for the listed building, a requirement of the Planning (Listed Building and Conservation Areas) Act 1990.
- 1.6 The site is located within the defined Town Centre and an area designated as Primary Shopping Frontage. Policy ER31 of the Tendring District Local Plan 2007 states that 'development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted'. It is considered that as there is still a choice of other similar facilities within the town centre that the proposal would not significantly affect the vitality or viability of the town centre.
- 1.7 The only alterations proposed to the internal and external appearance of the building are the removal of bar area and the replacement of the kitchen facilities. These are not original features and therefore there is no objection to their removal. No other changes to the fabric of the listed building are proposed as part of this application.

- 1.8 The submitted plans show that 2 car parking spaces will be provided to the rear of the site, this number is in accordance with the Councils Adopted Parking Standards. Notwithstanding this, the site is within the town centre in a highly sustainable location where there is good access to local facilities and public transport links.
- 1.9 On balance, the application is recommended for approval.

Recommendation: Approve

Conditions:

- Standard Time Limit for implementation
- In accordance with approved plans

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

ER33 Non-retail Uses Within Primary Shopping Frontages

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

COM3 Protection of Existing Local Services and Facilities

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

EN30 Historic Towns

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

PP3 Village and Neighbourhood Centres

PP5 Town Centre Uses

PPL1 Development and Flood Risk

PPL8 Conservation Areas

PPL9 Listed Buildings

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

| | | | |
|--------------|---|----------|------------|
| 00/01693/LBC | Alterations to buildings in association with provision of five hotel guest suites including installation of replacement windows. Retention of staircase and replacement partition walls | Approved | 23.08.2001 |
| 01/01849/LBC | Removal of internal wall to enable bar area to be extended | Approved | 18.07.2005 |

4. Consultations

Regeneration

The Regeneration Team strongly object to the loss of this very important community facility which is within the protected primary retail area.

A change of use to residential in this area would, in our view, be detrimental to the health and vitality of the town centre.

Whilst we acknowledge the marketing campaign that has been run, we are unaware of any local marketing that could have attracted interest from smaller independent operators.

The current business is only open on a Friday and Saturday evening, thus restricting their offer to local residents and tourists and not capitalising on their location or historic building.

The conversion to residential would also result in the loss of several part time jobs.

Environment Agency

Although the application is for change of use, the proposals do not result in an increase in vulnerability as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore the Environment Agency has no comment to make.

5. Representations

- 5.1 Manningtree Town Council object to the application as it results in the loss of a business unit in the town.
- 5.2 Tendring CAMRA, the Campaign for Real Ale, object to the application which, if approved would result in the loss of another public house in the Tendring District. The reasons are as follows:
- 5.3 In general terms, they share the deep national concern that now exists about the loss of public houses and, indeed, about the survival of the British Pub as an institution and a social asset. Retention of pubs allows them to continue to:
 - Meet the needs of differing communities by maintaining a healthy and varied choice for the consumer;
 - Ensure a place of informal social meeting, eating and drinking;
 - Provide a place of employment for the Landlord and family and in many cases full and part time staff;
 - Enliven the local economy through purchasing from other local outlets/shops and bringing visitors to the local area.

5.4 In particular as regards the application for this Public House;

- The conversion of this historic building to a residential house would be out of keeping with everything else in the immediate vicinity, which mainly consists of shops and offices;
- Are unaware that any consultation has been made involving the local community as to the potential loss of the building as a public house;
- Section 18 of the application states that there will be no loss of 'non-residential floor space'. This is incorrect as the loss of the public house should be described as a loss of non-residential floor space;
- Note that previously the building has been used as a Bed and Breakfast establishment. No mention is made of the loss of this facility on the application;
- No mention is made of the loss of employees due to the closure of the pub;
- Have been informed that another publican believes that this could be a viable pub. The fact that another publican is against the loss of the pub, when in theory it should mean more business for them, is encouraging for the future potential of the pub under the right management;
- Note that the current owner of the property has stated that he has been unsuccessful in running a profitable business; we are unaware of the property being marketed as a freehold pub and believe it should at the very least be subject to the CAMRA viability test.

5.5 Manningtree District Business Chamber object to the application as with the growing number of houses in the Manningtree area it is not the time to be losing a business space in the very centre of the High Street.

5.6 In addition to the above comments, a further 54 letters of objection have been received which raise the following concerns:

- This is a historical building in a prime location in the High Street which should stay as commercial and no residential as this will have a detrimental effect on the High Street.
- Businesses are needed to keep the town alive.
- If the site is not practical for a pub it could be used for other business premises.
- Need the jobs and the choice of places to go for entertainment.
- To lose another pub would change the character of Manningtree.
- The High Street has been designated a Primary Shopping Area and comes under the Primary Frontages Policy in the soon to be adopted draft local plan, allowing residential development and the resulting loss of frontage would clearly fly in the face of this policy.
- The proposal would adversely affect the town by diminishing primary business frontage in the heart of the main shopping area.
- Despite the current trend towards out of town shopping and indeed socialising, Manningtree continues to punch above its weight in terms of shopping facilities and opportunities for social interaction, this needs to be supported and the loss of The White Hart as a public hostelry would be a big blow in maintaining the town centre as a vibrant and sustainable hub.
- There is a covenant for the High Street that all lower ground properties should be kept as retail. If one retail outlet is allowed to change it will result in the loss of the High Street.
- There is clearly a need for commercial floor space as there are no vacant shops and just 1 vacant commercial property in the High Street.
- The price it was marketed for was too high.
- The proposal would further reduce the retail element of the high street at a time when Tendring District Council are actively committed to the protection and regeneration of high streets as part of the local plan.
- Applications for large scale residential developments have been permitted; therefore the town will need more amenities and services.

- Given that the pub is closed for at least 3 days each week, it is unsurprising that a customer base has not been sustained and the trading is at a low level.
- The alterations undergone have compromised the available space both outside and inside the pub.
- The success of nearby pubs would serve to indicate that where a pub is well run and open for business good results and viability can be obtained. The success of these premises increases the footfall in the locality thereby opening up the possibility for the White Hart to return to viability.
- This large size of commercial unit in Manningtree is rare and should be retained to enable the High Street to offer a more diverse range of businesses.
- There is only one High Street, but plenty of other areas available for residential use.
- The pub has been open since the 1800's and is an intrinsic part of the town.
- There is huge potential of employment and contribution to the local area that is not being drawn upon.
- Loss of tourism
- Loss of employment to the local area.
- There is no parking for this as a residential property.
- The White Hart is a grade II listed building and even the current boarding up and removal of signs has considerably altered the character of the building.
- Would have a detrimental heritage impact.
- The White Hart is one of only three secular Grade II listed buildings in the town singled out as a building of local note across the District of Tendring. It is an important building for the town and is one of only three possible surviving public buildings of pre-1600 date (Manningtree Historic Towns Assessment Report 1999); the use of it as a hotel or public house is a long-standing prominent feature of the town.

5.7 6 letters of support have been received which raise the following issues:

- The local community did not support the public house
- There are too many pubs in the town for the number of people that want or can afford to drink in them.
- The pub was always clean and welcoming
- Landlord has tried wholeheartedly to make the pub work – the prices were the cheapest and there were bands on most weekends to try and attract trade and it was completely renovated.
- As a house the Grade II listed building will be saved in good condition.
- The owner has tried to sell it, marketing it as a pub as well as having the potential for alternative business ventures but no takers.
- An establishment of this size has massive overheads as well as competing with 3 very busy pubs already in the town.

6. Assessment

Site Location

- 6.1 The application site is situated to the north of Manningtree High Street. It comprises of a Grade II listed building formally used as The White Hart Public House. It has been closed for approx. 2 years.
- 6.2 The site is situated within the Town Centre, the Primary Shopping Frontage and the Conservation Area. Being in a town centre location there are a mixture of uses within the vicinity, predominately commercial uses at ground floor level.

Proposal

- 6.3 This application seeks planning permission for the change of use of the ground floor of The White Hart, High Street, Manningtree from a public house to enable the entire property to be used as a residential unit.

Main Planning Considerations

- 6.4 The main planning considerations are:

- Principle of Development;
- Loss of Public House;
- Loss of Employment;
- Impact on Town Centre/Primary Shopping Frontage;
- Flood Risk;
- Impact on Heritage Assets;
- Loss of Employment;
- Impact on Neighbours Amenities; and,
- Parking.

Principle of Development

- 6.5 The site is situated within the Settlement Development Boundary and defined Town Centre of Manningtree. Paragraph 23 of the NPPF indicates that within town centres local planning authorities should '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'.
- 6.6 The NPPF and Local Plan Policies direct new development (including housing) to sustainable locations within the larger towns and village. The site is a highly sustainable location for new housing development, in close proximity to services, jobs and public transport links.
- 6.7 In principle the location is considered acceptable for residential development, subject to other considerations discussed below.

Loss of Public House

- 6.8 It is a core planning principle within the National Planning Policy Framework that planning should take account of and support local strategies to improve social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs. Specific reference is made to pubs in Section 3 which states that local plans should 'promote the retention and development of local services and community facilities in villages (including) public houses'. Section 8 states 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision of community facilities including public houses.... And should guard against the unnecessary loss of valued facilities and services....'.
- 6.9 Policy COM3 of the Tendring District Local Plan 2007 deals with the protection of existing local services and facilities. The Policy states that:
- (i) In order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless:
- a) It provides replacement facilities within reasonable walking distance of an equal benefit, which are readily accessible to local people and served by viable public transport; or

b) There is adequate provision of similar facilities within reasonable walking distance (800m); or,

c) It has been demonstrated that there is no longer a local need for the facility or it is no longer viable, and that where appropriate reasonable attempts have been made to sell or let the premises for continued operation in its existing or last use without success.

(ii) The partial redevelopment or change of use of a facility will only be permitted providing that it will not prejudice the viability or future operation of that facility.

6.10 Whilst the loss of the Public House is unfortunate, it is considered that there is adequate provision of similar facilities within 800m. The Skinners Arms is situated approximately 100 metres from the site and within 200 metres there are two further public houses; The Crown and The Red Lion. It is therefore considered that the proposal meets criteria b, as set out above.

6.11 The policy does set out other criteria a) and c) above. However there is only a requirement to meet one of the criteria and not all. On this basis it is considered that a principle objection to the loss of the public house cannot be reasonably justified.

Loss of Employment

6.12 Policy ER3 of the Saved Plan states seeks to protect employment sites from other uses. Appendix 3 of the Saved Plan includes pubs, wine-bars and other drinking establishments as employment uses. The policy states that 'the Council will ensure that land in, or allocated for employment uses will normally be retained for that purpose. Its redevelopment or change of use for non-employment purposes will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use. The applicant should either:

- submit evidence of a sustained but ultimately unsuccessful marketing exercise undertaken at a realistic asking price; or
- show that the land, site or premises is inherently unsuitable and/or not viable for any form of employment use.

6.13 The policy then goes onto state that if the re-use of an employment site is permitted, the applicant would be expected to provide an alternative employment site elsewhere in the District or contribute to the Council's employment, training or re-generation programmes.

6.14 Appendix 3a of the Saved Plan sets out the requirements of the marketing exercise required; amongst other criteria it states that marketing campaigns should be undertaken for the period of at least one year.

6.15 Information submitted as part of this application states that marketing was undertaken for 13 months between March 2015 and April 2016. The sales particulars provided shows that the property was marketed on a freehold basis for offers in the region of £475,000 as a public house, but the particulars did refer to the fact that the building may be suitable for alternative uses specific uses mentioned were A1 (shops), A2 (financial and professional services) or A3 (restaurants and cafes). A letter from Christie and Co provides a summary of the key points of the marketing campaign which are as follows:

- Website entry generated 960 hits
- Sales particulars e-mailed to 1,473
- Prominent Christie and Co general adverts in the leading licensed trade magazines (Publican's Morning Advertiser and Hotel and Caterer) promoting traffic to the website
- Sales particulars regularly sent out to new buyers registering on the database.

- 6.16 The letter from Christie and Co confirms that the marketing campaign did not generate any formal viewings or offers.
- 6.17 Correspondence has also been submitted from a firm of Chartered Accounts which state that the Public House is occurring losses and has not been profitable since Nov. 2011.
- 6.18 The marketing campaign was carried out for the required amount of time; concerns regarding it have been raised by the Council's Regeneration Team and some letters of objection. The Council's Regeneration Team state that they were 'unaware of any local marketing that could have attracted interest from smaller independent operators.' Other concerns raised are with regard to the price at which the property was marketed.
- 6.19 Paragraph 32 of the NPPF states 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.'
- 6.20 It appears that the marketing campaign does not meet the exacting standards of Policy ER3 as set out in Appendix 3a of the Saved Plan; in that the marketing campaign, including the price was not agreed with the local authority prior to it taking place and the property was not offered on a leasehold or freehold basis, it was only advertised for freehold. The above paragraph of the NPPF suggests that such policies should not be applied dogmatically. The marketing campaign that has been carried out is not considered to be unreasonable and meets most of the relevant criteria. From a search of local similar premises for sale or recently sold the price it was advertised for does not seem unrealistic.
- 6.21 It is considered that by forcing the retention of the building as a public house or a commercial use that has not been forthcoming despite a marketing campaign; that there is potential for the building to remain vacant. If the building remains vacant this could potentially impact on the future of the listed building. The protection of such buildings and their long-term future is a statutory duty placed on Local Planning Authorities by the Planning (Listed Building and Conservation Areas) Act 1990 and as such outweighs any development plan policy considerations.
- 6.22 Whilst there are some small queries over the marketing campaign that was undertaken it is considered that these are outweighed by the benefits of finding a long-term viable use of the listed building.

Impact on Town Centre/Primary Shopping Frontage

- 6.23 The site is located within the defined Town Centre and an area designated as Primary Shopping Frontage. Policy ER31 of the Tendring District Local Plan 2007 states that 'development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted'. It is considered that as there is still a choice of other similar facilities within the town centre that the proposal would not significantly affect the vitality or viability of the town centre.
- 6.24 Policy ER33 of the Tendring District Local Plan 2007 sets out criteria by which proposed for change of use from A1 shops at ground floor level to Classes A2 – A5 will be permitted within Primary Shopping Frontages. This policy seeks to protect the retailing vitality and viability of a centre. This proposal does not apply in this case as the site is a non-retail use in any event.

- 6.25 Policy PP5 of the Emerging Plan states that within the Primary Shopping Area, proposals for development will be permitted where they:
- a. are for main town centre uses, as defined by the NPPF; or,
 - b. will promote the vitality and viability of the centre, including proposals for residential development; or,
 - c. will involve the conversion or re-use of upper floors; and/or,
 - d. deliver high quality active ground floor frontages; and,
 - e. within the Primary Shopping Frontages A1 uses (shops) comprise at least 70% of the shopping frontages; and,
 - f. within the Secondary Shopping Frontages main town centre uses remain dominant.
- 6.26 The definition of main town centre uses in the NPPF does not include residential use. However, point b of the policy refers to proposals for residential development. It is accepted that the proposal would not promote the vitality and viability of the centre and the proposal is therefore contrary to Policy PP5. However, this is an emerging policy and therefore can be given limited weight. Furthermore, there is a policy within the Saved Plan (COM3) which deals specifically with the loss of local facilities and it is considered that this should be given more weight as it is a Saved Policy.

Flood Risk

- 6.27 The site is located within Flood Zone 3. The Environment Agency have been consulted on the application and have no comment to make.
- 6.28 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.
- 6.29 A Public House and residential dwellings both fall within the more vulnerable category as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. On this basis it is considered that the flood risk is not increased.

Impact on Heritage Assets

- 6.30 The site is located within the Conservation Area. Policy EN17 of the Tendring District Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character and appearance of the Conservation. This application proposes no changes to the external appearance of the building so the proposal will not affect the character and appearance of the Conservation Area.
- 6.31 The White Hart is a Grade II Listed Building. Policy EN22 of the Tendring District Local Plan 2007 states that development involving proposals to extend or alter a listed building will only be permitted where: it would not result in the damage or loss of features of special architectural or historic interest and the special character and appearance or setting of the building would be preserved or enhanced.
- 6.32 The only alterations proposed to the internal and external appearance of the building are the removal of bar area and the replacement of the kitchen facilities. These are not original features and therefore there is no objection to their removal. No other changes to the fabric of the listed building are proposed as part of this application.
- 6.33 However, as stated above it is considered that the proposal would provide a long-term viable use of the building which will help secure the future of the listed building as required by the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on Neighbours Amenities

- 6.34 It is considered that the proposal would not adversely affect the amenities of local residents; in fact a residential use would result in less of an impact than a Public House.

Parking

- 6.35 The submitted plans show that 2 car parking space will be provided to the rear of the site, this number is in accordance with the Councils Adopted Parking Standards. Notwithstanding this, the site is within the town centre in a highly sustainable location where there is good access to local facilities and public transport links.

The Planning Balance

- 6.36 In this case there are a number of policies that are relevant to this application and need to be balanced accordingly.
- 6.37 Whilst the loss of the public house is very unfortunate, it is considered that the main policy that the proposal should be assessed against is that which is most relevant, Policy COM3, and as there are other similar facilities nearby the proposal meets the criteria.
- 6.38 The marketing campaign carried out does not entirely meet the exacting requirements of Policy ER3 of the Saved Plan; however, what has been carried out is not considered to be an unreasonable marketing campaign. In any event, it is considered that any concerns are outweighed by the benefits of finding a long-term viable use for the listed building, a requirement of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.39 It is considered that as there is still a choice of other similar facilities within the town centre that the proposal would not significantly affect the vitality or viability of the town centre. Furthermore, the NPPF recognises 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'.
- 6.40 The proposal would provide residential accommodation in a highly sustainable location and preserve and enhance the character and appearance of the Conservation Area, whilst secure a long-term viable use for the listed building.
- 6.41 On balance, the application is recommended for approval.

Background papers

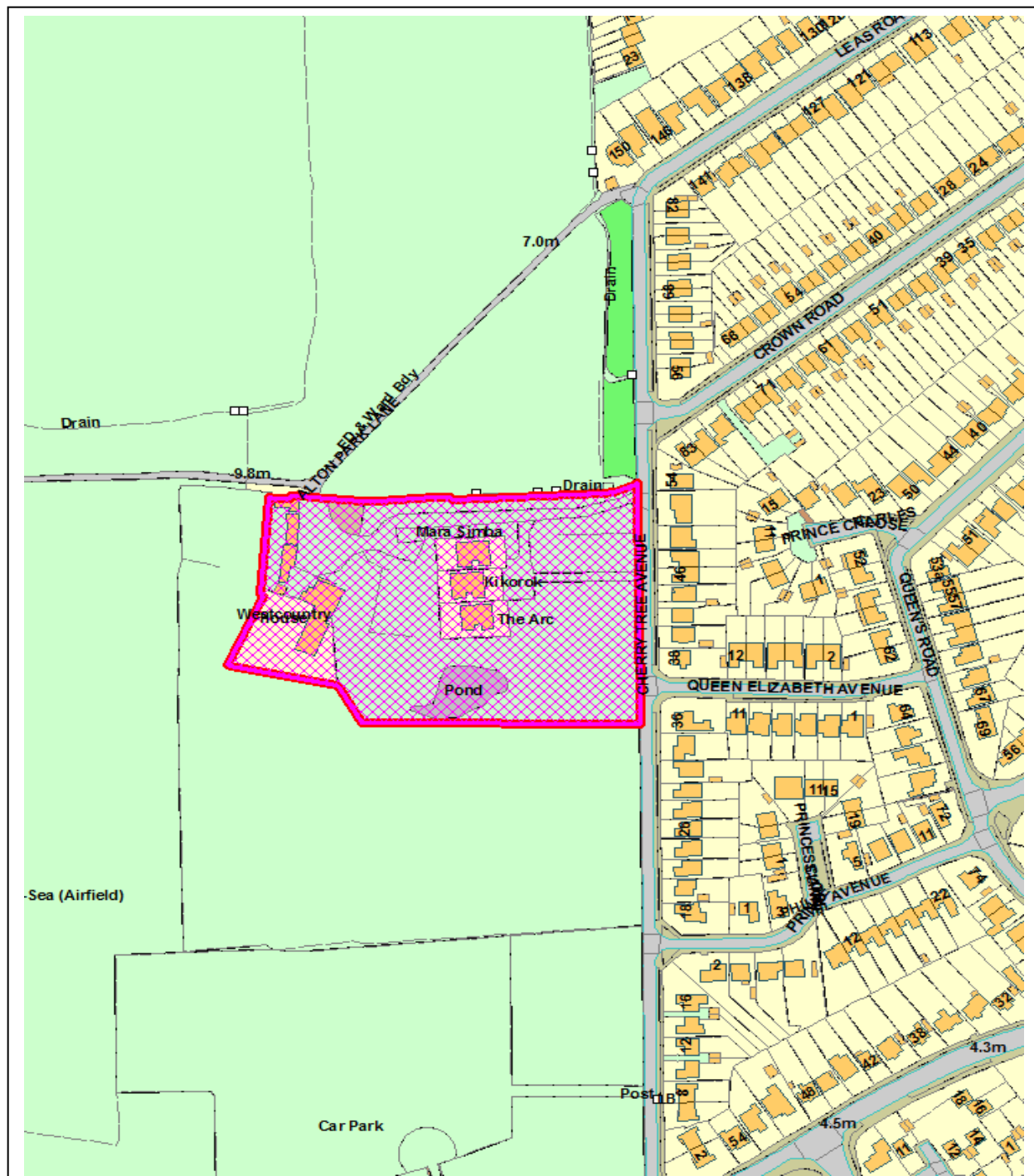
None.

PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/00725/FUL - WEST COUNTRY HOUSE, CHERRY TREE AVENUE, CLACTON ON SEA, CO15 1AR



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| | | |
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| Application: | 17/00725/FUL | Town / Parish: Clacton Non Parished |
| Applicant: | Mr R Shah - Tiku Homes Ltd | |
| Address: | West Country House, Cherry Tree Avenue, Clacton On Sea, CO15 1AR | |
| Development: | Proposed new access road to serve new development approved under 16/00731/FUL. | |

1. Executive Summary

- 1.1 This application is brought before Planning Committee at the request of Cllr. C. Griffiths who objects to the application as it will have a damaging impact on privacy; an adverse impact on the character of the area and a materially damaging impact on the privacy of nearby properties.
- 1.2 West Country House is situated to the west of Cherry Tree Avenue; it surrounds three modern bungalows which are set back from the road. The site comprises of a large detached dwelling and outbuildings and is accessed via a long driveway which also serves the three modern bungalows.
- 1.3 This application seeks to amend the location of the proposed access from the rear, to the front of the 3 existing properties. It is proposed to utilise the existing access road which currently serves these properties and provide a link to part of the access approved under application 16/00731/FUL.
- 1.4 It is considered that the proposed access would not have a greater impact on the Local Green Gap than the approved proposal and that it will not erode the character of the area as the majority of the access is already in place to serve the existing bungalows. The large area of space in front of the existing dwellings is retained, to keep the open character of the area and the Coastal Protection Belt.
- 1.5 The proposal will have some impact on the amenities in terms of noise and disturbance of these residents however, given that all three properties have a parking area to the front which provides separation from the access and the windows to the front of the properties, it is considered that any impact would not be sufficient to warrant a reason for refusal.
- 1.6 The proposal would not generate any increase in traffic using the access or the public highway (Cherry Tree Avenue) and therefore would not result in any highway safety issues.

Recommendation: Approve

Conditions:

- Standard time limit for implementation
- In accordance with approved plans
- If this consent is implemented the access road as approved by 16/00731/FUL shall not be constructed.

2. Planning Policy

National Planning Policy Framework (NPPF)

National Planning Policy 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

EN1 Landscape Character

EN2 Local Green Gaps

EN3 Coastal Protection Belt

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017

SPL3 Sustainable Design

LP4 Housing Layout

PPL3 The Rural Landscape

PPL6 Strategic Green Gaps

Supplementary Planning Guidance

Parking Standards Design and Good Practice Guide (2009)

Essex Design Guide (2005)

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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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

| | | | |
|------------------|--|-------------------------------|------------|
| 93/01450/OUT | Proposed demolition of 3 dwellings, re-siting and replacement of same with 2 bungalows | Refused | 22.02.1994 |
| 96/00317/FUL | Proposed demolition and replacement of three bungalows together with garages | Approved | 23.04.1996 |
| 97/00176/FUL | Proposed demolition and replacement of three bungalows and garages at variance to approval TEN/96/317 | Approved | 11.03.1997 |
| 99/01470/FUL | 3 bungalows | Refused | 24.11.1999 |
| 95/00005/TEL COM | Erection of telecommunications mast and associated equipment cabins | Determination | 10.03.1995 |
| 00/02094/FUL | Proposed dwellings | Approved | 09.02.2001 |
| 11/01003/OUT | Demolition of existing house and outbuildings and the construction of eight single storey houses in a courtyard setting. | Refused - Dismissed at Appeal | 25.10.2011 |
| 13/00598/OUT | Outline planning application for eight dwellings. | Refused – Dismissed at Appeal | 25.07.2013 |
| 13/00956/OUT | Outline planning permission for 7 aspirational type dwellings. | Refused – Dismissed at Appeal | 17.10.2013 |
| 14/01500/OUT | Erection of 5 new dwellings. | Refused – Dismissed at Appeal | 22.12.2014 |
| 16/00731/FUL | Proposed 4 No. detached bungalows and garages. | Approved | 09.09.2016 |
| 16/01605/DIS CON | Discharge of conditions 3 (Access roads), 4 (Materials) and 5 (Hard and Soft Landscaping) of approved planning application 16/00731/FUL. | Approved | 28.11.2016 |
| 17/00725/FUL | Proposed new access road to serve new development approved under 16/00731/FUL. | Current | |
| 17/00948/FUL | Proposed new access road to replace existing. | Current | |

4. Consultations

ECC Highways Dept

The Highway Authority has assessed the details of this application and does not consider the road would be suitable for adoption as

highway and therefore does not wish to submit a formal recommendation.

5. Representations

5.1 The application was requested to be determined by Cllr. C. Griffiths who objects to the application for the following reasons:

- The proposal will have a damaging impact on privacy of existing residents.
- The application will not enhance the local character or distinctiveness of the location, as it will remove the distinctiveness of three dwellings set back from the road, and by the addition of an access road connecting existing properties with other new dwellings it will change the character, distinctive and unique quality of this location.
- The creation of an access road in a Strategic Green Gap will not relate well to existing surroundings, and it is difficult to see how it will enhance the existing street scene pattern and the open space at the front of the development.
- The proposal will not maintain or enhance important existing features of landscape.
- The application will have a materially damaging impact on the privacy of nearby properties.

5.2 10 letters of objection have been received which raise the following concerns:

- The proposal opens up the Strategic Green Gap assisting in the joining of settlements or neighbourhoods and undermines the remaining undeveloped gaps.
- This is part of a plan to get planning approval by a piecemeal approach for future building in the Green Gap.
- The proposal would change the character of a rural area into an estate then lose the physical separation between settlements.
- The applicant has been forced by the Council to remove a road previously in this area which was constructed without planning permission.
- The main drive into the site has been broken up by heavy lorries delivering building materials. By moving the road into the front of the homes, this will cause the break-up of the area immediately to the front of the existing properties.
- Two accesses to the new development are not necessary.
- Impact on residential amenity; noise of traffic and lights plus dust and dirt.
- Loss of view
- Lower the value of existing properties.
- Construction in the Coastal Protection Belt is not permitted.
- This application shows the existing driveway as a road and has been drawn incorrectly on the plan.
- Proposed new access road will give access to both the new approved development and to numerous other bungalows (subject to planning) and will destroy the whole frontage to the existing bungalows together with a risk to children and adults from added traffic.
- The proposal will result in a material damaging impact on the privacy of the occupiers of the existing bungalows.
- Screening of the area has been reduced by the removal of bushes and trees on the site of this new access.
- Loss of all privacy and seclusion and peace to existing properties.
- When there are events on the seafront like the carnival, air show etc. there is a large increase in traffic and parking on the surrounding roads and West Road is closed meaning Cherry Tree Avenue takes the brunt of the traffic and it is impossible for residents to get in and out of their driveways.
- Increase in speeding traffic along Cherry Tree Avenue is dangerous.

6. Assessment

Site Location

- 6.1 West Country House is situated to the west of Cherry Tree Avenue; it surrounds three modern bungalows which are set back from the road. The site comprises of a large detached dwelling and outbuildings and is accessed via a long driveway which also serves the three modern bungalows.
- 6.2 The area to the east of Cherry Tree Avenue has been comprehensively developed with housing. However, the area to the west is largely undeveloped and rural in character. The site and adjoining bungalows represent an isolated exception to this rural character.

Planning Background

- 6.3 The site has been subject to a number of previous applications in recent years. Application 11/01003/OUT sought outline planning permission, with all matters reserved for the demolition of the existing house and outbuilding and the construction of 8 dwellings. This indicative layout showed 8 dwellings in a horse shoe shape to the rear of the site. This application was refused and dismissed at appeal in April 2012. The Inspector concluded that the proposal would not comply with the development plan policies on the location of development (within a Green Gap and Coastal Protection Belt) and would have a harmful effect on the character and appearance of the area.
- 6.4 Application 13/00598/OUT was a resubmission of the above application and sought outline planning permission with all matters reserved for 8 dwellings; this was refused in July 2013. Shortly after this, in October 2013 outline planning permission was refused for 7 no. detached dwellings to the rear of the site behind the existing bungalows (13/00956/OUT), which also involved the demolition of the existing dwelling (West Country House). Both of these decisions were appealed and in the decision dated February 2014 the Inspector dismissed both appeals. In the decision the Inspector found the evidence before him inconclusive regarding the housing supply. However, nonetheless, he considered that even if there is not such a supply, harm from both proposals would significantly and demonstrably outweigh the provision of an additional 7 or 8 dwellings. It was also considered that:
- 6.5 ‘...the policy approach to conserve Green Gaps forms an important part of the Council’s spatial strategy to restrict development in the main to settlements and sites identified through the Development Plan. This is consistent with the Framework which states in paragraph 7 that part of the environmental role is to protect and enhance the natural, built and historic environment’.
- 6.6 Within this appeal the appellant argued that Policy EN2 of the Local Plan allows for minor development within the Local Green Gap if it does not harm its open character and that the proposals would be single storey only, would be well screened by boundary tree and hedge planting and would not be prominent in public views. However, the Inspector considered that:
- 6.7 ‘...both sites are clearly visible from several public vantage points. These include travelling north along Cherry Tree Avenue, from West Road to the south in views across open land and across similar open land from Clacton Airfield which is to the south of the site. Additionally a public footpath passes in close proximity to the north, and extending to the west across the airfield. Both sites would be clearly visible in both directions from users of the footpath. Both proposals would involve a significant increase in built development which would be apparent from the public vantage points referred to despite the single storey nature of the proposed dwellings. The cumulative effect of that together with other domestic paraphernalia associated with residential development would create an urbanising

effect which would be out of character with the surrounding open landscape and cause harm to the area. Such harm would be the same for both proposals’.

- 6.8 Following the appeal decision a further application was submitted 14/01500/OUT. This sought planning permission for the erection of 5 new dwellings on land surrounding West Country House and the existing bungalows. The application was in outline form with only access being considered as part of the application. The indicative layout showed two dwellings to the front of the existing bungalows and two dwellings to the rear of the existing bungalows and to the front of West Country House and one dwelling to the side of West Country House. This application was refused and dismissed at appeal. This appeal decision dated July 2015 referred to the fact that the Council could not demonstrate a 5 year housing supply. It also stated that because Policy EN2:
- 6.9 ‘... aims to keep the Green Gap open and related to development generally it is not specifically a policy for housing supply and is not out of date on the basis of the lack of a five year housing land supply’.
- 6.10 In dismissing the appeal the Inspector stated:
- 6.11 ‘... the frontage of the site is more open and the existing bungalows are set back from the road. Additional planting could be provided but it is nevertheless likely that parts of the development would be visible across the landscape, including the upper parts of any two storey houses. The development would also be visible from Cherry Tree Avenue including through the access point. The character of the site itself would be altered to a more intensive and urban form of development that currently exists. The character of the proposed development would be at odds with the open quality of the landscape. This has an important role in separating the settlements and thereby maintaining their separate character’.
- 6.12 The most recent determined application is 16/00731/FUL which sought planning permission for the erection of 4 detached bungalows and garages to the south of the three existing bungalows. This application was granted on the basis that the Council could not demonstrate a 5 year housing supply and that the proposal unlike the previous appeal decisions would not undermine the function of the Local Green Gap.

Proposal

- 6.13 This application seeks permission for a proposed new access road to serve the new development of 4 detached bungalows, approved under application 16/00731/FUL (currently under construction). The application approved showed the proposed access road located behind the 3 existing bungalows; 6.5 metres from the rear boundaries.
- 6.14 This current application seeks to amend the location of the proposed access to the front of the 3 existing properties. It is proposed to utilise the existing access road which currently serves these properties and provide a link to part of the access approved under application 16/00731/FUL. The existing access point onto Cherry Tree Road remains unaltered (although a recently submitted application 17/00948/FUL proposes the relocation this access. This will be considered separately).

Planning Considerations

- 6.15 The main planning considerations are:
- Principle of Development
 - Impact on Green Gap and Character of the Area
 - Impact on Neighbours
 - Highway Safety

Principle of Development

- 6.16 The principle of 4 no. detached bungalows with an access on the site has been established by the granting of planning permission 16/00731/FUL. Therefore there can be no principle objection to the provision of an alternative access, subject to the detailed considerations discussed below.

Impact on Green Gap and Character of the Area

- 6.17 The proposed development is located within an area designated as a 'Local Green Gap' within the Tendring District Local Plan 2007 and as a 'Strategic Green Gap' in the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.18 Policy EN2 of the Saved Local Plan states that Local Green Gaps will be kept open, and essentially free of development. 'This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character'.
- 6.19 Policy PPL6 of the Emerging Plan states that within Strategic Green Gaps 'the Council will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity. Planning permission may be granted where:
- a. The applicant can demonstrate that there is a functional need for the development to be in that specific location and that is cannot be delivered on an alternative piece of land outside of the Strategic Green Gap;
 - b. The development would not compromise the opening setting between settlements or neighbourhoods; and,
 - c. The development would involve the creation of Green Infrastructure which would support the continuing function of the Strategic Green Gap.
- 6.20 At the time of the previous application 16/00731/FUL because the Council could not demonstrate a 5 year housing supply there was a need to weigh up the impact of the needs of housing against the impact on the Green Gap. It was considered that the proposal for 4 detached bungalows would not undermine the function of the Local Green Gap.
- 6.21 In this case it is considered that the proposed access would not have a greater impact on the Local Green Gap than the approved proposal. It is accepted that being situated to the front of the existing properties means that it will be more visible in the surrounding area. However, it is not considered that it will erode the character of the area as the majority of the access is already in place to serve the existing bungalows. The large area of space in front of the existing dwellings is retained, to keep the open character of the area and the Coastal Protection Belt.

Impact on Neighbours

- 6.22 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Emerging Plan states that amongst other criteria 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

- 6.23 There is an existing access situated to the front two of the existing bungalows, the proposal would extend the access 6.5 metres from the front boundary of the third bungalow (The Arc) the link with part of the access road approved by the previous application. The proposal means that all traffic generated by the 4 bungalows previously approved will be travelling to the front of the existing properties, rather to the rear as approved.
- 6.24 The existing properties benefit from a very peaceful environment and the proposal will result in an increase in movement to the front of these properties, rather that to the rear. This will have some impact on the amenities in terms of noise and disturbance of these residents however, given that all three properties have a parking area to the front which provides separation from the access and to the windows in the front of the properties, it is considered that any impact would not be sufficient to warrant a reason for refusal.
- 6.25 Furthermore, it is considered that the proposal would not result in any loss of privacy again, due to the existing parking areas providing separation between the windows in the front of the properties and the fact that the access is to the front where there is no private space as this is already overlooked by those using the existing access.

Highway Safety

- 6.26 The proposal would not generate any increase in traffic using the access to the public highway (Cherry Tree Avenue). The Highway Authority has assessed the details of this application and does not consider the road would be suitable for adoption as a public highway and therefore does not wish to submit a formal recommendation. On this basis, it is considered that the proposal would not result in any highway safety issues.

Conclusion

- 6.27 For the reasons set out above, it is considered that the proposed access would not have a greater impact on the Local Green Gap than the approved proposal and would not result in any highway safety issues. It is accepted that the proposal will have some impact on the amenities in terms of noise and disturbance of these residents however; it is considered that the impact would not be sufficient to warrant a reason for refusal. Accordingly, the application is recommended for approval.

Background papers

None.

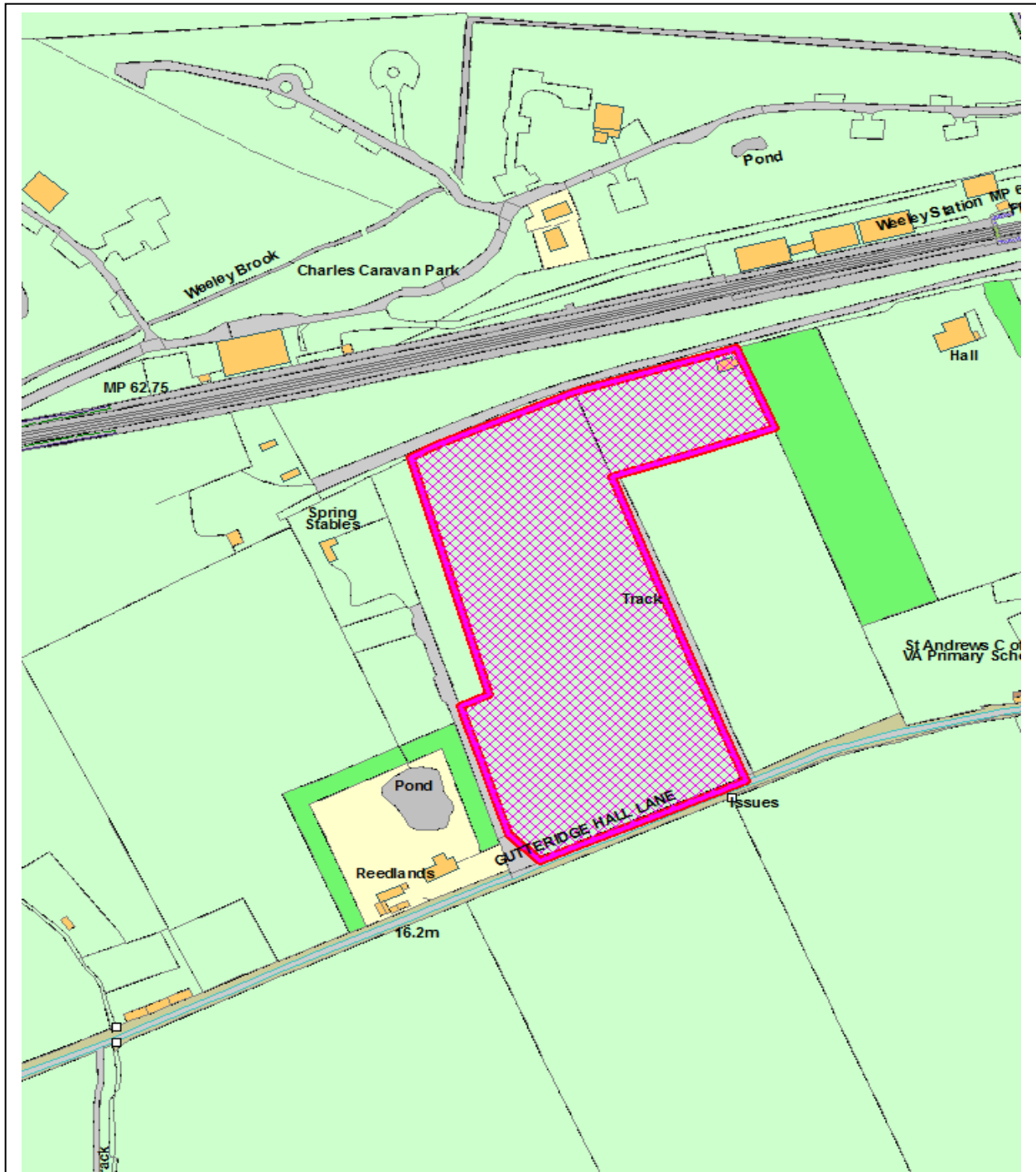
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PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/00567/FUL - STARENA LODGE HOLIDAY PARK, CLACTON ROAD, WEELEY, CLACTON ON SEA, CO16 9DH



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| | | |
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| Application: | 17/00567/FUL | Town / Parish: Weeley Parish Council |
| Applicant: | Mr Tom Doran | |
| Address: | Starena Lodge Holiday Park, Clacton Road, Weeley, Clacton On Sea, CO16 9DH | |
| Development: | Change of use of land to site 67 holiday lodge caravans. | |

1. Executive Summary

- 1.1 This is a full planning application for the change of use of vacant agricultural land to use for the siting of 67 holiday lodge caravans on land adjoining the Starena Lodge holiday park off Clacton Road, Weeley. The site measures 2.4 hectares and will be accessed from the approved holiday park immediately to the north of the application site. The site adjoins the existing St Andrew Primary School field to the east, Gutteridge Hall Lane to the south and a traveller site located to the western boundary. The application site is flat in nature and enclosed with mature trees and hedging.
- 1.2 The main policy considerations are adopted Local Plan policies ER16 and ER20 and those contained within the emerging Local Plan Publication Draft policies PP11 (Holiday Parks). New holiday developments should be in sustainable locations which are not prominent in the landscape and that any visual intrusion is minimised. Environmentally intrusive sites and those which are prone to flooding should be avoided. The proposed site is considered to be in an appropriate location for this use which would not have a significant impact on the environment or cause undue disturbance to residential areas. The proposed access is considered acceptable for the volume of traffic that is likely to be generated. The proposal is considered acceptable subject to appropriate conditions.

Recommendation: Approve

Conditions:

- Time limit – 3 years
- Approved Plans
- Max 67 static caravans – no touring caravans
- Occupancy restriction – occupation for holiday purposes only.
- Hard and soft landscaping
- Sewage treatment details
- Surface water drainage
- No buildings or structures, external illumination of the site, public address systems, or CCTV installation without further approval
- Access
- Car parking
- Visibility splays
- Caravan delivery times
- Site management scheme

2. Planning Policy

National Planning Policy Framework (NPPF)

Tendring District Local Plan 2007

ER16 Tourism and Leisure Uses

ER19 Extensions to static and holiday parks

ER20 Occupancy timescales

QL9 Design of new development

QL11 Environmental Impacts and compatibility of uses

QL3 Minimising and Managing Flood Risk

TR1A Development Affecting Highways

EN13 Sustainable drainage systems

Tendring District Local Plan 2013-2033 and Beyond Publication Draft

SP1 Managing Growth

SP3 Sustainable Design

PPL11 Holiday Parks

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Other relevant documents

Tendring Tourism Strategy 2009.

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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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

| | | | |
|-----------------|--|-----------|------------|
| 00/00051/LUPROP | Storage of caravans for scrapping and sale, also sale of "parts"/accessories/storage | | 25.08.2000 |
| 00/00557/FUL | Retention of six caravans for permanent human habitation | Refused | 03.08.2000 |
| 91/01160/FUL | Proposed domestic garage and part roof. | Approved | 25.11.1991 |
| 92/00894/FUL | (Starena Lodge, Station Nurseries, Weeley) Retention of 3 caravans for personal use (renewal of permission TEN/1201/90) | Approved | 17.09.1992 |
| 93/00456/FUL | (Starena, Station Road, Weeley) Use of land for 6 further car boot sales during year | Approved | 22.06.1993 |
| 93/01407/FUL | (Starena, Station Road, Weeley) Use of land for holding 14 car boot sales | Approved | 25.01.1994 |
| 95/00490/FUL | Car boot sales on 14 Saturdays in 1995, May 6, 13, 20, 27, August 5, 12, 19, 26, September 2, 9, 16, 23, 30 and October 7 | Approved | 06.06.1995 |
| 95/00696/FUL | (Starena Lodge, Station Nurseries, Weeley) Retention of three caravans for personal use (Renewal of Permission TEN/92/0894) | Approved | 26.07.1995 |
| 95/00816/FUL | Car boot sales on Fridays from 28th July to 1st September 1995 inclusive (28th July, 4th, 11th, 18th, 25th August and 1st September) | Withdrawn | 16.10.1995 |
| 96/00439/FUL | Car boot sales 4, 6, 11, 18, 25 and 27 May, 1, 8, 15, 22 and 29 June, 6, 13 and 20 July 1996 | Approved | 22.05.1996 |
| 97/00199/FUL | Car boot sales on 14 dates in 1997, March 8, 15, 22, 28,29, 31; April 5, 12, 19, 26; May 3, 10, 17, 24 | Approved | 16.04.1997 |
| 98/00667/LUEX | Use of four caravans for habitation and eight rooms in house for multiple occupation | | 07.07.1999 |

| | | | |
|-----------------|---|------------------------------|--------------------------|
| 03/00565/FUL | Proposed car boot sales every other Saturday from 7 June 2003 to 28 September 2003. | Approved | 08.09.2003 |
| 10/00010/FUL | Stationing of four mobile homes, construction of a new access road, landscaping and septic tank. | Withdrawn | 19.03.2010 |
| 10/00014/FUL | Replacement dwelling. | Withdrawn | 19.03.2010 |
| 11/00897/FUL | Proposed 20 pitch static holiday caravan park with peripheral and supplemental landscape planting. | Refused Allowed on Appeal | 12.03.2012 07.01.2014 |
| 12/00556/FUL | Construction of replacement dwelling and new garages (following demolition of existing house). | Approved | 17.08.2012 |
| 12/01252/DISCON | Discharge of condition 03 (materials), condition 04 (screen walls and fences), condition 6 (landscaping) and condition 08 (foul water drainage) of planning permission 12/00556/FUL. | Approved | 11.12.2012 |
| 16/30034/PREAPP | Change of use of land to a 20 pitch residential caravan park site. | | 24.03.2016 |
| 16/00554/FUL | Removal of condition 4 of planning application 11/00897/FUL - To allow year round holiday use of caravans. | Approved | 22.06.2016 |
| 16/01002/FUL | Variation of condition 2 and 9 of planning permission 16/00554/FUL to vary approved plans and vary the types of caravan units allowed at the site. | Approved | 09.09.2016 |
| 16/01042/DISCON | Discharge of condition 5 (foul sewerage drainage), 6 (surface water drainage), 7 (landscaping), 13 (site layout) and 14 (site management scheme) of planning permission 16/00554/FUL. | Approved | 24.10.2016 |
| 16/01564/FUL | Change of use of land to site 40 holiday lodge caravans. | Approved | 11.01.2017 |
| 16/01956/FUL | Variation of condition 9 of 16/01002/FUL to amend to internal road layout and minor repositioning of the static caravans from the approved plan. | Approved | 18.04.2017 |
| 17/00567/FUL | Change of use of land to site 67 holiday lodge caravans. | Current | |

4. Consultations

ECC SuDS Consultee

Do not object to application subject to condition.

Tree & Landscape Officer

In order to assess the extent to which the trees are a constraint on the development of the land and to identify the way that retained trees would be physically protected should planning permission for development be granted the applicant has provided a Tree Survey and Report. The information contained in the report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

The report accurately describes the health and condition of the trees and shows the extent of the constraint that they exert on the development potential of the land.

The main body of the application site does not contain trees or any other significant vegetation. In general the site boundaries are well populated with large trees and established hedgerows.

The information contained in the tree report adequately demonstrates that the development proposal could be implemented without causing harm to any of the trees or other vegetation of the site boundaries.

If planning permission is likely to be granted it would be desirable to secure new soft landscaping, to strengthen boundary screening especially adjacent to the boundary with the highway in Gutteridge Hall Lane.

ECC Highways Dept

No objections subject to conditions to include provision of parking spaces/sizes, surface treatment of access, need for construction management plan.

Network Rail

Network Rail has no objection or further observations to make.

5. Representations

5.1 This application has been referred to the committee by Cllr Bray who has raised concerns in relation to adverse highway impact, particularly in relation to the school, too many holiday caravans with no obvious facilities for holiday makers, detrimental to the character of the area, potential noise nuisance for neighbours.

5.2 6 individual representations have been received objecting to the application on the following material planning grounds:

- Outside settlement development boundary
- Too many existing caravans in the village
- Notes Gutteridge Hall Lane is now a 'quiet lane'.
- Potential traffic impacts on Gutteridge Hall Lane
- Impact on sewerage
- Potential for flooding
- Impact on character of the landscape
- Adverse impact on highway safety
- Conflict with traffic visiting school.
- No on site facilities

5.2 Weeley Parish Council object on the following grounds:

- Site not allocated in Local Plan
- No demonstrable need for this type of holiday accommodation
- Have concerns in relation to transport assessment
- Impact on Gutteridge Hall Lane (now identified as a 'quiet lane').

6. Assessment

6.1 The main planning considerations are:

- Location and site;
- Proposed scheme;
- Policy issues; and,
- Issues raised in representations.

Location and Site

- 6.2 The application site amounts to 2.49 hectares and is located to the south west of Weeley, close to the main Clacton-Colchester railway line. Between the railway line and application site is the existing holiday park site, known as Starena Lodge, which has permission for a total of 60 static holiday pitches. Access to the application site is from the existing holiday park site, which in turn is accessed via an existing slip road from Gutteridge Hall Lane, leading off the B1441 Clacton Road. The slip road is the sole access to the holiday park and application site. The slip road also provides access to the Weeley village hall, the village recreation ground which includes children's play facilities, scout hut and former British Legion Hall. The village primary school lies at the junction of the slip road with Gutteridge Hall Lane and the slip road is used for car parking, especially during school term times to drop off and pick up children. A much larger existing holiday park known as Weeley Bridge holiday park exists to the north of the railway line.
- 6.3 The application site is currently vacant and previously used as agricultural land. The site is laid to grass and benefits from existing screening with mature hedges and trees to the site boundaries.
- 6.4 To the south of the site is an existing traveller site, including a stable block, which takes access from Gutteridge Hall Lane. The application site does not directly adjoin residential dwellings although there are isolated dwellings located on Gutteridge Hall Lane to the south west with a greater concentration of dwellings located close to the Clacton Road junction.

Proposed Development

- 6.5 It is proposed to develop a holiday park containing 67 holiday lodge caravans. These would comprise of twin-unit caravans restricted to occupation as holiday accommodation. The site density would equate to 28 units per hectare which allows for a relatively spacious layout, ensuring that the required separation distances are met to satisfy site licence requirements. Each pitch would have a hardstanding base with permeable paving parking space alongside. A surface water attenuation pond would be located in the north east corner of the site. As noted the main access drive is from the existing holiday park to the north, no other site access points are proposed. Additional planting is proposed within the site in addition to existing mature planting and trees to the site boundary. No site buildings are proposed.
- 6.6 The site is outside areas at high risk of flooding although the area to be used as the attenuation pond is identified as medium risk. No objections have been received from the Environment Agency or the Essex Flood and Water team. A foul sewer connection will be made to the existing mains sewer – this detail will be secured by planning condition.

Planning Policy and Assessment

- 6.7 In relation to planning policy the scheme is considered to comply with the NPPF which seeks to promote sustainable rural tourism and transport.
- 6.8 The adopted Local Plan, policy ER16 sets out criteria for new leisure and tourism development in general. The main requirements are a) that it is accessible; b) there is suitable vehicular access and public transport access; c) there is no undue disturbance by reason of noise; d) no adverse impact on agricultural holdings or irreversible loss of high quality agricultural land and where appropriate results in improvement to damaged land or despoiled landscapes. Whilst directed specifically to extensions of existing caravan parks policy ER19 includes criteria which is also material in particular that a) there is a landscape scheme to minimise impact; b) an effective natural boundary and c) the site is not in a high flood risk area.
- 6.9 The Tendring District Local Plan 2013-2033 and Beyond Publication Draft also contains relevant policy including policy PP11 – Holiday Parks. This requires new holiday park developments or extensions to contribute to improving site layouts, amenity and improving the appearance and quality of new accommodation.
- 6.10 As noted from the site history the first phase of the holiday park development (application 11/00897/FUL) was allowed on Appeal. Although representing a smaller area than the current application site, the Inspector concluded that there would be no harmful impact on the character of the area, on highway safety, on the living conditions of nearby residents or the nearby primary school and other community facilities. This assessment of the original scheme and locality should be taken into account in the determination of the current application.
- 6.11 The proposed site is not in a sensitive area or subject to any statutory wildlife designation. However ecology surveys undertaken as part of the application have identified that the protected trees lining the southern site boundary are used for foraging by bats, but notes that these trees are to be retained, along with existing hedgerows. The boundaries of the site are well vegetated and there is scope for significant additional landscaping within the site, which could contribute to wildlife enhancement. Having considered the submitted reports officers are satisfied that the impact on wildlife is not significant.
- 6.12 In terms of flood risk the majority of the site lies within flood risk zone 1 (the least vulnerable). As noted above the Lead Local Flood Authority have not raised objection in relation to surface water subject to necessary conditions relating to surface water drainage and on-going maintenance. The boundaries of the site are well vegetated and there is scope for significant landscaping within the site. The site is not near to any residential properties so the impact from noise or other forms of potential disturbance would not be significant.
- 6.13 In respect of residential property the site is separated from any nearby residential properties so the impact from noise or other forms of potential disturbance would not be significant.
- 6.14 The proposed number of holiday lodges is 67, giving a total for the whole site, including Starena Lodge of 127 units. As noted the site is well screened by mature vegetation and although located next to Gutteridge Hall lane and the school playing field any visual impact can be mitigated by additional landscaping which can be secured by condition. The site is well contained within the existing landscape and is less visible than the Weeley Bridge holiday park to the north of the railway line. Traffic travelling to and from the site would pass very few properties in reaching the Clacton Road, and would have limited impact on existing traffic flows, although there may be some conflicts at peak school times and at other times when the other community facilities in the area are in use. It is recognised that

these conflicts are likely to be greatest during the site development period and when caravans are being delivered to the site. However, the timing of deliveries to the site can be controlled through appropriate conditions which are already placed on the adjoining, previously approved site. At other times traffic generated from the site is not likely to be significant, especially as the period of greatest occupancy would be during school holidays. The Highway Authority does not object to the application, subject to conditions. Overall, officers consider, therefore, that the impact of this proposal on the landscape and environment of the area, including the local highway network would not be significant.

- 6.15 In terms of accessibility the site is within walking distance of public transport, including rail and bus. It is also relatively close to other public services in Weeley and is comparable to other caravan parks in the area in terms of access to places of interest. Accessibility to services is similar to that of the much larger caravan park to the north. In terms of proximity to services a balance needs to be struck between proximity to settlements and the services they provide and the degree of potential impact on residential amenity. In terms of the location and scale of the proposed scheme it is considered comparable to other caravan sites in the district. Occupation will be restricted via condition to holiday accommodation only.

Issues raised in representations

- 6.16 The Weeley Parish Council and other representations raise other issues, which are material to this application, in particular issues relating to the site location outside the settlement development boundary, traffic impacts, sewerage, flooding, impact on character, lack of on site facilities and need for this type of accommodation.
- 6.17 As with previous applications associated with the adjoining holiday park site, concerns have been raised that the slip road from Gutteridge Hall Lane is unsuitable to accommodate the proposed traffic generated by this development. Although accepting there will be peak day time usage of the slip road during school drop of and collection periods the Highway Authority have not raised objection to the scheme and as with previous approvals a condition can be used to control when caravan units are delivered to the site – i.e only at weekends. Once static caravans are in place the only regular traffic would be cars entering and leaving the site, and service vehicles. This would not be significant, especially bearing in mind the anticipated occupancy and would be spread throughout the day. Traffic would also be concentrated in the main holiday periods when the school would be closed, further reducing any impact.
- 6.18 In terms of drainage and flooding no objections have been received following consultation with the Environment Agency and Anglian Water. In terms of foul sewerage the applicant is proposing to connect directly to the main sewage system. Appropriate conditions would be attached to the Planning Permission requiring full surface water and foul sewerage details to be supplied, approved and implemented.
- 6.19 In terms of the location of the proposed development although located outside the settlement development boundary the site is considered to be within a sustainable location and in a locality where tourist accommodation is considered acceptable. This reflects the decision taken by the Planning Inspectorate in allowing the original appeal relating to the first phase of the holiday park development. The Planning Inspector concluded that the holiday park *‘would undoubtedly reflect the prevailing character of both the immediate vicinity and the wider area.’* It is considered that the proposed extension is consistent with that appraisal. The location of the development is therefore considered to comply with existing and emerging planning policy. Impact on character of the locality has also been raised – as noted above the site is well contained and not easily visible from public vantage points – additional landscaping can further mitigate the impact of the development.

- 6.20 Issue of need for this type of tourist accommodation has been raised but previous tourism studies undertaken by the Council have demonstrated there is a continuing and increasing demand for this type of holiday accommodation.
- 6.21 In conclusion the proposed development is considered an acceptable extension to the previously approved holiday park site meeting the requirements of both existing and emerging planning policy.

Background papers

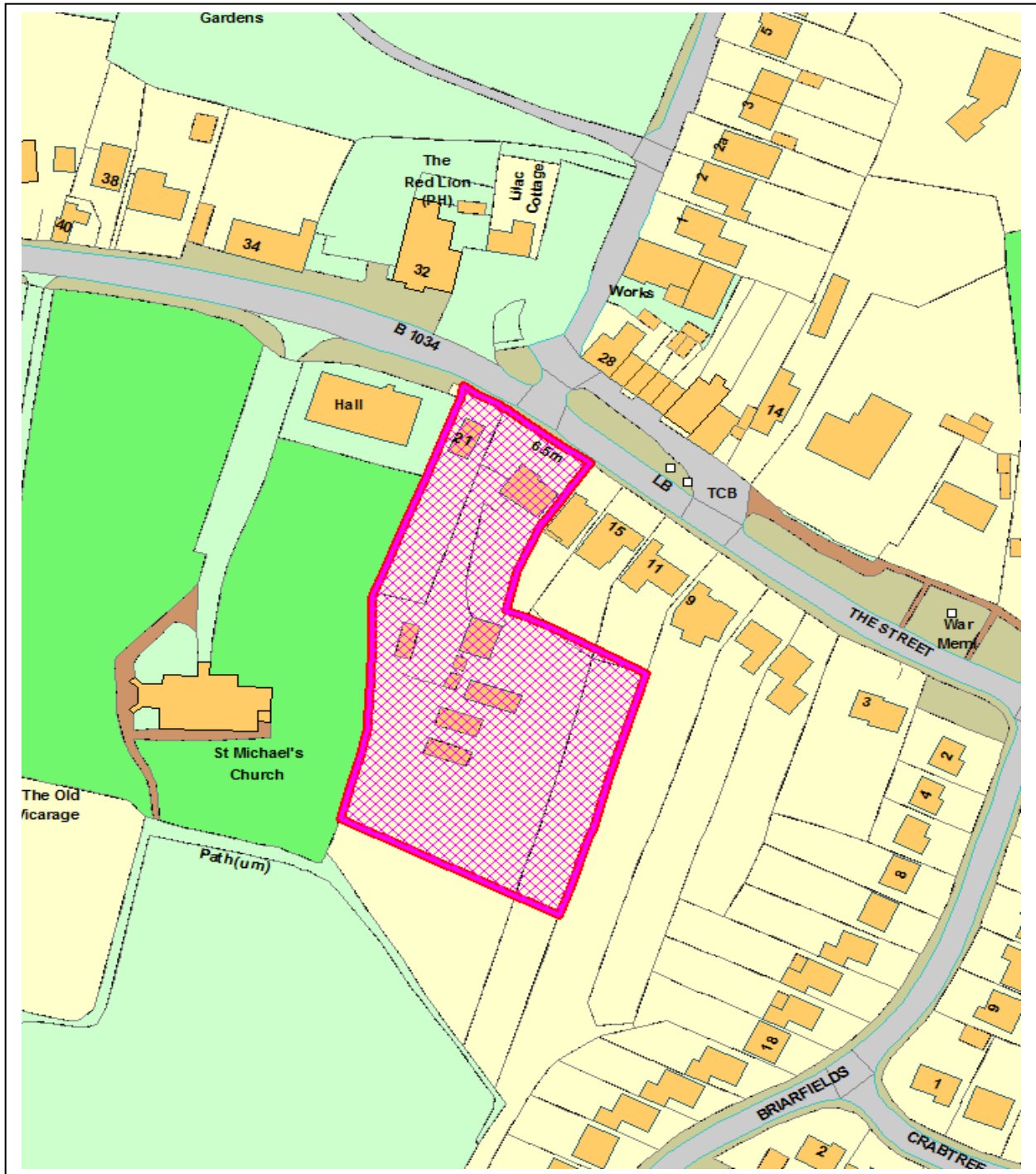
None.

PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 16/00500/OUT – TAMARISK, 19 THE STREET, KIRBY LE SOKEN, FRINTON ON SEA, CO13 0EE



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| | | |
|---------------------|--|---|
| Application: | 16/00500/OUT | Town / Parish: Frinton & Walton Town Council |
| Applicant: | Bluerok Ltd | |
| Address: | Tamarisk, 19 The Street, Kirby Le Soken, Frinton On Sea, CO13 0EE | |
| Development: | Erection of 3 bungalows and 7 houses, following demolition of No. 21 The Street, and alterations to No. 19 The Street. | |

1. Executive Summary

- 1.1 This application has been 'called-in' by Councillor Bucke.
- 1.2 This is a full planning application for a total of 10 additional dwellings located on what is current garden land or land used in association with dwellings fronting The Street. Number 21 the Street will be demolished to facilitate site access and replaced with a semi-detached dwelling. The application is in outline form with appearance, landscaping and scale as reserved matters. Access and layout is committed as part of the current application. Seven two storey dwellings are proposed with three bungalows.
- 1.3 The site is located outside but adjoining the settlement development boundary for Kirby Le Soken and within a Green Gap under the current adopted Local Plan. The site also adjoins St Michaels Church, a grade II* listed building and the Conservation Area. Within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft, the site is no longer identified as being within a Green Gap and is located within the settlement development boundary, where development would normally be acceptable. Kirby Le Soken is identified as a 'smaller rural settlement' in the emerging Local Plan where small scale developments of upto 10 dwellings would normally be supported.
- 1.4 Although the site adjoins but is outside of the settlement development boundary in the adopted Local Plan, some weight can be given to the fact that the site is within the development boundary of the emerging Local Plan. Consideration however must be given to the impact on existing character, the listed church and on the Conservation Area.
- 1.5 In the absence of objections from statutory consultees the proposed scheme is considered a suitable infill development, is sustainable and will not harm the character of the locality. The application is recommended for approval – as the total number of additional dwellings does not exceed 10 there is no requirement for affordable housing but an open space contribution is sought under a s106 agreement.

Recommendation: Approve

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):
 - Contribution towards off-site open space/play equipment.

b) Conditions:

1. Standard conditions for submission of reserved matters and time limit for commencement.
2. Accordance with approved plans.
3. Highways conditions (as recommended by the Highway Authority).
4. Surface water drainage/foul drainage scheme.
5. SuDS maintenance/monitoring plan.
6. Hard and soft landscaping plan/implementation.
7. Tree protection plan
8. Details of lighting, materials and refuse storage/collection points.
9. Broadband connection.
10. Contamination
11. Noise
12. Emission Control
13. Archaeology – Trial Trenching

c) That the Head of Planning 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

NPPF National Planning Policy Framework National Planning Practice Guidance

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not 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.
- 2.3 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.
- 2.4 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. At present it is considered that the Council can demonstrate a 5 year housing land supply.

- 2.5 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

Local Plan Policy:

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district’s towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN2: Local Green Gaps
Seeks to prevent coalescence between settlements.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN17: Conservation Areas

Requires development within Conservation Areas to preserve or enhance the character or appearance of the Conservation Area.

EN23: Development within the proximity of a Listed Building – seeks to preserve setting and appearance of listed buildings.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (June 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Kirby Le Soken as a 'Smaller Rural Settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL8: Conservation Areas

Requires that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

PPL9: Listed Buildings: Seeks to protect setting of listed buildings.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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

| | | | |
|--------------|---|-----------|------------|
| 03/00652/OUT | New residential development. | Refused | 02.07.2003 |
| 04/01127/OUT | Proposed re-development of part of 19 The Street etc. with 9 dwellings, garages, road etc | Refused | 01.09.2004 |
| 05/02063/FUL | Residential development of eight dwellings | Withdrawn | 17.02.2006 |
| 06/00732/FUL | Residential development. Demolition of existing property and erection of six dwellings. | Withdrawn | 27.06.2006 |
| 06/01374/FUL | Demolition of existing dwelling house and erection of replacement dwelling | Withdrawn | 19.03.2007 |

together with seven new dwellings.

| | | | |
|-----------------|--|---------|------------|
| 14/30020/PREAPP | Erection of 8 units. | Refused | 18.03.2014 |
| 14/01860/OUT | Erection of 4 no. bungalows / houses. | Refused | 26.03.2015 |
| 16/00500/OUT | Erection of 3 bungalows and 7 houses, following demolition of No. 21 The Street, and alterations to No. 19 The Street. | Current | |

4. Consultations

Building Control and Access Officer

Confirmation required that a fire fighting appliance can reach within 45m of all parts of all the dwellings.

Environmental Health

A full contaminated land survey needs to be carried out and submitted in writing to this authority to protect end users of site.
A full construction method survey would need to be submitted taking into account the following advice:

Demolition & Construction

The developer is referred to the advisory notes below for the avoidance of pollution during the demolition & construction phases. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the development.

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control.

Best Practice for Demolition Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 06:30 or leave after 19:30 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Tree & Landscape Officer

The application site is well populated with small trees comprising extensive groups of young Sycamore and Myrobalan Plum. They do not make a significant contribution to the appearance of the area and consequently do not merit protection by means of a tree preservation order.

The site also contains a few isolated fruit trees that do not merit protection. The rear garden of 'Tamarisk' contains a good range of plants including an Apple tree, small conifer and a range of shrubs - none of these merit retention or formal legal protection.

The most important trees that could, potentially, be affected by the

development proposals are the single Oak in the south eastern corner of the application site that is covered by Tree Preservation Order TPO/06/17 and the trees situated close to the western boundary and within the grounds of the adjacent St Michaels Church. These are mainly Sycamore, Poplar and Hawthorn.

Although the trees in the church yard are 'offsite' their Root Protection Area's (RPA's) are likely to spread into the application site.

In order to show the extent of the constraint that the trees are on the development potential of the land and to determine the possible impact of the development on the trees, both on the application site and on adjacent land, the applicant should provide a Tree Survey and Report. This information will need to be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations

The Tree Report should contain a Tree Constraints Plan that will show the extent of the area around the trees that should be protected to ensure that the trees are not harmed by the development proposal. This should show the Root Protection Areas (RPA's) of the protected Oak and other trees and identify the area of land within which development should not be take place or where specialist construction techniques will be required

Although at the outline stage it appears from the site layout plan submitted with the application that plot No.7 may have an impact of the Oak covered by TPO/06/17.

Should outline permission be likely to be granted then details of soft landscaping, including new tree planting should be secured as a reserved matter. In addition to the indicative new tree planting shown on the site layout plant it appears that there is sufficient space within the front gardens of plot No.10 and 11 for new tree planting

ECC Highways Dept

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- 1) Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with The Street shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs which shall connect to the existing footways. The new road junction shall be constructed

at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 2) Prior to the proposed access being brought into use, minimum vehicular visibility splays of 60m by 2.4m by 60m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 3) Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction clear to ground.

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 4) Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 5) Prior to commencement of the proposed development, a vehicular turning facility for motor cars for each dwelling of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests

of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 6) No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or proposed highway boundary or throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 7) Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 8) The gradient of the proposed vehicular access /garage drive/ hardstanding shall be not steeper than 4% (1 in 25) for at least the first 6m. from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

Reason: To ensure that vehicles using the access both enter and leave the highway in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 9) All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 10) All footways should be provided at no less than 2.0m in width.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 11) All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

- 12) Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

- 13) Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

- 14) Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

- 15) Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

Design Informative:

1. There should be no vehicular access over any radius kerbs.
2. The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.
3. Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.
4. The applicant should be requested to consider the provision and location of street lighting columns, particularly at road junctions, these should be within the adoptable areas.
5. Refuse freighters are unlikely to manoeuvre over Private Drives.
6. Any new access onto The Street should be provided with a 1.5m x 1.5m pedestrian visibility splay to that access

Informative1: All work within or affecting the highway is to be laid out

and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

Historic England

Recommend that although there is some modest impact to the Conservation Area and the listed church the layout is designed in a way which seeks to minimise that harm by responding to the character of the place. In this sense the harm would be justified should the principle of development be accepted (NPPF para 132) and the harm weighed against the public benefit in accordance with NPPF para 134.

ECC SuDS Consultee

No objection subject to surface water conditions.

**Essex County Council
Archaeology**

No objection but require a programme of trial trenching secured by condition.

5. Representations

- 5.1 Frinton and Walton Town Council recommend refusal as they consider the scheme backland development, overdevelopment, opposite a busy junction and poor visibility splays particularly to the west.
- 5.2 The application has been called into Committee by Cllr Bucke who also submitted an objection to the application. The following comments have been made:
- Outline application only, with no detail.
 - Front elevations are flank walls of proposed dwellings. Poor.
 - Planning statement is inaccurate.
 - Briarfields is NOT a comparable development.
 - Sensitive site, adjacent to Conservation Area.
 - Adjacent to Historic Asset, Norman church and churchyard.
 - Demolition of an affordable home.
 - Opposite busy junction to Malting Lane civic amenity site serving over 20,000 residents.
 - High volume of 4-day vehicle journeys to site.
 - Opposite Red Lion car park, and next to church car park.
 - Very busy road B1034 being one of only two service roads to Frinton and Walton seaside towns.
 - Former brownfield site of local commercial activity. 10 dwellings will create unacceptable high level of residential activity.
 - Constant flooding of The Street at that location through failure of surface water drainage services.
 - Highways dangers arising from poor sightlines to east and west when emerging from the development site.

- Overdevelopment of 'backland' site extending behind existing residential dwellings.
- Encroachment within Local Green gap.

5.3 21 individual objections have been submitted in response to this planning application which include the following concerns:

- Overdevelopment
- Highway dangers
- Poor access
- Impacts on sewage
- Flood risk
- Lack of local infrastructure
- Impact on church and Conservation Area
- Impact on wildlife
- Previous refused applications noted
- Loss of privacy

6. Assessment

6.1 The main planning considerations are:

- The principle of development;
- Proposed layout;
- Residential amenity;
- Highways, transport and accessibility;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Heritage;
- Contamination; and,
- Overall planning balance.

Principle of Development

6.2 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.

6.3 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 June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Publication Draft. This version of the emerging Local Plan can be given some weight in the determination of planning applications. 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 planning decisions. In

general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

- 6.4 Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.5 One of the NPPF's core planning principles is to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". With this in mind, Policy SPL1 in emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.6 Kirby Le Soken is categorised as a 'smaller rural settlement' where the emerging plan envisages a small increase in housing stock over the plan period to 2033. To allow this to happen, settlement development boundaries have been drawn flexibly, where practical, to accommodate a range of sensible sites both within and on the edge of the villages defined as small rural settlements and thus enabling them to be considered for small-scale residential 'infill' developments. The emerging plan provides that larger developments will not be permitted unless there is local support from the Town or Parish Council, an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site' (for which there is a specific policy LP6).
- 6.7 Whilst the policies in the emerging Local Plan cannot carry the full weight of adopted policy at this early stage in the plan-making process, the approach taken in the settlement hierarchy and the extent of land being allocated for housing demonstrates strong alignment with the core planning principles in the NPPF to meet objectively assessed housing needs and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 6.8 As this site is located within the settlement development boundary for the village and no longer zoned within the Green Gap area in the emerging local plan, officers consider that the proposed development complies with emerging planning policy.

Proposed Layout

- 6.9 As noted the proposed scheme involves the demolition of 21 The Street to facilitate development – this dwelling and associated land is to be redeveloped as a pair of semi-detached two storey dwellings fronting The Street. The applicant has submitted an indicative elevation which shows the frontage dwellings will be designed to a high standard reflecting the character of the locality and adjoining Conservation Area.
- 6.10 The main access drive is set adjacent to the boundary with the church grounds and leads to the rear of the site where it provides vehicular access to the majority of the proposed

dwellings. Again indicative drawings show that the dwellings will be designed to a high standard with the siting and suggested design respecting the adjoining listed church. The suggested design was noted by Historic England in their positive response.

- 6.11 The site area is 0.54 hectares providing a density of development of 20 dwellings per hectare. In this relatively sensitive location this represents a low density development and is considered appropriate subject to suitable landscaping and tree protection measures.

Residential Amenity

- 6.12 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 in the emerging Local Plan supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.13 The proposed layout has been carefully considered and although Officers note the concerns raised by adjoining neighbours, it is considered that adequate separation has been provided between proposed and existing dwellings avoiding the creation of adverse impacts. At detail stage the scale, appearance and position of fenestration will be considered but it is clear from the submitted layout plan that this can be achieved without having adverse impacts on existing amenity.
- 6.14 There will be some impact to neighbours during the construction period but conditions would be applied to the development to minimise impacts if the Committee is mindful to approve the application.

Highways, transport and accessibility

- 6.15 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and,
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.16 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. Although the site is located in one of the district's smaller rural settlements that have limited facilities, the location benefits from an existing bus service giving access to nearby towns – in addition village shops and services are located in close proximity to the site.

- 6.17 As noted the site is served by a single access from The Street with a single feeder road serving the development. The Highway Authority have not raised objection subject to the imposition of a number of detailed planning conditions (see above). Safe access can therefore be gained to the site and highway safety will not be compromised.

Landscape, visual impact and trees

- 6.18 Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policy EN2 (Local Green Gaps) seeks to keep identified areas free from development in order to prevent coalescence between settlements and protect the rural setting. As noted this designation has been removed from the application site area in the emerging Local Plan – the site in any event provides little contribution in terms of preventing coalescence. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.19 The site is currently used as a mix of garden land with a small amount of commercial activity. Development is not considered to have a significant impact in terms of landscape and public views of the site are to a certain extent restricted. Although a number of trees will be removed to facilitate development these are not protected. Any protected trees will remain and will be protected by requirement of a tree protection plan along with a detailed landscape scheme secured by condition.

Flood risk and drainage

- 6.20 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 require any development proposal on sites 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. The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC have reviewed the FRA and do not object to the grant of outline planning permission subject to conditions. These relate to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place, control of surface water during the construction phase, maintenance of the surface water drainage system and retention of annual logs detailing maintenance undertaken in accordance with the maintenance plan.

Ecology

- 6.21 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance

to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.

- 6.22 No objections in terms of wildlife have been received from statutory consultees. Taking into account the nature of the existing site and uses, the development would not have any significant direct or indirect effects on any formally designated wildlife sites.

Heritage

- 6.23 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible. Policy PPL7 of the draft Local Plan requires archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Policy PPL8 of the emerging Local Plan requires development within or affecting the setting of a Conservation Area to only be permitted where they have regard to the desirability of preserving or enhancing the special character and appearance of the area.
- 6.24 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.25 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the County Council Historic and Built Environment Manager has requested that if members are minded to approve the application then a condition is applied requiring a programme of trial trenching followed by open area excavation.
- 6.26 As noted the site adjoins the Kirby Le Soken Conservation Area and the listed church to the west of the application site. The Committee will note the comments of Historic England who although acknowledging there will be some impact on the locality it is not so significant that permission should automatically be refused. In this case it is considered that the proposed layout does take into account the adjoining heritage assets and in line with paragraph 132 of the NPPF the impact is not considered significant. The provision of additional housing is therefore considered acceptable.#

Contamination

- 6.27 Policy QL11 requires new developments to take into account the possibility of existing contamination or pollution and any necessary remediation strategies. The Environmental Health team have requested conditions requiring contamination assessment and these would be attached to the Planning Permission.

Open Space and Play

- 6.28 Policy COM6 in the adopted Local Plan and Policy PEO22 of the emerging Local Plan require residential developments of over 1.5 hectares to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. In this case the site is less than 1.5 hectares and it is more appropriate to seek an off-site financial contribution.
- 6.29 The Council's Open Space team has requested that due to a shortfall in open space provision a financial contribution is to be secured by s106 agreement and this money would be spent at the closest play area located at Halstead Road, Kirby.

Conclusion

- 6.30 The proposed development is considered to comply with policy contained within the NPPF, the adopted Local Plan and emerging Local Plan policy contained within the Publication Draft document.
- 6.31 The scheme will result in provision of 10 additional dwellings which will contribute to housing supply and meeting local need within the village.
- 6.32 It is confirmed that safe highway access and egress to and from the site is achievable and that safe access can be provided to facilities within the village. The proposed layout will not adversely impact on adjoining dwellings or property and is a relatively low density development on the edge of the village. Protection of existing trees and the requirement for a detailed landscape to mitigate the impact of the development will be secured by condition.
- 6.33 The impact on adjoining heritage assets has also been taken into account and it is considered that the impact of development is not significant and in any event satisfactory mitigation measures in terms of ensuring high quality design and landscaping can be implemented. Although acknowledging the concerns raised by local residents officers consider that the proposed scheme meets all technical and policy requirements and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

Background papers

None.

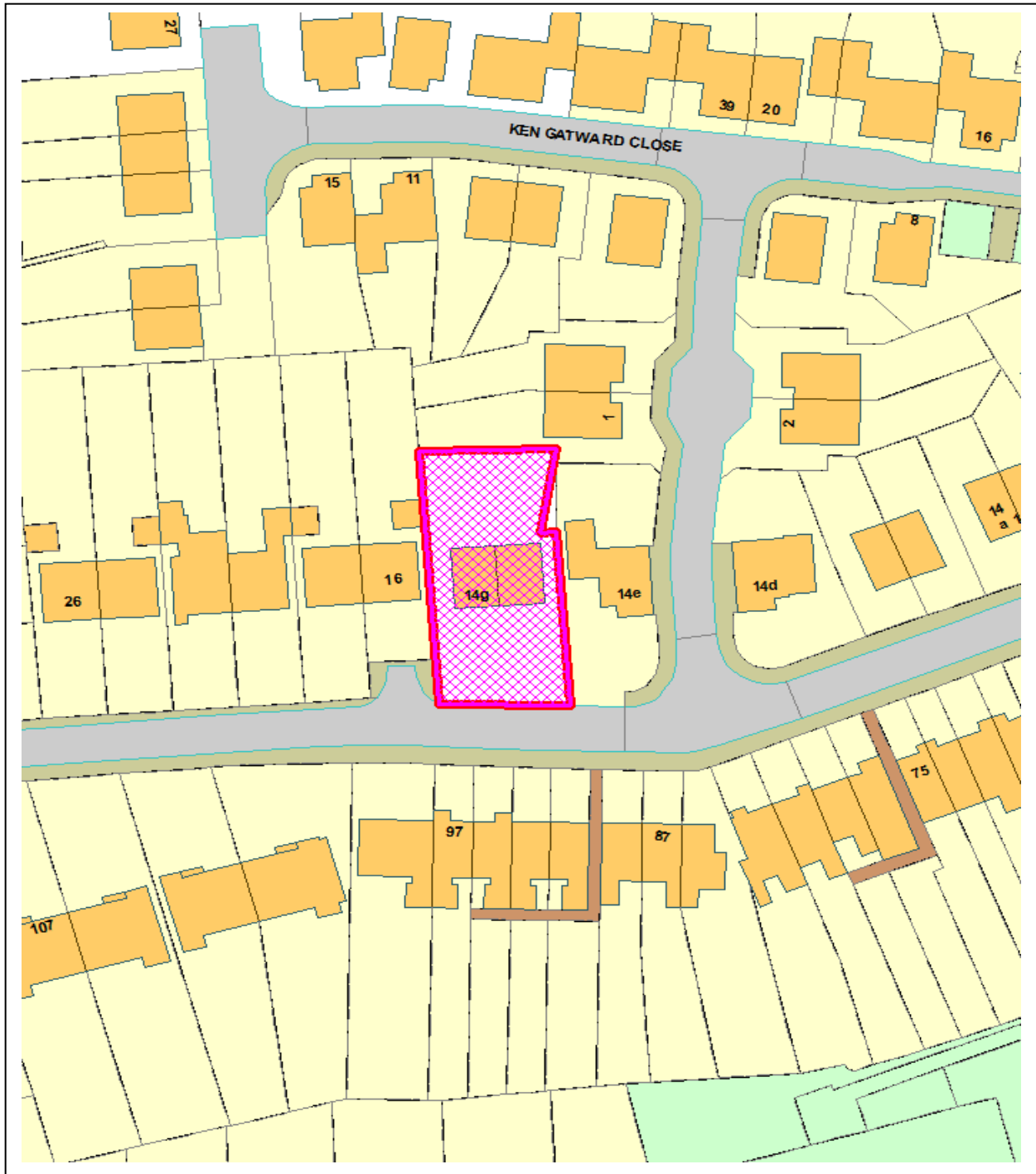
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PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION – 17/00502/FUL - 14F AND 14G WITTONWOOD ROAD, FRINTON ON SEA, CO13 9LB



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| | | |
|---------------------|--|---|
| Application: | 17/00502/FUL | Town / Parish: Frinton and Walton Town Council |
| Applicant: | Mr Stuart McAdam - Persimmon Homes Essex | |
| Address: | 14F and 14G Wittonwood Road, Frinton On Sea, CO13 9LB | |
| Development: | Retention of two dwellings incorporating revised elevational changes, amendment to that approved under 14/01447/DETAIL | |

1. Executive Summary

- 1.1 This application was previously considered at the Planning Committee of 16th May 2017, following a 'call-in' to Planning Committee by Cllr Turner on the basis that "The design is inferior to that was originally approved and what should have been built".
- 1.2 The resolution of the May Committee was to defer consideration, to allow time for amended plans to be forwarded by the applicant to over-come the concerns expressed by Committee, to be reconsidered at the Committee of 14 July 2017, and in the absence of such plans, that permission be refused.
- 1.3 Outline planning permission - 11/00796/OUT - and Reserved Matters Approval - 14/01447/DETAIL were granted on 30.06.2014 and 23.03.2015 respectively.
- 1.4 The development related to the creation of 37 no. two, three and four bedroomed houses, plus associated roads, car parking, landscaping and public open space.
- 1.5 The site lies within the defined settlement boundary of the saved Local Plan and the site was historically used as an overground reservoir (now capped) with associated grounds.
- 1.6 All the relevant pre-commencement conditions were discharged and the development commenced, however 2 plots – a pair of semi-detached houses on the Wittonwood Road frontage – have not been built in accordance with the approved plans, and this application is to regularise the "as-built" situation.
- 1.7 The applicant has taken on-board the matters of concern expressed by the Committee, and has submitted new plans indicating changes to the appearance consisting of:-
 - (i) Chimney stacks have been re-instated as end-stacks on the gable walls of each of the semi-detached houses (the approved plans had a single stack in the centre)
 - (ii) The moulded eaves-boards and finials have been re-instated on the feature dormers of the front elevation as per the approved drawings, and
 - (iii) Moulded verge-boards have been re-instated on the gable walls of the units as per the approved drawings
- 1.8 The only elements of the approved plans that have not been re-instated on the revised plans are the arch-topped lintels and the projecting brick band around the centre of the dwellings.
- 1.9 The size and scale of the proposed dwellings is now similar (although smaller) to the approved units, with only the minor elements of the design – principally the treatment of the lintels above the windows and the projecting brick course - differing from the approved plans, and the changes are now considered to be so minor as to render the scheme

acceptable with no material harm to visual amenity. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

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

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SP5 Place Shaping Principles

SP6 Spatial Strategy for North Essex

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout

Status of the Local Plan

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

3. Relevant Planning History

| | | | |
|-----------------|--|----------|------------|
| 11/00796/OUT | Demolition and site clearance of former reservoir and outline planning permission for construction of 37 residential properties (3 units to be for the provision of affordable housing), garages, pergolas, play area and retention of existing protected trees. | Approved | 30.06.2014 |
| 14/01447/DETAIL | Submission of reserved matters pursuant to outline planning permission 11/00796/OUT for the creation of 37 no. two, three and four bedroom houses, plus associated roads, car parking, landscaping and public open space. | Approved | 23.03.2015 |
| 14/01644/ADV | 1 no. freestanding, non illuminated sales sign. | Approved | 06.03.2015 |
| 17/00502/FUL | Retention of two dwellings incorporating revised elevational changes, | Current | |

4. Consultations

None undertaken

5. Representations

In relation to the originally submitted scheme (considered at 16 May 2017 Committee):-

- 5.1 Frinton and Walton Town Council: REFUSAL – against the retrospective application; poor design and out-of-keeping with the development. Have not stuck to the assurances given ahead of the development.
- 5.2 One neighbour representation has been received, which states:-
- 5.3 Regarding the above proposed planning application I wish to voice my concern over the fact that my property and my neighbours' property (14F) both have access to a shared drive which has to be kept clear at all times. My concern is that with this proposed building work lorries, vans and cars will be parked on the shared drive thereby restricting my access to and from my property and garage both on foot and in my car. There will also be noise, dirt and disruption with no indication of how long this work will be going on for.

Comments in relation to the Revised Scheme

- 5.4 Any comments received will be reported verbally at Committee.

6. Assessment

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

Site Location

- 6.4 The 2 dwellings concerned (plots 1 and 2) are 2 of the frontage dwellings facing on to Wittonwood Road, and they are adjacent to No 16 Wittonwood Road, an existing pair of semi-detached houses.
- 6.5 The new development along the frontage, consists of the 2 semis the subject of this application, 2 pairs of semi-detached houses at the other end of the site frontage, and 2 detached houses situated at each side of the main estate road, that serves a further 29 dwellings from a modern estate layout.
- 6.6 The site is a modern development to the north of Wittonwood Road (a former reservoir site), and the estate is situated opposite rows of established terraced houses on the south side of Wittonwood Road.

- 6.7 The terraced houses opposite the site are a mix of older traditional units, and more recent dwellings, and they are an attractive design with substantial chimney stacks being a feature of the roof-line.
- 6.8 When the estate was designed, there were several different dwelling types, with the Hanbury dwelling type built as a pair (the Hanbury B) on plots 7/8; 11/12 and 16/17, with the same design of dwelling built as a terrace (the Hanbury C) on plots 13-15.
- 6.9 The Hanbury B and C types, are a simple design with a lean-to porch on the front, but with simple eaves and ridge detailing.
- 6.10 For Plots 1 and 2 (the application site), a variation of the design (the Hanbury A) was produced, which was basically the same dwelling in terms of its layout and front lean-to porch, but it had embellishments due to its prominent road-frontage location, having pitched roof structures with moulded barge-boards above the upper-floor main bedroom windows and a 'mock' chimney stack on the ridge.
- 6.11 The developer has not constructed the special Hanbury 'A' type on the plots concerned, and has instead built the dwelling without the chimney stack or the elaborate barge-boards to the pitched roof above the upper windows, which have been provided with a simpler tiled edge instead.
- 6.12 In addition – due to the changes in levels across the site – the pair of dwellings has been constructed with a slight “step” at the party wall, although the ‘finished floor levels’ have been agreed via the discharge of condition process.

Proposal

- 6.13 The proposal was to retain the dwellings in their “as-built” form, which is basically the same house-type as approved, but without the chimney stacks and with the changed detail to the pitched roof detail above the first floor windows, and was not accepted by the Planning Committee on the 16th May 2017, and was deferred for the applicant to consider changes.
- 6.14 The changed finished floor level has been approved under the condition discharge approval of ‘levels’ – and the ‘step’ in the ridge and eaves line would have been necessary in any event, even if the dwellings had been built as per the original approval.
- 6.15 The issue to consider is whether the changes to the dwellings now proposed (following the may deferral) and shown in the applicants revised plans – received on 28 June 2017 - are acceptable in visual terms, and the key changes are discussed below:-

The Chimney Stacks

- 6.16 The dwellings have been constructed without the central chimneys stack of the ‘approved’ dwellings, which the applicants suggested has come about due to the step in the ground and floor levels, however as the revised plans re-instate a chimney, which are now shown as end-stacks to each dwelling, with the chimneys projecting from the gable wall, where it meets the ridge.
- 6.17 The applicant states:- “Consideration was given to the chimneys being centrally located as illustrated on the approved plans. However, as the houses are constructed on a split level (the levels having been agreed through the discharge of Condition 14 of the outline planning permission), it is considered that the design solution offered is more aesthetically pleasing”.

- 6.18 Chimney stacks are a feature of this part of Wittonwood Road, and the originally approved scheme provided chimney stacks on all of the 2 pairs of semi's fronting directly on to Wittonwood Road, as this reflected the character of the surrounding properties.
- 6.19 The revised proposal now submitted reinstates chimney features as end stacks, which is a welcome return to the approved scheme, and due to the change in levels between the 2 semis and the changed ridge-line, a central stack would look somewhat odd, and the introduction of ends stacks instead is an attractive feature that will not detract from the building, and is in some respects preferable to the centre stack.
- 6.20 The re-instatement of chimneys ensures that the dwellings would fit in well with the street scene.

The Moulded Barge Boards and Finials

- 6.21 The revised plans re-instate the moulded boards above the dormers and on the end gables and the applicant states:- "The detailed design is enhanced by the replacement of the dry-verge tile detailing with ornate barge boards and the addition of the finials".
- 6.22 The re-instatement of these features is in line with the approved plans.

The Window Detailing

- 6.23 The revised plans retain the as built lintel treatment and the absence of a moulded brick band around the centre of the dwellings, and the applicant states:- Persimmon has considered the comments made by members in respect of the lintels but considers that the lintels 'as-built', with a simple soldier-course of brick-on-edge lintel treatment, does not appear out of place.
- 6.24 The lintel treatment as-built does not detract from the building, and is considered to be acceptable, as the site is not within a sensitive area – such as a Conservation Area or within the setting of a listed building – where the attention to such details is critical, and would have been fundamental to the acceptability of the scheme.
- 6.25 For similar reasons, the absence of a projecting brick band is not considered to be fundamental to the overall design and with the level change and front porches, a brick band could appear rather disjointed and unduly 'fussy' on these dwellings, and whilst it was indicated on the 'approved' plans, its absence is not considered to be harmful.
- 6.26 At the May Planning Committee, reference was made to the possibility that the size of the dwellings had also changed from the approved plans, and in this respect, the applicant states:- "In response to an issue raised at the planning committee, I can confirm that the dimension of the properties is indeed slightly different from that approved under the reserved matters. The combined length of the two houses is 250mm shorter than that indicated on the approved drawings. The depth of the houses is identical to that approved. It is noted that there has been some minor reconfiguration to the internal walls which in itself is not a material planning consideration".
- 6.27 A small tolerance of 250mm is considered to be acceptable in building terms, and appeals have suggested that Planning Inspectors do not consider such variations to be material considerations.
- 6.28 The Planning Committee was clearly not prepared to accept the "as-built" situation, and the deferral has resulted in the receipt of amended plans which re-instate much of the previously approved details.

- 6.29 The reinstatement of the chimneys, finials and moulded board detail is a much improved appearance and the remaining 'differences' from the approved plans – the lintel design and projecting brick course is a very minor change.
- 6.30 Due to the non-sensitive nature of the surroundings, it is not considered that this minor change fundamentally affects the standard of the development, and it would be extremely difficult to argue that the proposal is unacceptable in visual terms.
- 6.31 It is considered that the changes now proposed are acceptable and that a refusal could not be justified in planning terms and the new scheme is recommended for approval.

Background papers

None.

PLANNING COMMITTEE

11 JULY 2017

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPEAL – 16/00838/OUT – LAND TO SOUTH OF FRINTON ROAD, THORPE-LE-SOKEN, CO16 0LG

1. The Planning Committee will recall the refusal of the following outline planning application for development on land south of Frinton Road, Thorpe-le-Soken: 16/00838/OUT - Outline application for the construction of up to 49 houses together with access roads etc.
2. The application is now the subject of a planning appeal. Officers have received a letter from the Planning Inspectorate to confirm 1) that the appeal will be dealt with by way of an Informal Hearing scheduled to commence on Tuesday 22nd August 2017 and 2) that the Council's statement of case has to be submitted by 12th July 2017.
3. The purpose of this report is to ask the Planning Committee to review the original grounds for refusal in light of the latest available information and to agree the case upon which Officers will defend the appeal.
4. The application was refused on highways, heritage/local character and ecological grounds at a time when the Council was unable to demonstrate a five-year supply of deliverable housing sites. Now the Council can demonstrate a five-year supply and the emerging Local Plan has gained greater weight on reaching publication stage, Officers believe that the Council is in a reasonable position to contest the appeal on the basis that the proposal is contrary to the Local Plan and the adverse impacts on the character of the area, heritage assets and ecology are not justified and will not be outweighed by the benefit of 49 new homes.
5. Officers are concerned however that the Council will find it difficult to reasonably defend the reason for refusal related to highways and are recommending that this is withdrawn from the case to minimise the risk of an award of costs against the Council.
6. The planning application was considered by the Planning Committee on 1st November 2016 and it resolved to refuse planning permission for the following (summarised) reasons:
 1. **Highways:** *"The development would result in increased usage of the B1033 and exacerbate concerns about the capacity of this busy road and the levels of congestion experienced through the centre of Thorpe-le-Soken and associated concerns about pedestrian safety in the High Street and around the local schools. This area suffers with severe transport problems and the increase in vehicular movements generated by this development will add to these problems without mitigation. The development is therefore contrary to paragraph 32 of the NPPF and Policy TR1a of the Local Plan."*
 2. **Heritage/Local Character:** *"The public benefit of contributing towards housing land supply does not outweigh the 'less than substantial' adverse impact on the adjoining grade II listed park and garden and the Conservation Area, irrevocably changing the historic character of the locality. The application is therefore contrary to the NPPF and Policies EN2 and EN17 of the Local Plan."*
 3. **Ecology:** *"It is considered that the proposed development will adversely impact on wildlife and protected species and the proposed mitigation measures are inadequate to address these adverse impacts. The application is therefore contrary to the NPPF and Policies EN6 and EN6a of the Local Plan."*
7. The first reason for refusal runs contrary to the advice of Essex County Council as the Highway Authority and we will not be able to rely on their support at the appeal. It is also inconsistent with the Council's decision to approve a scheme of up to 98 dwellings on land off Landermere Road, Thorpe, where the impact upon the highway network is likely to be

equal, if not greater, than that for the appeal proposal. The appellants have made both points in their appeal submissions and Officers consider it unlikely that the Council can uphold this reason for refusal without incurring an award of costs. Officers therefore recommend that this reason for refusal is withdrawn from the Council's case.

8. For the third reason for refusal on ecology, the appellants undertook a full range of ecological assessments including:
 - Preliminary Ecological Appraisal
 - Bat Scoping and Activity Survey
 - Reptile Survey and Outline Mitigation Strategy
 - Reptile Mitigation Survey; and,
 - Reptile Survey.
9. These have been supplemented by an 'Ecology Summary' that has been submitted by the appellants as part of their appeal documentation which sets out why the appellant disagrees with the Council's position. Whilst the advice in the November Committee report was that the measures set out by the documents should mitigate any negative ecological impacts; Officers are satisfied that it will be possible to contest that the proposal should be refused on ecological grounds as it would adversely impact on wildlife and protected species and the proposed mitigation measures are inadequate to address these adverse impacts.
10. For the second reason for refusal however, Officers are content that negative impacts upon the grade II listed park and garden and the wider Conservation Area can be reasonably argued at appeal – particularly as the Essex County Council Archaeologist and the Essex Gardens Trust also share this view. Both bodies have been asked to assist us with the appeal. Under the National Planning Policy Framework, any harm or loss to heritage assets such as these require 'clear and convincing justification' and now that the Council has a 5 year supply of housing sites and the Local Plan has progressed to the next stage, the justification for the development, in Officers' view, has fallen away.
11. In light of all of the above, Officers consider that the Council's case should focus on:
 - The site being outside of the settlement development of the Local Plan, that the Council can now demonstrate a 5-year supply of deliverable housing sites and that there is no need to apply the government's presumption in favour of sustainable development.
 - The development would harm the listed park and garden and the character of the Conservation Area, for which there is no clear and convincing justification or overriding public benefits.
 - The development would have an adverse impact on ecology adversely impact on wildlife and protected species and the proposed mitigation measures are inadequate to address these adverse impacts.

Recommendation: That the Planning Committee:

1) confirms the withdrawal of reason for refusal 1 in respect of planning application 16/00838/OUT (Outline application for the construction of up to 49 houses together with access roads etc on land south of Frinton Road, Thorpe le Soken) which related to impact on highways; and

2) agrees that the Council's case for the forthcoming appeal should focus on the site's location outside of settlement development boundaries, the achievement of a 5-year supply of deliverable housing sites; the unjustified harm to heritage assets; and adverse impacts on ecology.