



PLANNING COMMITTEE

DATE: Tuesday 31 October 2017

TIME: 6.00 pm

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

MEMBERSHIP:

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

Councillor Everett
Councillor Fairley
Councillor Fowler
Councillor Hones
Councillor McWilliams

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

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

DATE OF PUBLICATION: THURSDAY 19 OCTOBER 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 - 4)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 3 October 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 - 17/01338/FUL - CLIFF HOTEL, 22 MARINE PARADE, DOVERCOURT, HARWICH, CO12 3RE (Pages 5 - 20)

Demolition of Cliff Hotel, function hall and ancillary outbuildings. Provision of a new 'Art Deco' style apartment block consisting of basement parking, 20 apartments and a bar/restaurant together with a 61 bed hotel to rear with ancillary parking.

5 A.2 - PLANNING APPLICATION - 17/01183/FUL - LAND AT MORSCHACH, 52 NEW ROAD, MISTLEY, CO11 1BU (Pages 21 - 40)

Erection of 8 No. apartments and alterations to No. 52 New Road together with access and ancillary works.

6 A.3 - PLANNING APPLICATION - 16/00500/OUT - TAMARISK, 19 THE STREET, KIRBY-LE-SOKEN, FRINTON-ON-SEA, CO13 0EE (Pages 41 - 62)

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

7 A.4 - PLANNING APPLICATION - 17/01070/FUL - HIELAND HOUSE, CROW LANE, TENDRING, CO16 9AW (Pages 63 - 72)

Use of property as a beauty spa and for functions during the day time only.

8 A.5 - PLANNING APPLICATION - 16/01770/OUT - CAR BREAKERS YARD, COCKETT WICK LANE, ST OSYTH, CO16 8SE (Pages 73 - 80)

Creation of Holiday Village on site of Vehicle Salvage Yard.

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 Wednesday 29 November 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 3 OCTOBER 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Heaney (Vice-Chairman), Alexander, Baker, Bennison, Cawthron, Everett, Fowler (except minute 57), V E Guglielmi, Hones and McWilliams
Also Present:	Councillors Nicholls (except minutes 57 - 58) and Scott
In Attendance:	Cath Bicknell (Head of Planning), Charlotte Parker (Solicitor - Property, Planning and Governance), Nigel Brown (Communications and Public Relations Manager), Matthew Lang (Planning Officer) and Katie Sullivan (Committee Services Officer)

53. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Fairley (with Councillor V E Guglielmi substituting).

54. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 6 September 2017, were approved as a correct record and signed by the Chairman.

55. DECLARATIONS OF INTEREST

Councillor Heaney declared a Non-Pecuniary interest in relation to Planning Application 16/01927/OUT by virtue of the fact that she was a local Ward Member and also a Parish Councillor for Great Bromley. Councillor Heaney confirmed that although she lived in Great Bromley she did not live near the proposed site.

Councillor Fowler declared a Non-Pecuniary interest in relation to Planning Application 17/01150/DETAIL by virtue of the fact that she was a resident of Mayes Lane, a Trustee of the Harwich Society and that some of the objectors were known to her.

Councillor Scott, present in the public gallery, declared a Non-Pecuniary interest in relation the Planning Application 17/01221/DETAIL by virtue of the fact that he was the local Ward Member and a Parish Councillor for Alresford.

Councillor Nicholls, present in the public gallery, declared a Non-Pecuniary interest in relation the Planning Application 16/01927/OUT by virtue of the fact that he was the local Ward Member and also a Parish Councillor for Great Bromley.

56. A.1 - PLANNING APPLICATION - 16/01927/OUT - LAND NORTH OF HARWICH ROAD, GREAT BROMLEY, CO7 7UH

Councillor Heaney had earlier declared a Non-Pecuniary interest in relation to Planning Application 16/01927/OUT by virtue of the fact that she was a local Ward Member and also a Parish Councillor for Great Bromley. Councillor Heaney confirmed that although she lived in Great Bromley she did not live near the proposed site.

Councillor Nicholls, present in the public gallery, had earlier declared a Non-Pecuniary interest in relation the Planning Application 16/01927/OUT by virtue of the fact that he was the local Ward Member and also a Parish Councillor for Great Bromley.

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

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

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

An update sheet was circulated to the Committee prior to the meeting with details of an amended illustrative street scene plan which had been submitted by the agent.

Parish Councillor Robert Day, representing Great Bromley Parish Council, spoke in support of the application.

Councillor Nicholls, a local Ward Member, spoke in support of the application.

Tim Snow, the agent on behalf of the applicant, spoke in support of the application.

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

- Outside development boundary/extended development boundary and the Council are now able to demonstrate a 5 year housing supply - contrary to planned approach;
- Environmentally unsustainable due to the harmful urbanisation and erosion of the semi-rural character; and
- Socially unsustainable location with a lack of services.

Councillors Baker, V E Guglielmi, McWilliams and Alexander had requested that it be recorded in the minutes that they had abstained from voting on this item.

57. A.2 - PLANNING APPLICATION - 17/01150/DETAIL - 21 MAYES LANE, RAMSEY, HARWICH, CO12 5EJ

Councillor Fowler had earlier declared a non-pecuniary interest in relation to Planning Application 17/01150/DETAIL by virtue of the fact that she was a resident of Mayes Lane, a Trustee of the Harwich Society and that some of the objectors were known to her. Councillor Fowler withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Members recalled that outline planning permission for the alteration of one dwelling and the erection of five dwellings was approved by the Committee on 29 March 2017

(16/02084/OUT). The application now before them was a reserved matters application which Members had requested to review following the approval of the outline application.

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

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

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

1. 3 Year Time limit;
2. Approved Plans; and
3. Submission of Construction Method Statement.

(b) that the following informative be sent to the applicant:

- Preference to connect to mains drainage.

58. A.3 - PLANNING APPLICATION - 17/01221/DETAIL - BLUE GATES FARM, COLCHESTER MAIN ROAD, ALRESFORD, CO7 8DE

Councillor Scott, present in the public gallery, had earlier declared a Non-Pecuniary interest in relation the Planning Application 17/01221/DETAIL by virtue of the fact that he was the local Ward Member and a Parish Councillor for Alresford.

Members recalled that outline planning permission for a residential development of up to nine dwellings on this site had been approved by the Committee on 18 May 2016 (16/00305/OUT). The current application before them was a reserved matters application which Members had requested to review following the approval of the outline application.

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

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

Councillor Scott, the local Ward Member, spoke on the application.

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

1. Approved Plans;

2. Clearance of vegetation timing;
3. Ecological enhancement scheme;
4. Landscaping management; and
5. Parking spaces/garage provided prior to first occupation.

(b) that the following informative be sent to the applicant:

- Preference to connect to mains drainage; and
- Alresford Parish Council's desire to manage landscaping.

The meeting was declared closed at 7.15 pm

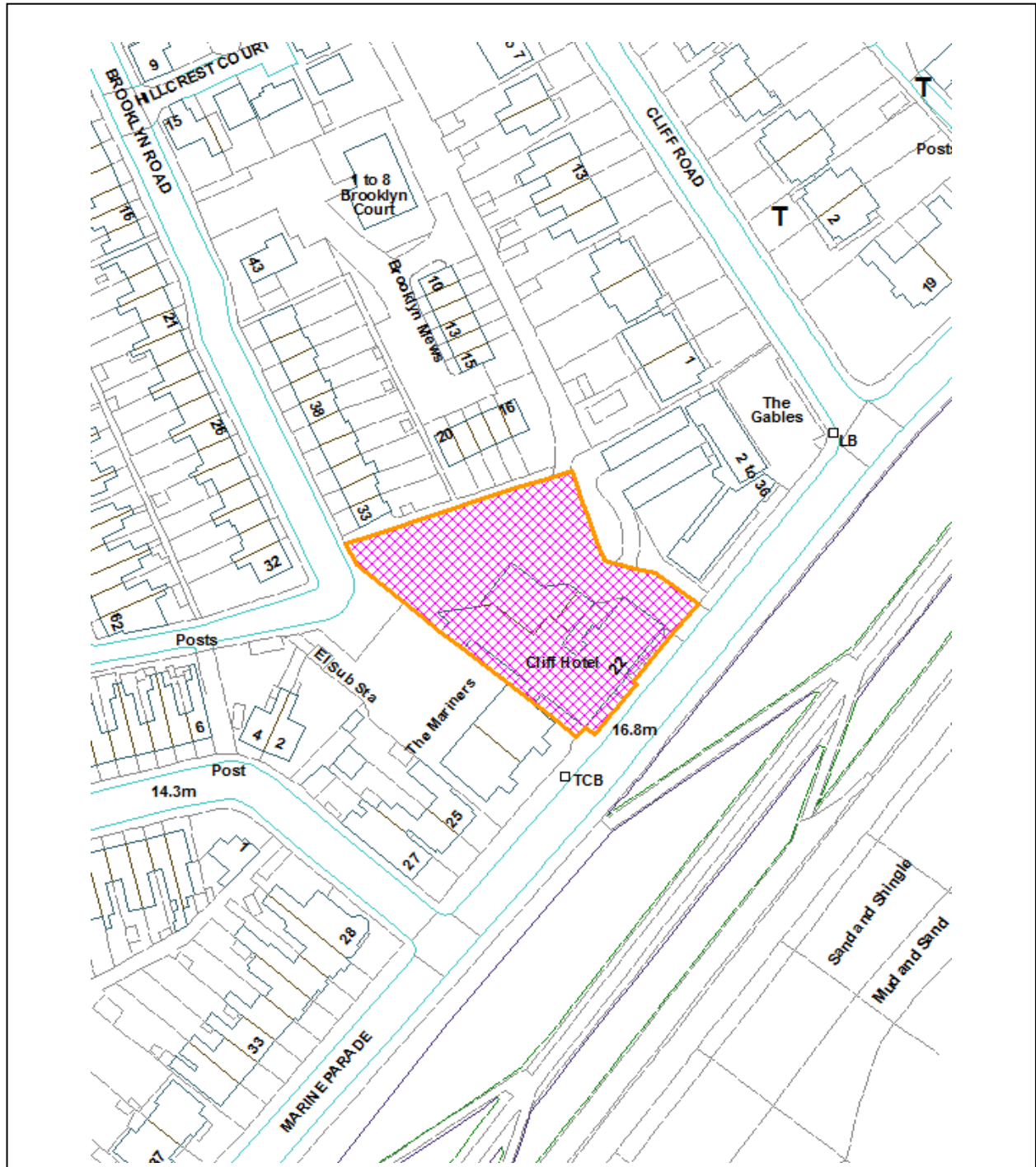
Chairman

PLANNING COMMITTEE

31 OCTOBER 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/01338/FUL - CLIFF HOTEL, 22 MARINE PARADE, DOVERCOURT, HARWICH, CO12 3RE



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Application:	17/01338/FUL	Town / Parish: Harwich Town Council
Applicant:	Mr Carl Richardson - Cliff Hotel Trading Company Ltd	
Address:	Cliff Hotel 22 Marine Parade Dovercourt CO12 3RE	
Development:	Demolition of Cliff Hotel, function hall and ancillary outbuildings. Provision of a new 'Art Deco' style apartment block consisting of basement parking, 20 apartments and a bar/restaurant together with a 61 bed hotel to rear with ancillary parking.	

1. **Executive Summary**

- 1.1 This is a full planning application seeking approval for the demolition of the Cliff Hotel and all ancillary buildings and erection of a new 'Art Deco' style apartment block consisting of 20 residential apartments and a 61 bed hotel. The proposed scheme provides a wider frontage to Marine Parade and the overall footprint of the new building extends further to the rear of the site than the existing structure. The application has been called into committee by Cllr Calver and due to the public interest shown in this application.
- 1.2 The application site measures 2.52 hectares and is located within the existing urban area of Dovercourt. It is in a location where new hotel and residential development would normally be supported.
- 1.3 The proposed development has attracted 64 objections from local residents although Harwich Town Council recommends support in principle for the development. Objections raised relate predominantly to highway impact, access and impact on existing residential amenity. However officers consider, in this case, that the proposed development does address these matters through careful design and layout and the scheme is recommended for approval subject to a s106 agreement to secure an open space contribution and a contribution to the Park Pavilion.

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):

- Off-site open space/play equipment.
- Financial contribution to the Park Pavilion

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

(i) Conditions:

1. Standard 3 year time limit;
2. Highways conditions (as recommended by the Highway Authority);
3. SUDS and drainage (surface water and foul drainage) conditions.
4. Hard and soft landscaping plan/implementation;
5. Ecological mitigation - wildlife/tree protection measures;
6. Construction methods plan;
7. Details of lighting, materials and refuse storage/collection points; and
8. Archaeological investigation and report works, including historic building recording;
9. Site lighting strategy, and;
10. Broadband.
11. Accordance with approved plans.
12. Contaminated land.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework (2012)

- 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.

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”*.

2.6 Paragraph 58 of the NPPF makes the following statement in respect of design:

“Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*
- and*
- *are visually attractive as a result of good architecture and appropriate landscaping”*.

2.7 Paragraph 69 notes:

“The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- *opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;*
- *safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas”*.

2.8 In respect of heritage assets, including locally listed buildings, paragraph 132 of the NPPF provides the following guidance:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.*

Local Plan Policy:

- 2.9 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. The policy defines Harwich and Dovercourt as a town.

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.

ER7: Business, Industrial and Warehouse Proposals

Seeks to ensure proposals are compatible with locality, causes no unacceptable impact to amenity, ensure satisfactory access can be gained to premises.

ER16: Tourism and Leisure Uses

Seeks to ensure development is accessible, sufficient parking provision, no adverse impact on amenity.

ER24: Protection of Hotels and Guest Houses

Changes of use of hotels within the main coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable.

ER25: New Hotels and Guesthouses

Supports proposals for new hotels, considers previous use of site, character of surrounding area, parking and highways, design implications.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011.

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.

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.

EN6: Biodiversity

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

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.

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.

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 Harwich and Dovercourt as a town 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.

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.

PP8: Tourism

Supports economic growth in tourism.

PP9: Hotels and Guesthouses

Supports proposals for new hotels and guesthouses. Change of use or redevelopment to non-hotel use is not supported.

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.

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.

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

02/00428/FUL	Two-storey extension to provide 14 guest bedrooms	Approved	20.06.2002
05/01235/FUL	Erection of 8 self contained flats	Withdrawn	08.09.2005
06/01150/FUL	Erection of 7 self contained flats	Withdrawn	31.07.2006
17/01338/FUL	Demolition of Cliff Hotel, function hall and ancillary outbuildings. Provision of a new 'Art Deco' style apartment block consisting of basement parking, 20 apartments and a bar/restaurant together with a 61 bed hotel to rear with ancillary parking.	Current	

4. Consultations

Arch. Liaison Off, Essex Police Essex County Council Archaeology	Satisfied that proposed design that the relevant considerations of Sections 58 & 69 of the NPPF have been appropriately addressed. Request submission of Heritage Statement as existing building is of local significance. The building is a late Victorian purpose built seaside hotel with later additions. Recommended that if approved a condition securing a programme of historic building recording is
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Building Control and Access Officer Regeneration	<p>required.</p> <p>No adverse comments at this time.</p> <p>The Regeneration Team fully supports this application which will see the redevelopment of this redundant hotel into a new 61 bedroom hotel, (giving the site an additional 34 bedrooms) a bar and restaurant and 20 apartments. It is envisaged that the development would also create up to 34 new full and part time jobs.</p>
Waste Management	Communal bin storage areas should be constructed with secure access doors with access on level hard standing ground with vehicular access.
Tree & Landscape Officer	<p>The application site is not well populated with trees although there are a few Sycamores on the perimeter of the land that have some visual amenity value.</p> <p>Taking into account the historical use of the land as a car park and the propensity of Sycamore to self-seed it is likely that the trees on the land have germinated and become established along the perimeter fence lines from wind blown seeds.</p> <p>Nevertheless the single specimen Sycamore shown in the proposed car park close to the north eastern corner is in reasonable condition and has a softening impact of the appearance of the area.</p> <p>There are also two other Sycamores, just 'off-site', by the 'dog-leg' along the same north eastern boundary. These two trees are also reasonable specimens</p> <p>The trees that are situated on the northern boundary also provide a pleasant softening effect on the surrounding.</p> <p>In terms of the desire to achieve a well designed car park area with an appropriate level of soft landscape it would not be unreasonable to take a practical view on the amenity value of the trees on the land. Whilst it would be desirable for them to be retained they are not of such quality that they should unduly shape the layout of the car park.</p> <p>In this respect it is possible that a well-designed car park with new tree and shrub planting would be the best way to secure the maximum amount of soft landscaping for the site and consequently provide the greatest benefit in terms of the visual amenity value of the locality</p> <p>Should planning permission be granted then a condition should be attached to secure details of tree retention (where appropriate) and soft landscaping to both soften, screen and enhance the appearance of the development.</p>
ECC Highways Dept	<p>Whilst it is recognised the parking provision for this scheme does not accord with the current policy standards, the site is in close proximity to public transport routes, and a range of services within walking distance.</p> <p>This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above</p>

application subject to the following:

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

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.

Reason: To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent highway in the interest of safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' 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, to include six one day travel vouchers for use with the relevant local public transport operator.

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, adopted as County Council Supplementary Guidance in February 2011.

INF01 Highway Works - All work within or affecting the highway is to

be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

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

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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

ECC Schools Service
ECC SuDS Consultee

Confirm no education contributions required.
Initial objection on grounds that no surface water drainage strategy has been submitted. At the time of writing this information has now been provided by the applicant and the response from the Lead Local Flood Authority awaited. The Committee will be provided with an update.

UU - Open Space
Consultation

Require financial contribution towards improvements in play equipment to Cliff park.

5. Representations

- 5.1 Harwich Town Council have no objection to the application so long as all of the national and local planning policies and protocols are met in terms of height, density and parking availability, and that particular attention is paid to ensuring there is no increased risk of surface water flooding in the Brooklyn Road area as a result of the nature of the development. Furthermore, Harwich Town Council believes that should approval be given, either to the proposed development or an amended form of the proposed development, a condition should be included to prohibit use of the new vehicular access onto Brooklyn Road to anything other than the emergency services and refuse collection vehicles. In the opinion of The Council, the refuse collection area should be screened and include a wash-down facility. The Council also requests that the Development Management Plan includes a provision under which all vehicles involved in the demolition and building access the site through the existing vehicular access onto Marine Parade. HTC requests that this application is determined by the Planning Committee and not by Officers using delegated authority.
- 5.2 The Harwich Society supports the art deco design but raised concern in relation to inadequate parking and impacts on Brooklyn Road.
- 5.3 64 letters of representation received raising the following Issues:
- Overdevelopment of the site

- Overbearing impact
- Visually intrusive
- Loss of amenity and privacy
- Access and parking issues associated with site access, impact on Brooklyn Road, impact on neighbouring vehicular access.
- New building set too close to 'The Mariners'
- Surface water drainage issues

6. Assessment

6.1 The main planning considerations are:

- Location and Site
- Proposed Scheme
- Policy Issues
- Issues raised in representations

Location and Site

6.2 The existing site is occupied by the Cliff Hotel a five storey Victorian Hotel with existing vehicular access from Marine Parade and pedestrian access to Brooklyn Road to the rear of the site. The main car park area is also provided to the rear of the property. The locality is predominantly residential in character with apartment developments (The Mariners and The Gables) set on either side of the application site. The application site measures 2.52 hectares in area and as noted by the landscape officer has a number of self-seeded trees set to the rear of the site.

6.3 The site is located in close proximity to Harwich town centre and is located within the main Dovercourt seafront area. The site is close to both regular bus and train services and close to a range of local services. The site is located within the existing settlement development boundary.

Proposed Development

6.4 The existing building is of late Victorian design and is considered by the applicant to be in poor repair no longer being fit for purpose and an alternative concept for the site is therefore proposed. The proposed design consists of an 'Art Deco' style design of similar height to the existing building. The design 'borrows' some of the original Cliff Hotel features including horizontal decorative banding and balconies, with 20 two bed apartments located to the front of the new building. To the rear a 61 bed hotel will be established. One parking space per apartment is proposed along with additional parking for hotel guests. The level provided is considered acceptable to the Highway Authority taking into account the location of the premises close to public transport facilities.

6.5 The front part of the building facing onto Marine Parade forms the highest part of the new building and rises in a series of tiers to eventually form a central tower. The building is then stepped down towards the rear of the new building. Window openings have been positioned in a manner which does not cause overlooking to adjacent property. Proposed materials include white render finish to the main walls, powder coated aluminium double glazed windows, balustrades consisting of Grey/Green toughened glass (with similar privacy screens). A slate grey single ply membrane is proposed as the roof finish. The design is attractive and would enhance the existing appearance of the locality.

- 6.6 The footprint of the new building is in fact set further back from the highway than the existing which actually increases the outlook from the adjoining apartment blocks. Vehicular access will be provided to the north east side of the building leading to undercroft parking space for the apartments and hotel use. A total of 57 parking spaces will be provided which is an increase of 39 spaces compared to existing parking provision. Lift and stairways lead from the car park to upper levels. Access will be provided from Brooklyn Road but this will be restricted to delivery vehicles only. The upper ground floor of the new building includes a new restaurant bar which will be open to the public as well as hotel residents. Alongside the restaurant, apartments are provided, overlooking Marine Parade. The hotel accommodation is entirely separate and located to the rear of the restaurant and apartment areas. This is then repeated on floors above. The building steps down from six floors at the front to just four floors to the rear of the building taking into account the slight slope of the site and the proximity to adjoining property. The overall design concept is considered appropriate to this locality and would become a landmark design within the street frontage.
- 6.7 It is proposed that the new development will employ a total of 34 employees working either within the new hotel or restaurant.

Planning Policy and Assessment

- 6.8 In relation to planning policy the scheme is considered to comply with the NPPF which seeks to promote sustainable design and transport.
- 6.9 The adopted Local Plan, policy QL1 directs most new development to the larger urban areas of the district including Harwich and Dovercourt. The principle of providing both a new hotel facility and additional housing is therefore acceptable both in terms of the existing and emerging Local Plan policy and is also consistent with the National Planning Policy Framework in terms of the location for sustainable development.
- 6.10 In respect of policy specific to tourism and hotel provision the following policies are relevant: 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. Policy ER24 seeks to protect existing hotels from changes of use unless existing sites are found unviable. Policy ER25 is supportive of new hotel and guesthouse provision. Similarly policy PP9 of the Publication Draft Plan also supports new hotel provision but does suggest that part changes of use perhaps should not be supported.
- 6.11 In this case the existing hotel is in poor structural repair and in terms of its design and layout does not reflect the requirements of the present day in terms of hotel provision. Although accepting it is considered a building of 'local interest', the building is not listed nor within a conservation area. The poor condition of the building is considered to detract from the appearance of the locality and is considered beyond economic repair. Although there will be an element of residential use within the new building this plays a role as enabling development for the scheme and is considered acceptable in the context of this site. Although acknowledging the historic role played by the hotel over many years replacement with a well-designed new building is considered acceptable in principle and therefore conforms with adopted and emerging Local Plan policy.
- 6.12 In normal circumstances the proposal for 20 apartments would generate an affordable housing contribution. In this case the applicant considers that the cost of demolition and necessary site remedial works make the scheme unviable with an affordable housing element included. The applicant has indicated that they may be able to make an

alternative financial contribution through s106 towards the Park Pavilion. A viability assessment has been submitted to the Council and is currently being assessed. Members will be updated at committee in respect to the outcome of this assessment. If it is concluded that the viability assessment is accurate then an affordable contribution will not be sought but a financial contribution secured towards the Park Pavilion.

- 6.13 An objection has been raised by the Lead Local Flood Authority on grounds that no surface water drainage strategy has been submitted. The applicant has now submitted this information and a final response is awaited from the County Council. This will be reported to Committee.

Issues raised in representations

- 6.14 The comments of the Town Council are noted – although accepting the development in principle they have raised concern with regard to the use of Brooklyn Road for non-emergency vehicles. This issue has also been raised by some local residents. The rear access from Brooklyn Road is proposed for use by delivery vehicles only and is not to be used by residents or hotel guests. The Highway Authority have not raised objection to the proposed access points or to the level of parking proposed. It would not therefore be reasonable to consider refusal of the scheme on grounds of access or car parking.
- 6.15 In terms of the design, scale and massing of the new building and the impact on adjoining property, although accepting that the footprint of the new building is larger than existing it will be set further back from Marine Parade than the existing building and will improve outlook from adjoining property to the street frontage. The rear part of the building which extends into the current car park area is set further into the site away from the south boundary than the existing building – the new building is set some 4.5 metres in from the southern boundary. Some hotel windows are located to the south elevation but only have an oblique view of the rear face of the adjoining apartment block - The Mariners. Impact on existing amenity is not compromised by this arrangement. The north facing elevation is set some 27 metres from other property located to the north and again existing amenity is maintained.
- 6.16 In conclusion the proposed scheme is considered to present a well-designed development which makes effective use of the site area. It results in provision of additional housing assisting with housing supply and will retain a large part of the site in hotel use. The proposed scheme is considered to comply with planning policy and is recommended for approval.

Background Papers

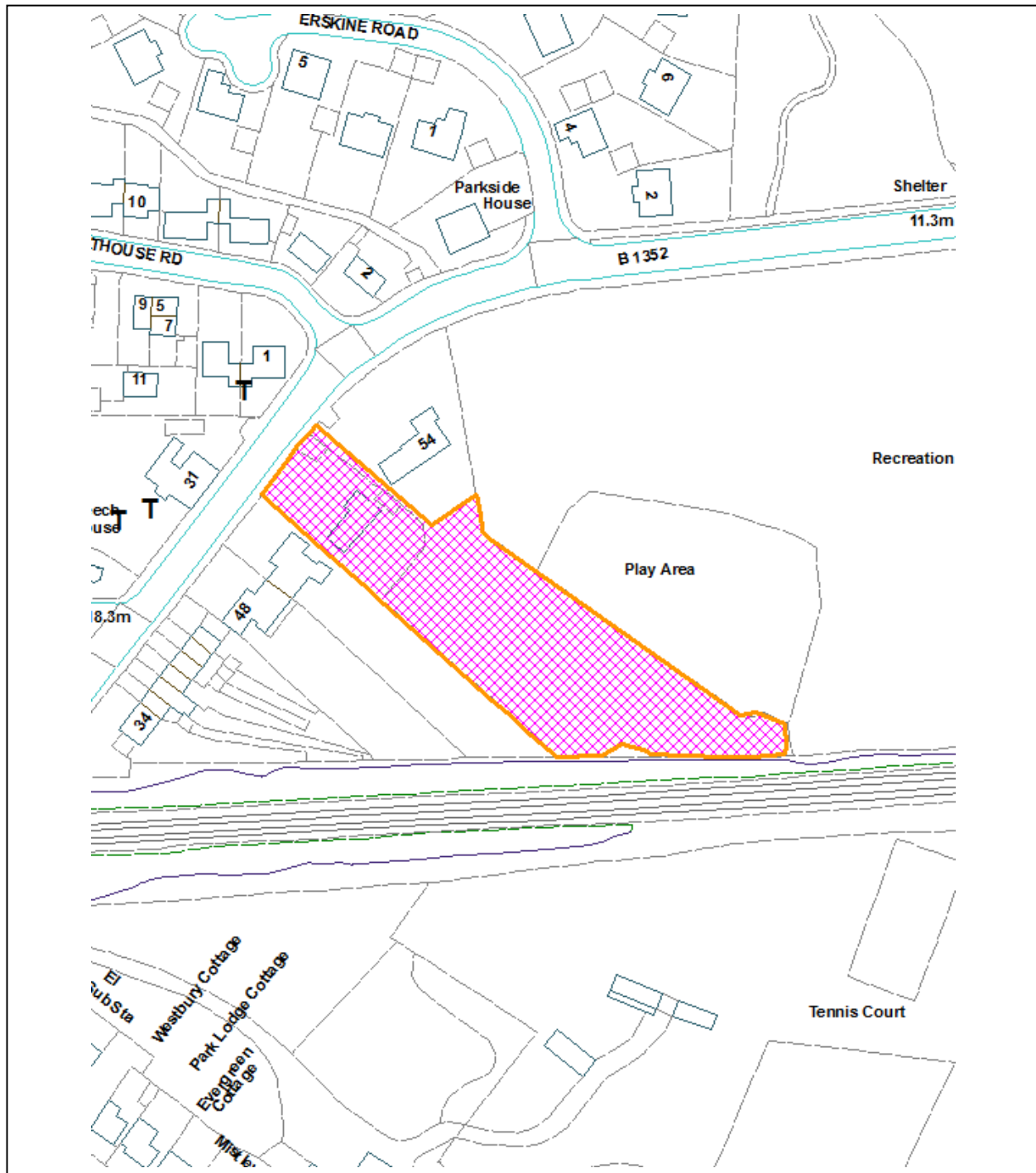
None

PLANNING COMMITTEE

31 October 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/01183/FUL - LAND AT MORSCHACH, 52 NEW ROAD, MISTLEY, CO11 1BU



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Application:	17/01183/FUL	Town / Parish: Mistley Parish Council
Applicant:	Mr R Giddings	
Address:	Land at Morschach, 52 New Road, Mistley, CO11 1BU	
Development:	Erection of 8 No. apartments and alterations to No. 52 New Road together with access and ancillary works.	

1. Executive Summary

- 1.1 This application has been called to Committee by Cllr G. Guglielmi for the following reasons:-

This development will constitute gross back land overcrowding, thus constituting unnecessary over-development of the site and will adverse impact on the amenities of neighbouring properties, by loss of privacy, overshadowing and overlooking.

Furthermore I have concerns on traffic access/egress of the eventual car users of the new properties onto a poor visibility splay in New Road.

- 1.2 The site lies outside the defined settlement boundary and within the Local Green Gap (Policy EN2) of the saved Local Plan but has been included within the settlement boundary (and outside of the Strategy Green Gaps – Policy PPL6) of the Publication Draft Local Plan.
- 1.3 Due to a lack of objection to the changes to the Strategic Green Gap/Settlement Development boundary within the Publication Draft Local Plan, appreciable weight can be attributed to that policy.
- 1.4 Recent appeals suggest that the Council cannot robustly demonstrate an available 5-year Housing Land Supply, and therefore permission should only be refused where the benefits are significantly and demonstrably outweighed by the harm
- 1.5 The development is therefore acceptable 'in principle' being in accordance with the emerging Local Plan, and is a sustainable location adjoining a larger settlement.
- 1.6 The design, siting and scale of the proposed dwellings are considered acceptable with no material harm to visual or residential amenity, or highway safety. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. 3 year commencement
2. Dev in accordance with approved plans
3. Landscaping and tree protection/timescale to be agreed for implementation of landscaping
4. Matching materials for works to existing dwelling/materials to be submitted for new dwellings
5. Any conditions as advised by Highway Authority
6. Any conditions as advised by Environmental Health
7. Archaeology condition
8. Drainage details to be agreed

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

COM19 Contaminated Land

COM22 Noise Pollution

EN2 Local Green Gaps

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

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

SP2 Spatial Strategy for North Essex

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL6 Strategic Green Gaps

PPL8 Conservation Areas

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 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

	balance crown of Hornbeam in front garden; Lime - remove spicormic growth, 2 Sweet Chestnuts repair storm damage/balance crown, 25% reduction to Beech and to prune Sycamores		
12/00592/TCA	Rear garden - 1 No. Beech - crown reduce by 30%, 1 No. Pine (cedar) - fell as affecting the Beech. Front garden - 2 No. Sycamore - crown reduce by 35 - 40%, 1 No. Magnolia - fell - too close to house, 1 No. Lime - reduce and balance by 35 - 40%	Approved	26.06.2012
14/00254/TCA	Per aerial view plan - front of property, T1 - remove top heavy lean. T2 - reduce by 40%. T3 - reduce by 40%. Rear of property, T4 - fell.	Approved	27.03.2014
16/30313/PREAPP	Partial-demolition of N.E elevation of No 53 (to allow for access), extension to S.E elevation of No 53, and erection of 2 No two-storey blocks of 4 apartments (8), served from new access drive and other ancillary works.		15.02.2017
17/01183/FUL	Erection of 8 No. apartments and alterations to No. 52 New Road together with access and ancillary works.	Current	
00/00356/TCA	Fell Ash, Pollard Sycamore and balance crown of Hornbeam in front garden; Lime - remove spicormic growth, 2 Sweet Chestnuts repair storm damage/balance crown, 25% reduction to Beech and to prune Sycamores	Approved	07.04.2000
TPC/10/92	25-30% crown reduction of 7 breadleaf trees in the front garden and to the Beech sited near the shed in the rear garden	Current	14.02.1992
TPC/94/28	Felling large Lime tree which is leaning towards adjacent property in rear garden in narrow corridor area	Current	16.06.1994
12/00592/TCA	Rear garden - 1 No. Beech - crown	Approved	26.06.2012

reduce by 30%, 1 No. Pine (cedar)
 - fell as affecting the Beech. Front
 garden - 2 No. Sycamore - crown
 reduce by 35 - 40%, 1 No.
 Magnolia - fell - too close to house,
 1 No. Lime - reduce and balance
 by 35 - 40%

12/60331/HOUEN Q	Erection of wall along front and part of side boundary		09.08.2012
14/00254/TCA	Per aerial view plan - front of property, T1 - remove top heavy lean. T2 - reduce by 40%. T3 - reduce by 40%. Rear of property, T4 - fell.	Approved	27.03.2014
17/01183/FUL	Erection of 8 No. apartments and alterations to No. 52 New Road together with access and ancillary works.	Current	

4. **Consultations**

Environmental Protection I have reviewed the contaminated land survey and the noise impact
assessment and can advise Pollution and Environmental Control have
no comments to make on this application.

Environmental Protection Due to its location (within metres of a historical gas works and
adjoining railway sidings) a full contaminated land survey will be
necessary to identify any contaminated land affecting construction
workers and the end users of the site.
A full construction method statement will need to be produced and
agreed in writing with this department. The following information can
be used to assist the production of the statement:

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 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 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.

Waste Management	Associated bin stores to be secure and of sufficient size to accommodate multiple bulk bins for both residual waste and recycling materials. Access to and from the bin store to be on level ground.
The Council For British Archaeology	No response
Tree & Landscape Officer	As the application site is situated in the Mistley and Manningtree

Conservation Area all trees with a stem diameter greater than 75mm at 1.5m from ground level are afforded formal legal protection.

In order to assess the extent to which the trees are a constraint on the development of the land the applicant has provided a Tree Survey and Report. The information 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 on the land and shows the extent of the constraint that they exert on the development potential of the land.

The applicant has also provided a site layout and block plan showing the positions of the proposed dwellings along with access and parking arrangements. Although this plan shows the positions of the trees it does not show the root protection areas so it cannot be used to assess the impact of the development on the trees on the land.

In order to show the potential impact of the development proposal on the trees the applicant should provide a plan showing both the arrangement of the proposed development and the Root Protection Areas of the trees. It will also be necessary to identify the way that retained trees would be physically protected for the duration of the construction phase of the development

At the present time the information provided does not demonstrate that the development proposal can be implemented without causing harm to the trees on the land.

In terms of the impact of the development on the character and appearance of the conservation area the introduction of the built form in the rear garden of the existing dwelling (54 New Road) will have an urbanising impact on local environs and consequently on the use and enjoyment of the Welcome Home Playing Field. The development proposal is not in keeping with the local settlement pattern.

No objections to amended plans retaining the 2 frontage trees within the visibility splay.

ECC Highways Dept

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

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.

' Prior to occupation of the development, the access at its centre line

shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note: If these visibility splays cannot be achieved within land covered by highway rights or under the applicant's control and a reduced provision is required, the applicant will need to provide evidence by way of a speed survey that the reduction in visibility splays will not create a highway safety issue.

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

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' Prior to the first occupation of the development, the proposed access shall be constructed to a width of 5.5 metres to the satisfaction of the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

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

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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

Comments on Amended Plans Awaited

ECC Archaeology

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The proposed site lies within a Conservation Area and historic settlement of Manningtree. Manningtree is of considerable archaeological and historical importance, as an example of a small market town which contains elements of both a sea-port and an industrial town that retains its medieval street-pattern and parts of the medieval and early post-medieval built environment.

The proposed site lay beyond the original Medieval town and on the outskirts of the postmedieval expansion areas where industrial sites and related activity were located. In the early nineteenth century Manningtree was a major centre of the Essex malt industry with five separate sites in operation. The Lawford Works was also a major employer with three complexes producing leather and iron goods on the west side of the town. This industrial activity necessitated the construction of small terraces of worker's housing and more substantial managers' dwellings. In the late nineteenth century the erection of the huge Mistley maltings in the neighbouring parish effectively eclipsed the production of malt in Manningtree and parts of the Lawford Works appear to have gone into decline about the same time. The site lies within an enclosed area marked as Gresham Place which is depicted on the 1st edition OS maps and may be earlier in origin.

Further evidence for post medieval and later activity associated with the settlement may survive within the site.

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

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation,

which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.

2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

5. Representations

Mistley Parish Council – Comments on the initially submitted scheme:-

Mistley Parish Council objects to this planning application because it has concerns about;

- Within the Manningtree and Mistley Conservation Area
- Within the existing green gap and the proposed Strategic Green Gap in the new Local Plan;
- Over development of the site;
- Backland development;
- Access onto the bend of an already busy New Road, which is the principal road for the majority of heavy goods vehicle journeys to and from Mistley Quay, Edme, Crisp Maltings, and Mistley Marina; (6) proposed design of flats is not in keeping with the immediate locality;
- Site borders the Manningtree and Harwich branch line railway and so UK Rail Network ought to be consulted on siting of the proposed development;
- Tendring District Council has already achieved its five-year housing land supply, and
- Issue about flooding and need to check the water table as the site is adjacent to two natural springs – one which goes along the railway, which blocks regularly and causes flooding and the other goes beneath the Welcome Home Field.

Mistley Parish Council – Comments on the revised scheme:-

Mistley Parish Council objects to the amended plans and re-iterates our earlier objections.

25 neighbour representations have been received, which make the following points:-

- Mistley, Manningtree and Lawford has been over-run with new developments, and we have reached our quota
- The infrastructure cannot cope with any more houses
- There is one road out to Colchester and one train station to London, and one senior school and there is no capacity for more people
- The roads are more and more congested
- Site borders the AONB but you won't be able to see it for buildings and car-fumes
- It's destroying wildlife
- Not in-keeping with the surrounding area
- We are sick of a lovely house being knocked down to put 5 in its place
- There's already a new house being built opposite with another drive adding to the road problem
- There's been an explosion of cars and the development is on a blind-spot, and the extra traffic will make the road more dangerous
- No architectural merit in the plans
- This is a Conservation Area and there would be extensive removal of trees and hedgerows to allow for 90m visibility
- Contradicts the ideals of conservation and development is not sympathetic to the area
- With 1000 houses to be built in the next few years, there is no justification to build on every corner of land
- Will impact on local residents
- Impacts on the green gap in the new local plan
- This is backland development in the oddly-shaped back garden and contrary to Policy HG13, which discourages long drives, would be a harmful precedent out-of-character with the area
- New Plan Policy LP8 has similar restrictions on backland development
- The proposal is contrary to both Plan Policies
- The flats will be built at the back of the site near to the railway, and restrict views across the open space to the east of the site
- Views from the open space would be affected
- TDC now has a 5-year housing land supply, and there is a lot of new housing, so I cannot see how the applicants statement that the development would meet a housing need in the area can be correct
- Contrary to Policy HG3 as it is not within the dev limits of the settlement
- Un-necessary and undesirable over-development in an already congested area
- Community, environmental and strategic considerations that under-pin the new local plan, should not be set aside because the developer wants to build on a green space with apartment blocks
- Sets a very unwelcome precedent
- Altering an existing dwelling and building more for maximum financial gain is not in the communities best interest
- New Road is extremely busy, has parked cars, concealed drives and is very dangerous
- There will be an unacceptable adverse impact on the amenity of my property, over-looking/over-shadowing, loss of privacy and a loss of view
- Potential for noise and disturbance affecting my amenity and that of my neighbours
- There would be a huge impact and disturbance from the construction works, and construction vehicles parking/turning
- 16 parking spaces mean extra traffic – has ECC Highways assessed this properly?
- Protected species could be present at the site
- Area is walked by parents with young children and the site is next to the welcome home playing fields and play-space and is a war memorial – inappropriate for flats to over-look a children's play-space
- Un-necessary extra strain on local roads and amenities
- There are issues of flooding on the land

6. Assessment

The main planning considerations are:

- Principle of Development and 5-year Housing Land Supply
- Form of the Development
- Design and Impact on the Conservation Area
- Impact on Mature Trees
- Highway Safety, Parking and Access
- Noise and Contamination
- Residential Amenity

Site Location

- 6.1 The site currently consists of an existing bungalow - Morschach, at 52 New Road, Mistley – a modern property of no particular architectural merit, which is accessed directly from New Road, close to the village playing field.
- 6.2 The property, along with No 54 - which is also owned by the applicant - have extensive gardens containing numerous outbuildings and several mature trees, the gardens extending to the railway line (which is in a cutting) to the south-east, and to the north-east is the playing field.
- 6.3 Each property has its own drive and turning space and there is a substantial boundary hedge to No 54 which follows the curve of the road, and the boundary to the playing fields has extensive tree cover.
- 6.4 The site is within a residential area, with individual detached, semi-detached and terraced houses fronting on to the southern side of New Road, and with several housing estates served from individual drives on the northern side of the road.
- 6.5 The site falls within the Conservation Area, and is defined within the adopted Tendring District Local Plan 2007 as being within the Local Green Gap and outside of the development limits, but within the settlement development limits and outside of the Strategic green Gap in successive versions of the draft Local Plan and the latest Publication Draft 2013-2033 and Beyond.

Proposal

- 6.6 The application seeks permission to demolish the end element of No 52 New Road containing a gable feature, and to replace the lost floor area in an extension at the rear to create an 'L' shaped double-fronted 2 bedroomed bungalow.
- 6.7 It would have a central entrance porch and a parking area to the front and a walled garden to the rear.
- 6.8 The additional space to the side allows the existing drive to be widened to serve the land at the rear, and it is proposed to erect 2 blocks containing 4 flats each, of 2 bedroomed proportions, being 8 flats in total, 4 on each floor.
- 6.9 Each block would have the appearance of a terrace as there would be a front-door serving each ground floor flat, and a central door with staircase to serve the 2 upper flats and the buildings (in amended form) are an attractive design incorporating chimney stacks, hipped

roof with projecting gable features, projecting front bay-windows and with ornate door surrounds to the 3 front doors.

- 6.10 The flat blocks would be arranged at right-angles to each other, and would have extensive communal gardens to the front, side and rear, and with a turning area to the front, serving 16 parking spaces, created with grasscrete surfacing.
- 6.11 7 trees amongst the extensive group at the rear of the site are to be removed, 3 being near to the boundary with the playing field.
- 6.12 The widened access drive would be on to New Road, and the front boundary hedge to No 54 is to be removed and replaced behind the required visibility splay, and whilst this requires the removal of some conifer type trees, the mature lime and sycamore can be retained.
- 6.13 The applicant has submitted contamination and noise surveys, an arboricultural report and is currently liaising with the Highway Authority in relation to the provision of traffic calming measures for New Road.

Principle of Residential Development

- 6.14 The site lies partly outside the defined settlement boundary of the Saved Local Plan (the existing bungalow is within the SDL, whereas the proposed flats are outside that limit) and within the local green gap (Policy EN2), but within the settlement boundary and outside of the Strategic Green Gap of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft Document (June 2017), the site having been identified early-on in the revised plan, that it should be included as part of the settlement, and subsequent editions of the Emerging Local Plan have favoured the development of the site.
- 6.15 The National Planning Policy Framework (The Framework) was published in March 2012 and replaces almost all previous Government planning guidance. The existing settlement development boundaries of the Saved Local Plan date from 2007, and reflect the level of development anticipated at that time, and as a result, the S.D.L shown in that plan are out-of-date, as confirmed by a lack of a demonstrable 5-year Housing Land Supply, and as a result, little weight can be attributed to the housing locational policies of the Adopted 2007 Local Plan, particularly Policy QL1.
- 6.16 The Council has been committed to the inclusion of this site within the Settlement Development Boundaries, and is identified as such within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft Document (June 2017), and has been shown as such in successive drafts of the Emerging Local Plan.
- 6.17 As there have been no substantive objections to the inclusion of the land within the S.D.B and its non-inclusion within the Strategic Green Gap, increasing weight was to be attributed to its inclusion within the S.D.B. However recent appeals suggesting that the Council cannot show a 5-year supply of housing land result in that Policy being out-of-date before it is adopted, and therefore less weight can be attributed to it, although it does show that the Council were committed to the changed status of the site from the 2007 Local Plan.
- 6.18 With both the Adopted and the Emerging Local Plan policies considered to be out-of-date, less weight can be attributed to either plan, although clearly, the more recent policies within the Emerging Local Plan, more accurately reflect the current situation.
- 6.19 With little status being given to policy QL1, assessment of the principle of development falls to be considered under the National Planning Policy Framework (NPPF).

- 6.20 Chapter 6 of the NPPF has as an objective, the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.21 It is accepted that the authority is currently unable to demonstrate a 5-year supply of deliverable housing sites with robust evidence, and as a result officers consider that Tendring District Local Plan (2007) Saved Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF. This view has also been supported by the Planning Inspectorate in 2 recent appeal decisions for similar outline schemes.
- 6.22 As has been stated already, the Council has published the Tendring District Local Plan 2013-2033 and Beyond Preferred Publication Draft Document (June 2017), and whilst the document has been submitted to the Secretary of State, formal adoption cannot take place before it has been examined, and found to be sound. Until that time the relevant emerging policies may be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.
- 6.23 With the Adopted but elderly Local Plan indicating one thing and the Emerging Plan another, based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary as currently defined, nor can significant weight be attributed to the changed status within the emerging Local Plan. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.24 Sustainable development
On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development' being:-
- economic,
 - social; and,
 - environmental roles.

The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

Economic Role

- 6.25 Officers consider that the proposal would contribute economically to the area, for example by providing custom for services such as local shops and public houses within the immediate area and the nearby town centres. It is also considered that employment during the construction of the development will also take place, this could take the form of the developer utilising local services and tradesmen. It is therefore considered that this meets the economic arm of sustainable development.

Social Role

- 6.26 In respect of the social dimension, the proposed development will add to the mix of dwelling types in the area and be a nominal addition towards the 5-year housing supply figure.

- 6.27 Whilst not affordable housing, the scheme caters for both a modest 2 bedroomed bungalow, and eight 2-bedroomed flats, that would be lower-cost housing, which the applicant states are in short supply and the development would meet the need for smaller dwelling units.
- 6.28 The dwellings would be close to the existing settlement development boundaries – to the south-east of New Road, and the site is generally one within easy access to the towns many services and facilities, and the settlement is considered to be a sustainable location for new housing development.
- 6.29 The close proximity of the dwellings to the town is such that it would allow for the possibility that journeys would be undertaken on foot or by cycling, and the site would have good access to public transport, on balance, the site represents a highly sustainable location.
- 6.30 As such the application site performs reasonably well in regard to the social element of the NPPF's definition of sustainable development and assists in meeting the short-fall in housing land.

Environmental Role.

- 6.31 The environmental role is about contributing to protecting and enhancing the natural, historic and built environment which are considered below under Design and Impact on the Conservation Area, and Impact on Mature Trees.
- 6.32 The sections below conclude that there would not be a significant impact on the character of the Conservation Area, nor an appreciable impact on Protected Trees, and it is considered that the proposed development would have a positive impact upon the environment and would as a result satisfy the environmental role of sustainability as defined within the NPPF.

Form of the Development

- 6.33 The proposal includes the re-profiling of the existing bungalow to allow for an access to the side, and the resulting built-form would be a form of backland development. Such developments are present in the immediate locality, and form part of its character with several new and well-established cul-de-sac developments on the opposite side of New Road.
- 6.34 As a result, the form of the development would not appear out-of-place. It would constitute backland development, although as a policy that can limit housing supply, the backland policies are effectively out-of-date.
- 6.35 In any event, the backland development policies (HG13 and LP8) allow for development where the access road is not unduly long, the development would not be out-of-character and the development would not form a harsh urban 'edge'. In addition, cul-de-sac development forms the principle character in the area, the access drive is a modest one and the site is already well defined by the adjacent railway line, although there are no public vantage points where the sites boundaries can be readily viewed.
- 6.36 The development, whilst stated as being 'flats' is in effect, a modest 2 storey scheme that will have the appearance of traditional terraced housing and reflects the terrace further along New Road.

Design and Impact on the Conservation Area

- 6.37 Whilst there were appreciable concerns in relation to the initial scheme, in its revised form, the development proposed seeks to provide a modest bungalow on the New Road frontage, and a modest development of flats (which have the appearance of terraced housing) and is not dissimilar from that of the nearby terraced houses fronting on to New Road.
- 6.38 The proposed dwellings would be set back from New Road, to the extent that only glimpses of the buildings would be seen through gaps in the frontage and little more than fleeting views of the roof would be visible from the nearby playing fields.
- 6.39 As a result, the flat-development element of the proposal would not have any appreciable impact on the character of the Conservation Area, and the amended plans indicating 2 blocks with feature chimney stacks and appropriate fenestration, would not detract from, and therefore preserves, the character of the Conservation Area.
- 6.40 The parking is in modest groups well screened by trees and buildings and would not be prominent. The grass-crete surfacing would ensure a 'green' appearance when the parking is not in use.
- 6.41 The proposed changes to the bungalow on the road frontage are also considered to be visually acceptable in the Conservation Area. The existing bungalow has no particular merit, and the revised appearance has a feature front porch, a balanced appearance to the front elevation and a more pleasing appearance.
- 6.42 The proposal is not therefore considered to be harmful to the character of the Conservation Area, and therefore preserves its appearance, and complies with the relevant policies for development within such areas.

Impact on Mature Trees

- 6.43 The site has extensive tree-cover, although not all the trees - particularly those on the frontage, and within the garden of the existing dwellings - are of high quality, and they are protected by virtue of being within the Conservation Area.
- 6.44 The main trees on the boundary with the adjacent park/playing field/memorial field are retained, and an arboricultural report indicates that the scheme would not be harmful to the root protection area. Amended Plans have since been submitted which show the RPAs of the trees in accordance with the Tree Officers advice.
- 6.45 The trees which are to be felled are not of high amenity value, and the principal concern was the impact on the trees on the site frontage, especially the mature lime and a sycamore.
- 6.46 However the Highway Authority has indicated that providing the frontage hedge is replaced at the back of the visibility splay – and the land between the splay and the road is maintained at a low level, then they can accept the trees within the splay, and the applicant is to introduce traffic-calming measures as agreed with the Highway Authority to reduce traffic speeds on New Road to off-set the reduced visibility arising from the retention of the 2 mature trees within the visibility splay.
- 6.47 The result of the above is that all the trees of any merit can be retained and only poor quality trees that do not have a high amenity value are to be felled, and as such, the development would not harm the appearance of the locality or the character of the conservation area.

Highway safety, Parking and Access

- 6.48 The applicant has undertaken extensive pre and post-application discussions with the Highway Authority, and their traffic survey indicates that traffic on New Road is exceeding the 30mph speed limit and is actually travelling at up to 36mph.
- 6.49 As a result, the standard 2.4m x 43m visibility splays as advised by Manual-for-Streets are not appropriate and greater 2.4m x 54m splays are required, which results in the need to remove a front boundary hedge to No 54 New Road, and several conifer trees of no great visual merit.
- 6.50 The applicant indicates that appropriate landscaping and replacement hedging would be provided behind the visibility splays.
- 6.51 The applicant's proposed traffic-calming measures to reduce speeds appropriate to the visibility that can be provided and agreement has been reached with the Highway Authority regarding suitable signing and white-lining on the road to assist in slowing down passing vehicles.
- 6.52 The Highway Officer has stated the following:-
In this regard the Highway Authority will accept the proposed scheme as shown.
- To reiterate, this Authority therefore accepts;
- The traffic calming measures as shown on the submitted drawing
 - Removal of all the vegetation along the site frontage, except the Sycamore and Lime, as these are accepted as limitations within the visibility splay
 - The remaining visibility splays measuring 2.4x54m clear to ground level
 - Any new planting should be positioned at least 1m behind the new visibility splay thereby ensuring any future growth does not encroach into the visibility splay
- 6.53 The formal comments/conditions regarding the amended plans/traffic-calming are anticipated, and will be reported on the Committee update sheet, however it is apparent that the Highway Authority considers that the amended proposals are acceptable in highway safety terms, and paragraph 32 of the N.P.P.F states:-
- Plans and decisions should 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 and 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.
- 6.54 It is considered that with the changes to the scheme, and the traffic-calming measures agreed with the Highway Authority, that the residual impact of the proposal would not be severe and a refusal on traffic safety grounds could not therefore be justified.
- 6.55 The proposal is a modest development of smaller dwelling units, within a sustainable location close to the centre of a larger settlement, and the scheme provides for 16 parking spaces to serve the 8 flats (the existing bungalow would also have 2 parking spaces) and this meets the requirement of the Adopted Parking Standards .
- 6.56 The proposal is considered to be acceptable in terms of parking provision.

Noise and Contamination

- 6.57 There was an initial concern expressed by the Environmental Health Department, that due to nearby sites known to be contaminated, there was potential for contamination at the application site, and that there was also potential for noise arising from the adjacent railway line.
- 6.58 The applicant has commissioned a contamination report and a noise survey, which demonstrates that contamination and noise would not be limiting factors in relation to the development of the site, the Environmental Health officer indicating that:- "I have reviewed the contaminated land survey and the noise impact assessment and can advise Pollution and Environmental Control have no comments to make on this application".
- 6.59 The proposal therefore meets the appropriate policies relating to contamination and noise.

Residential Amenity

- 6.60 The proposed development would be situated to the rear of existing properties that front on to New Road, and therefore there is potential for noise/disturbance arising from the use of the access, as well as the usual issues of a loss of light, and loss of privacy from over-looking.
- 6.61 The access drive serving the proposed development, is situated an appropriate distance from No.s 52 and 54 New Road, such that the coming and going of vehicles would not cause any undue disturbance.
- 6.62 The proposed alterations to the bungalow (No. 52). Would not bring the building any closer to the neighbours at No 50 and 54 New Road, and there would be no increase in the amount of built form on the boundary, nor any additional windows, and as a result, the works to the existing bungalow, would not have any increased impact on the amenity of the adjoining dwelling, and the proposal is considered to be acceptable in relation to the alterations to that property.
- 6.63 The new flat-type dwellings are located a considerable distance from the nearest neighbour at No 50 New Road. Whilst there would be habitable room windows in the gable wall facing that neighbour (being 3 bedroom windows at ground floor, and 2 bedroom and a lounge window at first floor), the proposed flat block is, at its nearest point – some 44m away from the nearest part of the neighbours dwelling, this is more than twice the normally accepted distance between dwellings.
- 6.64 At such a considerable distance, the development would not cause any over-looking, a loss of privacy, or any over-shadowing of the neighbours dwelling. Nor despite being 2-storey in height would the development be oppressive for the nearest property.
- 6.65 The proposed car-parking for the flats is provided 4 discrete areas, and 7 spaces are proposed in the 'gap' between the existing bungalow on the site and the front of the proposed flats, and at its nearest point, that element of car parking would have a 16m separation distance from the neighbour and as a result, no appreciable loss of amenity would result.
- 6.66 Whilst the proposed car parking would be close to the boundary with the neighbours' rear garden, that garden is a substantial one, being over 60m long and 13m in width. Whilst there could be some noise from the parking audible within some parts of the garden, it is not considered to be a sufficient intrusion to warrant the refusal of permission.
- 6.67 One of the proposed flat blocks would be in close proximity to the garden of the neighbour – around 2 ½m from the boundary. There could be some over-looking from the upper-floor

windows (2 bedrooms and 2 obscure glazed bathroom windows), but the windows would look in to the very bottom of the neighbours' long rear garden, the furthest distance from the dwelling, at 46m distant.

- 6.68 There would inevitably be a modest degree of over-looking of the neighbour's garden. However, due to the substantial size of the garden, it would be unreasonable to expect that every part of the garden be completely private. In any event, the garden is already overlooked from the dormer windows within the other half of that semi-detached bungalow.
- 6.69 Due to the modest degree of overlooking of the bottom of the garden from upper-floor bedroom windows (which are unlikely to be occupied when the residents are enjoying their garden), it is not considered that a refusal on that ground would be justified.
- 6.70 On balance, and in the absence of a 5-year Housing Land Supply, the benefits of the scheme are not out-weighted by any harmful impacts. The development is therefore an appropriate one and recommended for approval.

Background Papers

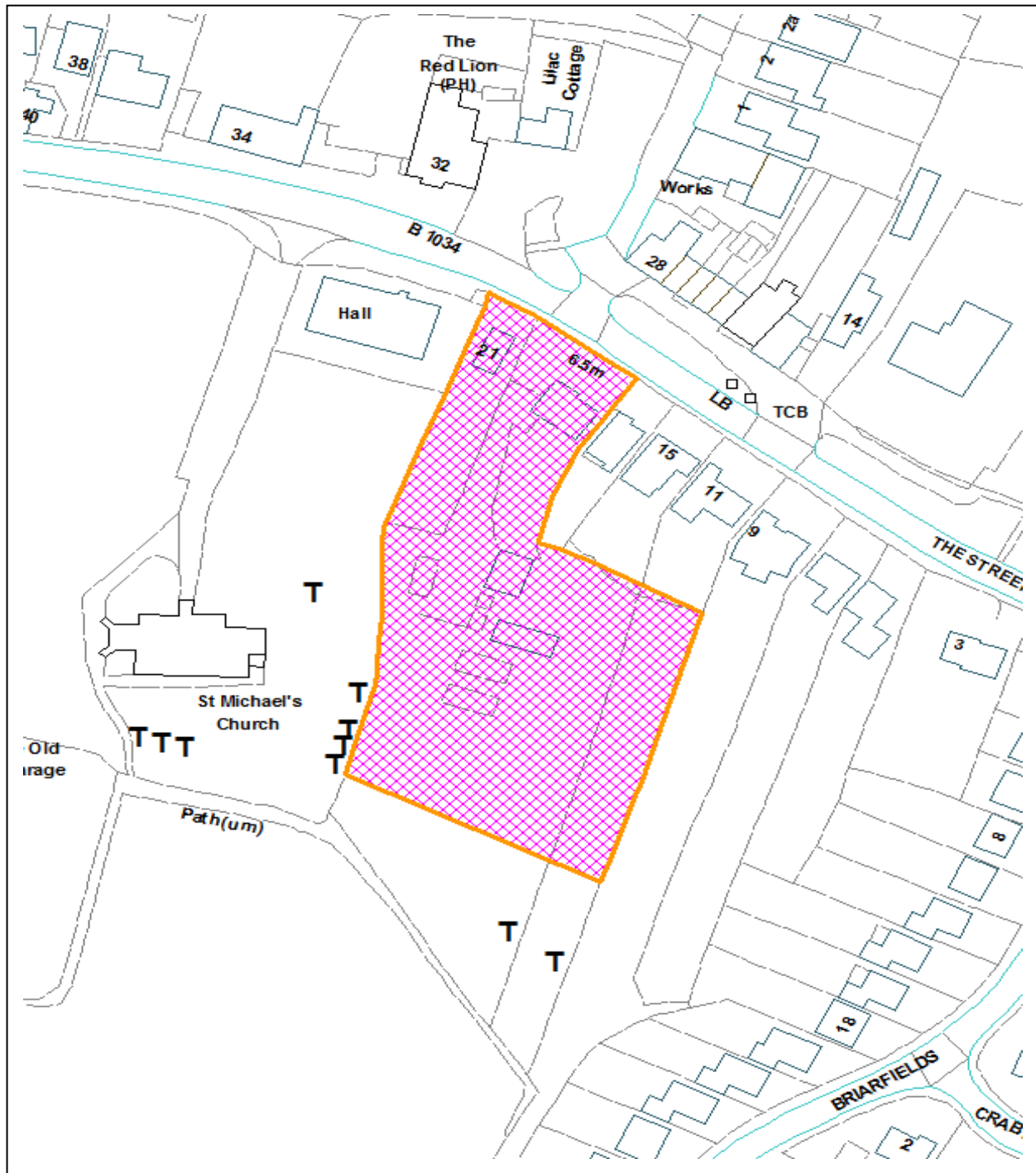
None

PLANNING COMMITTEE

31 OCTOBER 2017

REPORT OF THE HEAD OF PLANNING

A.3 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 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 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.
- 1.2 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.
- 1.3 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.
- 1.4 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):

- 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 (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. **Planning Policy**

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 cannot 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 together with seven new dwellings.	Withdrawn	19.03.2007
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	<p>A full contaminated land survey needs to be carried out and submitted in writing to this authority to protect end users of site.</p> <p>A full construction method survey would need to be submitted taking into account the following advice:</p> <p>Demolition & Construction</p> <p>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.</p> <p>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.</p> <p>Best Practice for Demolition Sites</p> <p>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)</p> <p>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</p>

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

As described in earlier comments 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. The applicant has now submitted a Tree Survey and Report to show the extent of the constraint that the trees are on the development potential of the land. The report also indicates the possible impact of the development on the trees, both on the application site and on adjacent land. This information is in accordance with BS5837:

2012 Trees in relation to design, demolition and construction:

Recommendations

The Tree Report contains a Tree Constraints Plan showing the extent of the area around the trees that will be protected to ensure that the trees are not harmed by the development proposal.

In respect of the Oak covered by the above TPO the information provided adequately demonstrates that the development proposal could be implemented without causing harm to the tree. It also shows that the adjacent Lombardy Poplar will not be harmed.

In terms of G9 of the tree report the site layout plan shows a clear incursion into the RPA of these trees. This has the potential to cause harm to them by disturbance to their roots. However it is important to note the position of the overhead power cables that run along this boundary that have, and will continue to, necessitate regular pruning works to cut back branches from the power lines. Taking into account the likely need to carry out future works to maintain a safety separation distance between the trees and the power cables and balancing the impact of the works to the crowns of the trees against likely root pruning required to construct the access road; it is considered that the implementation of the development, as shown on the indicative site layout plan, would be unlikely to cause the trees significant or permanent harm.

A condition could be attached to secure details of where specialist construction techniques will be required to minimise harm to the roots of the trees. Should outline permission be likely to be granted then details of soft landscaping, including new tree planting should be secured as a reserved matter.

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.

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
- Potential damage to existing property due to increased traffic movement
- 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
- Impact of cumulative developments within the village.

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
- 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 However as the site lies outside of the settlement development boundary of the adopted Local Plan, it is technically contrary to adopted policy. At present however, the Council is currently unable to identify a five-year supply of deliverable housing sites, plus a 5-20% buffer, as required by paragraph 47 of the NPPF – although the housing supply position has significantly improved and the Council are close to providing a five year supply.

- 6.7 In line with paragraph 49 of the NPPF, housing policies must therefore be considered ‘out-of-date’ and the government’s ‘presumption in favour of sustainable development’ is engaged. To comply with national planning policy, the Council would not, at this time, be justified in refusing this planning application purely on the basis that it lies outside of the settlement development boundary of the adopted Local Plan.
- 6.8 ‘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.
- 6.9 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).
- 6.10 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.
- 6.11 As this site is located within the proposed settlement development boundary for the village and no longer zoned within the Green Gap area officers consider that the proposed development complies with emerging planning policy and the NPPF.

Proposed Layout

- 6.12 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.
- 6.13 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.

- 6.14 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

- 6.15 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'.
- 6.16 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.
- 6.17 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

- 6.18 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.
- 6.19 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, 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.

- 6.20 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

- 6.21 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.
- 6.22 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. As noted by the Councils Tree and Landscape officer a protected oak tree will remain unaffected by the proposed development. Although there is some incursion into root protection areas for a small number of trees this is considered unlikely to cause the trees significant or permanent harm. Details of new landscaping and tree planting can be secured under a future reserved matters application.

Flood risk and drainage

- 6.23 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan 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

- 6.24 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.
- 6.25 The applicant has submitted an ecology report which concludes there will be no adverse impact on protected species. No objections in terms of wildlife have been received from statutory consultees, including Natural England. 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

- 6.26 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.
- 6.27 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.
- 6.28 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.
- 6.29 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

- 6.30 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

- 6.31 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.
- 6.32 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

- 6.33 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.
- 6.34 The scheme will result in provision of 10 additional dwellings which will contribute to housing supply and meeting local need within the village.
- 6.35 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.
- 6.36 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

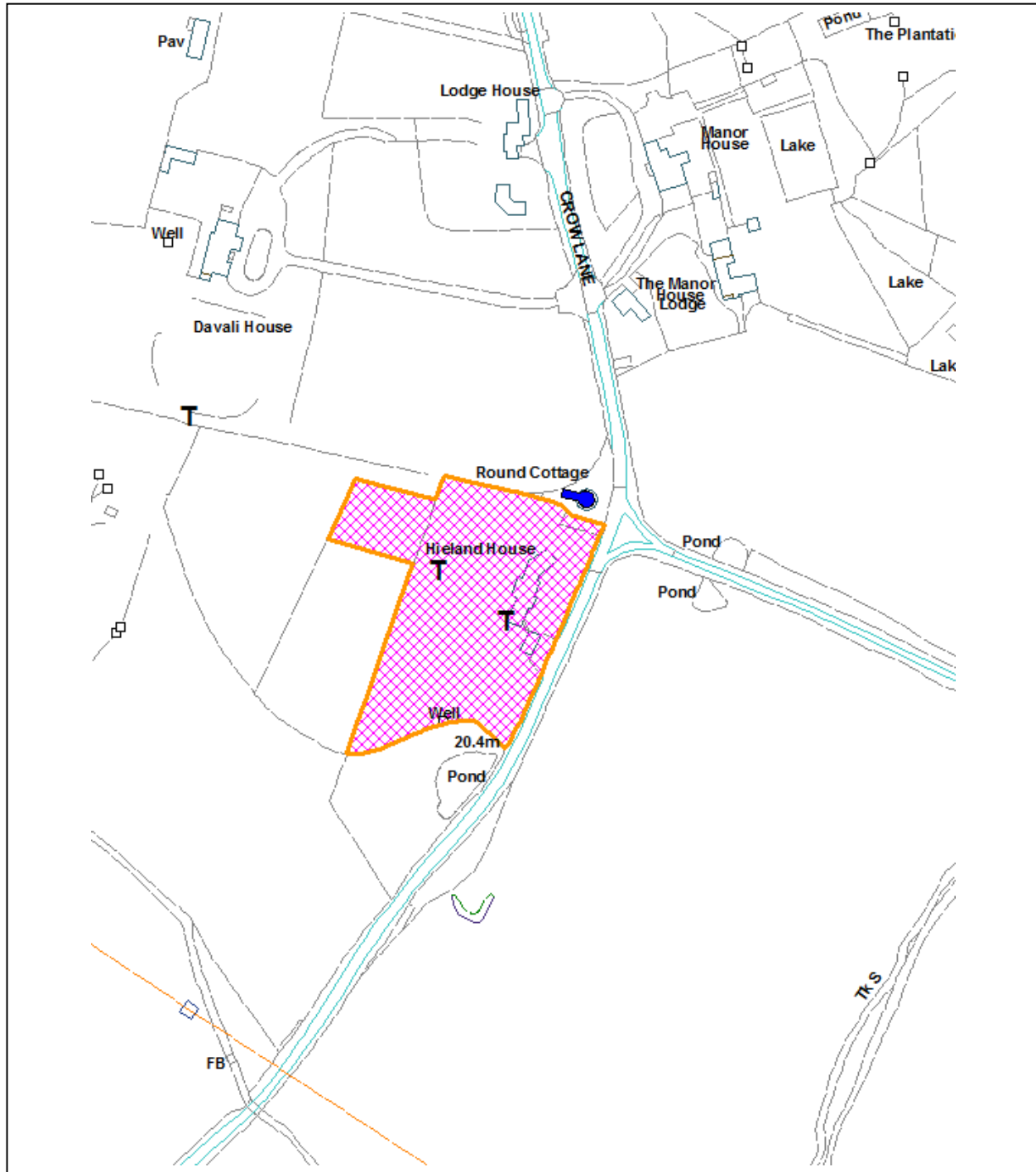
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PLANNING COMMITTEE

31 October 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/01070/FUL - HIELAND HOUSE, CROW LANE, TENDRING, CO16 9AW



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Application:	17/01070/FUL	Town / Parish: Tendring Parish Council
Applicant:	Mr D Messenger - EHG Capital Ltd	
Address:	Hieland House Crow Lane Tendring CO16 9AW	
Development:	Use of property as a beauty spa and for functions during the day time only.	

1. Executive Summary

- 1.1 This planning application has been called in by Cllr Guglielmi on the basis of previous planning refusals and in view of the level of objections received from local residents. Cllr Guglielmi has confirmed that he neither supports or objects to the proposal.
- 1.2 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The area is predominantly rural in character.
- 1.3 This application is for the change of use of Hieland House from a domestic dwelling to a venue for functions and beauty spa treatments. There are no alterations or extensions proposed to the property.
- 1.4 The site has been the subject of two recent planning refusals concerning the use of the property for functions including weddings. Both applications proposed 14 events a year (predominantly weddings) extending on beyond 7pm and ceasing at midnight. The applications were both refused due to the adverse impact upon local residents.
- 1.5 This application is for the change of use of Hieland House to allow it to be used as a beauty spa and for holding functions during the day only. There are no alterations or extensions proposed to the property. The only external works involve amendments to the access drive and provision of a car parking area. The proposed hours of operation are 8am-7pm (Monday – Saturday) and 10am-4pm (Sundays).
- 1.6 In the absence of any objections from the Council's Environmental Health Department, Essex County Council Highways and the Council's Trees and Landscaping Officer the development, in accordance with the conditions recommended below, is considered to be acceptable in respect of its impact upon residential amenity, highway safety, heritage impacts and visual amenity and tree concerns. As such the application is recommended for approval.

Recommendation: Approve

Conditions:

- Time Limit
- Operating hours of 8am-7pm (Monday-Saturday) and 10am-4pm (Sundays)
- Visibility splays to access (2.4 metres by 48 metres to the north and 2.4 metres x 55 metres to the south)
- Vehicular turning/parking facilities provided prior to first use and retained thereafter

- No unbound materials within first 6m of access
- Access to be constructed at right angles to road at a width of no less than 6m
- No gates to be installed to access
- Details of RPA's of trees to northern boundary and use of 'no dig' technology in areas where parking extends into those areas.
- All parking spaces being 2.9m x 5.5m in size
- No amplified music throughout the site
- Details of external lighting scheme
- Details of an overspill parking area for 20 vehicles
- Foul drainage strategy
- Accordance with approval plans

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER16 Tourism and Leisure Uses

COM22 Noise Pollution

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PP8 Tourism

PPL3 The Rural Landscape

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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

16/00925/FUL	Use of property for wedding and similar functions.	Refused	21.10.2016
16/01920/FUL	Use of property for weddings and similar functions.	Refused	04.04.2017
17/01070/FUL	Use of property as a beauty spa and for functions during the day time only.	Current	

4. Consultations

Environmental Protection	Do not have any comments on this application. Anything that has been asked for previously in regards to noise from events there previously still stand.
Regeneration	The Regeneration Team supports this application for the property to be used as a Beauty Spa and for functions during the daytime only, as the applicant had stated this new business will create up to 4 new full time jobs for the area.
Tree & Landscape Officer	<p>The proposed construction of the new car parking area on the existing lawn has the potential to adversely affect the trees situated on the front boundary of the application site and the land to the north.</p> <p>A site visit reveals that the proposed car park is in a location where there appears to be sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees.</p> <p>If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary.</p> <p>If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig'</p>

construction techniques should be provided. This information should be in accordance with BS5837 2012 Trees in relation to design, demolition and construction Recommendations and could be provided prior to the determination of the planning application.

ECC Highways Dept

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

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 55 metres to the south and 2.4 metres by 48 metres to the north, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.
- The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.
- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

5. Representations

5.1 Tendring Parish Council objects to this application. Observations made:

- Not sustainable

- Not suitable for the amount of traffic on a rural lane
- Not materially different from the previous application
- Not needed or wanted in residential area

5.2 A total of 16 objections have been received. The comments received are summarised below:

- noise to local residents, effecting sleep and enjoyment of property.
- dangerous bend on narrow country lane and concerns over increased level of traffic utilising the site.
- not on mains drainage/likelihood for septic tank to overflow.
- no economic benefit to local community.
- already sufficient level of spa venues in the locality.
- residential area and therefore no need for a commercial enterprise in this location.
- firework displays upsetting pets and wildlife.
- car parking provision inadequate.
- loss of residential unit.
- building already used in past for functions/office use without planning permission in place.

5.3 1 letter of support has been received stating the following points;

- brings in much needed employment.
- wonderful facilities for local people.
- Crow Lane is not a busy road.
- Property set well away from all but one property.
- There is a need for facilities like this in our community.

6. **Assessment**

6.1 The main planning considerations are:

- Site Description
- Proposal
- Planning History
- Principle of Development
- Highway Considerations
- Residential Amenities
- Heritage Impact
- Tree/Landscaping Considerations

Site Description

6.2 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The property is set within spacious grounds behind a frontage wall with entrance piers. To the north of the site are a number of detached properties most of which are set within large grounds. Directly to the north is a listed building known as Round Cottage. To the south is woodland. There are three existing vehicular access points, one adjacent to the northern boundary and an 'in' and 'out' arrangement to the centre of the plot.

6.3 The surrounding area is largely agricultural in character although a cricket ground and a restaurant are located at the northern end of the lane towards Tendring village.

- 6.4 As stated above the house has been extended with two wings on the northern and southern side of the original core of the dwelling. The northern wing is currently utilised as office space in conjunction with the applicant's wedding business. The southern wing contains the main entrance and the function room. The northern boundary of the plot is well screened by existing timber fencing and trees and shrubs.

Proposal

- 6.5 This application is solely for the change of use of Hieland House to allow it to be used as a beauty spa and for holding functions during the day only. There are no alterations or extensions proposed to the property. The only external works involve amendments to the access drive and provision of a car parking area.
- 6.6 Following a refusal for use of the property for evening functions, this proposal is now for alternative day time activities/functions including use as a beauty spa. The functions envisaged include coffee mornings, fund raising occasions, business meetings/conferences, funeral wakes and other similar functions.
- 6.7 The beauty spa will take place within the northern wing of the building including a hairdressing area and nail bar at ground floor and facilities for massage and similar therapies at first floor. The beauty spa element would accommodate no more than 8 customers at any one time and would employ 4 members of staff.
- 6.8 Functions would be held within the large extension to the southern wing. The function area would accommodate a maximum of 48 guests and could employ up to 6 staff. All catering is to be undertaken on site.
- 6.9 The hours of operation proposed for both the beauty spa and function activities is 8am – 7pm Mondays to Saturdays and 10am – 4pm on Sundays.
- 6.10 A new internal access road and parking area is proposed. The parking area would serve 22 spaces. This area is in addition to the 6 parking/garage spaces available to the applicant for himself and staff. In respect of the ability to provide overspill car parking, the land immediately to the west of the proposed car park is grass but there is a concrete roadway which serves this area. It would be suitable as an informal parking area for up to 20 vehicles.

Planning History

- 6.11 A sporadic function use has been operating from the property over last two years ancillary to the use of the existing dwellinghouse. The sporadic nature of the functions ensures that a material change of use of the building has not occurred and its lawful use remains that of a dwelling. These functions have included a number of weddings, birthday parties and anniversaries and fund raising events.
- 6.12 The site has been the subject of two recent planning refusals concerning the use of the property for functions including weddings. Both applications proposed 14 events a year (predominantly weddings) extending on beyond 7pm and ceasing at midnight. The applications were both refused. The first application (16/00925/FUL) on the basis that the submitted acoustic survey did not accurately assess the development proposals and the second application (16/01920/FUL) due to the adverse impact of functions extending up until midnight upon the residential amenity of local residents. The refusal in particular made reference to the use of amplified music and noise associated with people leaving events late at night including the closing of car doors and the starting up of engines in close

proximity to the adjacent property. This refusal of planning permission is now the subject of an appeal still in progress.

Principle of Development

- 6.13 The site is located in a rural location outside of any defined settlement boundary. The National Planning Policy Framework at paragraph 28 supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and seeks to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Emerging Policy PP13 reflects this stance and supports the conversion and re-use of buildings in the countryside to employment, leisure and tourism uses.

In this instance, the proposed function/beauty spa uses will employ up to 10 members of staff (6 staff members for functions and 4 staff members for the beauty spa element) and through the use of the venue for functions will bring people into the area assisting in the growth of the rural economy. The use of the venue for charity/fundraising events will also provide a meeting place for the local community promoting social cohesion.

- 6.14 As such the development would be in accordance with Government Guidance as contained in the National Planning Policy Framework, which supports economic growth and the expansion of all types of business and enterprise in rural areas. Consideration therefore turns to the detailed aspects of the proposals and particularly, given the previous reason for refusal, the impact upon local residents' amenities.

Highways Considerations

- 6.15 In view of the proposed change from a domestic use to a leisure use and highway implications this could cause a site specific Transport Statement has been carried out. The statement concludes the following;

'The proposed change of use would include the improvement of the site access. The site access currently has a substandard visibility envelope. The visibility envelope which would be available with the revised site access arrangements would meet nationally recognised design standards. Annual vehicle movements are expected to be similar with the proposed uses as compared to the extant residential use. There will be increases in weekend flows however these will largely be compensated for by decreases in weekday flows such that there would be a net increase of less than 5%.

Based on the findings of this Highways Statement it can be concluded that the effect of granting consent for this development in transport and highway terms would not cause noticeable harm and consequently could not be considered as having a severe effect'.

- 6.16 Essex County Council Highways have reviewed the proposals and the findings of the transport statement and do not object to the application subject to the conditions stated above concerning the provision of visibility splays to the new centralised access, the parking/turning area being provided prior to first use, no unbound material in first 6m of highway access, the vehicular access being to a width of 6m and formed at right angles to the road, no gates to the site access and parking spaces being 2.9m x 5.5m in size. These requirements will be secured through the use of appropriately worded conditions.
- 6.17 In terms of parking provision, the layout shows that 22 parking spaces would be provided on the land to the north of the building. This area is in addition to the existing 6 spaces provided for staff. The Council's parking standards state that for function/conference

centres in rural areas parking provision shall be determined on each proposals individual merits. The supporting documentation states that a maximum of 48 guests could be at an event. Whilst it is acknowledged that some guests may attend a function via minibus or taxi an overspill parking area should be agreed. The applicant has confirmed that they are open to a condition securing details of an overspill parking area to the west of the proposed parking arrangement. This would provide parking for 20 additional vehicles, which is considered to be acceptable.

Residential Amenities

- 6.18 The use of the property for functions has the potential to impact upon residents living to the north of the application site, through noise and disturbance from the use of the building itself and from the use of the proposed car parking.
- 6.19 As stated above, the previous applications were refused on the basis that the 14 events extending up until midnight would adversely impact upon nearby resident's amenity, particularly in respect of the use of amplified music and the noise/disturbance associated with people and vehicles leaving functions late at night.
- 6.20 The proposal now under consideration removes all evening/late night functions from the scheme by proposing a finish time for events of 7pm (Monday to Saturdays) and 4pm (Sundays). Furthermore the proposal, due to the nature of the functions occurring during the daytime, does not involve the provision of any amplified music.
- 6.21 The acoustic survey which accompanied the previously refused application is largely irrelevant to this proposal as no amplified music is proposed along with significantly earlier finishing times. Notwithstanding this point, the acoustic survey did conclude that the noise levels created from music would be below the ambient levels at identified receptors.
- 6.22 Therefore the early finishing times of functions and the absence of any amplified music ensures that the impact upon local residents, in terms of noise and disturbance from both the use of the building for functions and as a beauty spa along with the use of parking areas, falls within acceptable tolerances. The parking areas are in close proximity to the neighbouring property at 'Round Cottage'. However, due to the early evening finishing times and nature of the functions/uses proposed, i.e. conferences, fund raising events, coffee mornings and the beauty spa use, the noise associated with the use of the parking areas would be staggered and take place at times more sympathetic to nearby resident's amenity.
- 6.23 The Council's Environmental Health Team has confirmed that they have no comments to make upon the application but state that their previous comments in respect to noise stand. Again many of the conditions they previously requested are irrelevant to this proposal due to the absence of amplified music. However, conditions will be attached ensuring that no amplified music is used throughout the site and that the hours of operation proposed are strictly adhered to.

Heritage Impact

- 6.24 Directly to the north of the site is a Grade II Listed Building known as 'Round Cottage'. This is a lodge dating back to the 19th Century and is octagonal in shape. The construction of the parking area will be close proximity to the listed property. However, the parking will consist of a gravel surface and will be supplemented by planting. Furthermore, the parking spaces will replace an existing driveway.
- 6.25 The impact upon the setting of the adjacent listed building is therefore considered to be minimal.

Visual Amenity/Trees

- 6.26 The only external changes proposed are those to the access and through the creation of an external parking area. The parking area would be set to the side and rear of the property on its northern side and therefore be largely screened in views from Crow Lane by the existing property, current vegetation and by the existing wall to the front of the site. The impact upon visual amenity from the proposals would therefore be minor.
- 6.27 In regard to the car park area and the impact upon existing trees, the Council's Trees Officer has commented as below;
- 6.28 'A site visit reveals that the proposed car park is in a location with sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees. In terms of the construction of the car park the development proposal does not threaten harm to the existing trees on the application site or adjacent land. If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary. If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig' construction techniques should be provided'.
- 6.29 As such a condition is recommended to secure details of the Root Protection Areas of the trees on the northern boundary along with the use of 'no dig' technology if the parking areas extend into those protection areas.

Background Papers

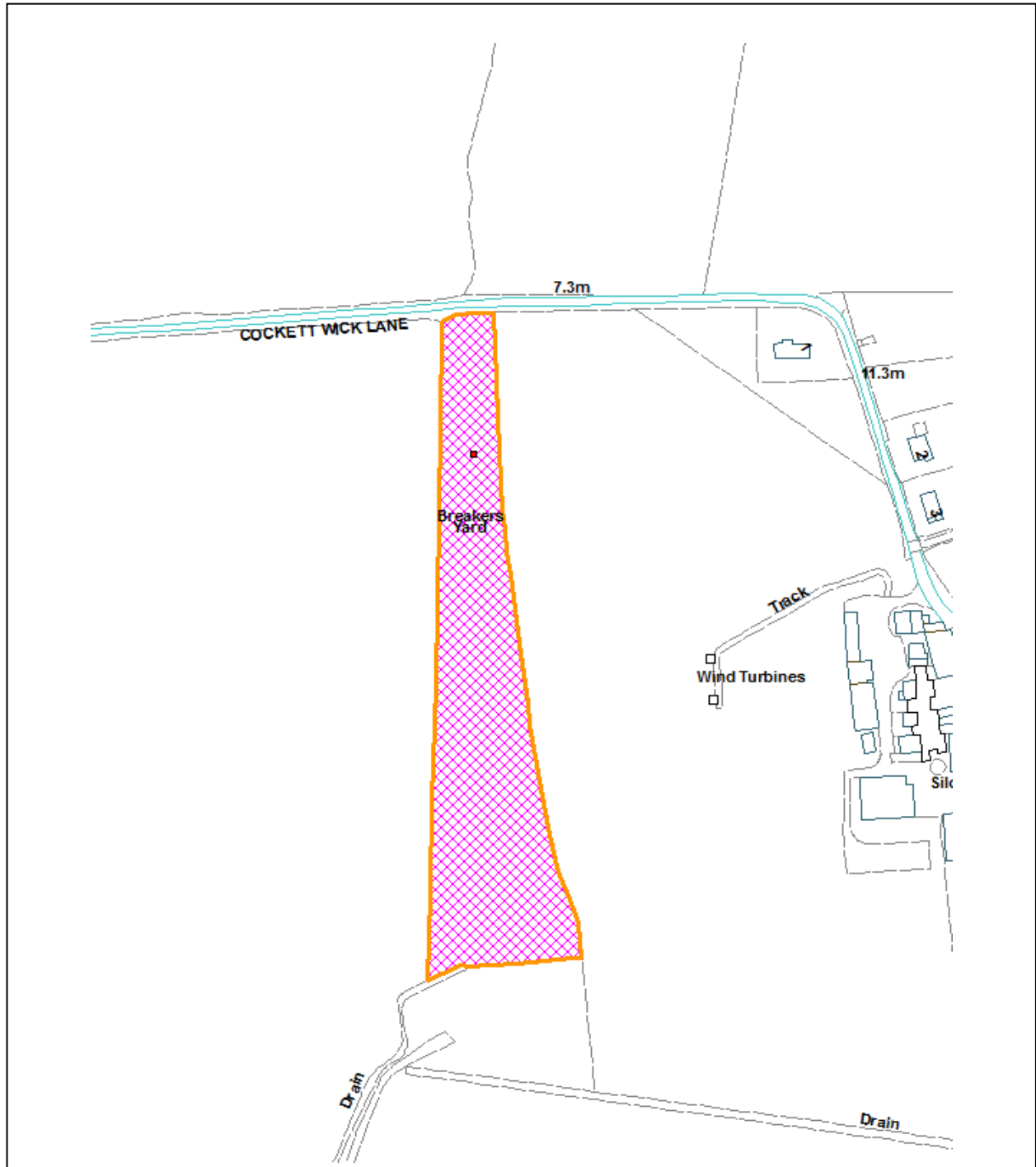
None

PLANNING COMMITTEE

31 OCTOBER 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 16/01770/OUT - CAR BREAKERS YARD, COCKETT WICK LANE, ST OSYTH, CO16 8SE



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Application:	16/01770/OUT	Town / Parish: St Osyth Parish Council
Applicant:	Mr Michael Beamish	
Address:	Car Breakers Yard Cockett Wick Lane St Osyth CO16 8SE	
Development:	Creation of Holiday Village on site of Vehicle Salvage Yard.	

1. **Executive Summary**

- 1.1 This is an outline planning application for the change of use of a former vehicle salvage yard located in the countryside at Cockett Wick Lane, St Osyth. The site is oblong shaped measuring some 1.31 hectares in area and set some 140 metres to the west of Cockett Wick Farm. The site has an existing single access direct from Cockett Wick Lane. The site is partially enclosed by mature shrubs and trees and although set in an elevated position is not particularly visible from public view.
- 1.2 The main policy considerations are adopted Local Plan policies ER16, ER20 and ER22 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. Acceptable flood risk assessments and drainage reports have been submitted as part of the application detail and there are no objections raised from statutory consultees. Although the site is in open countryside the area is considered a tourist destination. The current use of the site as a car breakers yard is particularly intrusive to the locality and the proposed use would permanently remove this undesirable use. The proposed use as a holiday village is therefore considered appropriate in this locality, it would not have a significant impact on the environment or cause undue disturbance to any residential area or property. The proposed access is considered acceptable for the volume of traffic that is likely to be generated. The proposal is therefore considered acceptable subject to appropriate conditions.

Recommendation: Approve

Conditions:

- Time limit – 3 years
- Approved Plans
- Max 24 static caravans/lodges – no touring caravans
- Occupancy restriction – occupation for holiday purposes only.
- Hard and soft landscaping
- Contamination
- 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
- 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

Coastal Protection Zone

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

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**

04/01786/FUL	Proposed upgrade to existing facilities to E.C requirements to provide admin, depollution building and workshop and warehouse units	Withdrawn	25.10.2004
04/02235/CMTR	Creation of new hard standings and erection of 5 buildings, including offices, vehicle depollution unit, dismantling /work shops and storage.	Determinati on	26.10.2004
10/00308/CMTR	Creation of new hard standing and erection of five buildings, including offices, vehicle depollution unit,dismantling/workshops and storage at car breakers yard Cockett Wick St Osyth. ESS/06/10/TEN	Determinati on	01.06.2010
16/00451/FUL		Approved	
16/01007/OUT	Creation of a residential park home development.	Withdrawn	15.09.2016
16/01770/OUT	Creation of Holiday Village on site of Vehicle Salvage Yard.	Current	

4. **Consultations**

ECC Highways Dept	In principle the Highway Authority has no objection to the proposal but any Reserved Matters application should show the following; 1) An appropriately constructed access measuring 5.5m for first 6m, 2) No loose or unbound material used in the surface treatment of the access within 10m of the highway boundary, 3) Any gates to be provided at the access being set back no less than 10m from the highway boundary 4) All parking and turning facilities to be in accordance with current standards
Environment Agency	Following submission of acceptable drainage detail the Environment agency have requested conditions relating to the proposed attenuation pond and contamination ground investigation report in

ECC SuDS Consultee respect of the proposed attenuation pond.
No objection subject to conditions requiring a detailed surface water drainage scheme and details of a maintenance plan and its management.

5. Representations

- 5.1 St Osyth Parish Council have objected on grounds that the site is within a Coastal Protection Zone and within Flood Zone 3. The Council has concerns about the previous use and the fact the site may be contaminated.
- 5.2 Two letters of objection have been received raising the following concerns:
- Lack of landscape detail
 - Impact on local landscape and appearance
 - Contrary to PP11 in that it does not offer any on site facilities
 - Site is not sustainable
 - Concerns regarding highway access
 - Lack of contamination report
 - Impact relating to foul sewage and drainage

6. Assessment

- 6.1 The main planning considerations are:
- Location of the site;
 - Proposed scheme;
 - Policy issues; and,
 - Issues raised in representations.
- 6.2 The application site measures 1.31 hectares in area and is located to the south of St Osyth and approximately 500 metres to the north of the St Osyth Beach Holiday Park. The site is oblong shaped with a minimum width of 25 metres to the north end of the site extending to just over 60 metres at the southern end. The site is approximately 300m in length. Cockett Wick Farm is located 140 metres to the east of the application site. The site is in open countryside and surrounded by open agricultural fields. The land slopes southwards towards the sea and is mainly located within flood zone 3. The site is enclosed with mature shrub and tree planting. Access to the site is via the existing site access direct from Cockett Wick Lane.
- 6.3 Although currently vacant the last use of the site was as a car breakers yard/salvage yard and evidence of this use still remains on the site. The site is visible particularly from the south but due to the mature planting to the site boundaries views of the site are very restricted.

Proposed Development

- 6.4 This is an outline application with all matters reserved for the siting of a holiday village consisting of holiday lodges set around a central access road. Although 24 units are shown on an indicative plan this is an outline application which will require detailed layout and unit numbers as part of the reserved matters application. However it is recommended that the total number of units is restricted by condition to 24, taking into account the constraints of the site. The final numbers would also need to satisfy site licence requirements.

- 6.5 It would be expected that a future landscape scheme for the site would complement and reinforce existing site landscaping. A flood water attenuation pond will also be provided within the site to meet the requirements of the Environment Agency and the Lead Local Flood Authority.

Planning Policy and Assessment

- 6.6 In respect of the National Planning Policy Framework the scheme is considered to comply with national policy relating to the promotion of sustainable rural tourism.
- 6.7 Relevant policy contained within the adopted Local Plan, includes policy ER16, which sets down 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. Policy ER22 – small holiday villages is also relevant – the proposed scheme generally accords with this policy albeit the site is located partly in flood zone 3. The site however provides safe access and can be adequately landscaped. Policy EN3 identifies the site as being within the Coastal Protection Belt although it is not included within the Publication Draft Local Plan.
- 6.8 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. The emerging policy also requires that new static caravan/chalet parks will only be permitted where it would help to strengthen the Districts tourist economy or moving an existing site away from a flood area.
- 6.9 Draft policy PPL1 notes that: *“All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, must be accompanied by a Flood Risk Assessment. New development in areas of high flood risk must be designed to be resilient in the event of a flood...”*
- 6.10 Policy PPL3 of the emerging plan relates to the rural landscape and notes: *“The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance..”*. In respect of landscape the scheme is considered to comply with emerging policy PPL3.
- 6.11 In respect of Local Plan policy ER16 the site already benefits from existing highway and vehicular access and no objection has been raised by the Highway Authority subject to conditions. The scheme is not considered to adversely affect existing residential property or lead to loss of agricultural land. As noted the site is well contained and subject to appropriate landscape enhancement will not have significant impact on the existing landscape. In any event it is a significant improvement to the current approved use as a salvage yard.
- 6.12 As noted the site is mainly located within Flood Zone 3 and perhaps in normal circumstances a new holiday park would be directed away from a Flood Zone 3 area. A key factor in considering this site suitable for holiday accommodation use and therefore an exception is the current use as a salvage yard and the significant environmental

improvements which would result from removing the current use from this locality. The applicant has undertaken considerable work in producing necessary flood risk assessments and associated drainage detail which have satisfied both the Environment Agency and the lead Local Flood Authority in that the site can be developed for the proposed use. Subject to appropriate conditions the scheme is considered acceptable in terms of flood risk.

- 6.13 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 and 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.
- 6.14 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 6.15 The current application has been submitted in outline form with all matters reserved including access. However the site benefits from an existing access point and taking into account the current use of the site the Highway Authority are satisfied that there is existing highway capacity to serve the proposed scheme.
- 6.16 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy CP1 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.17 In terms of accessibility it is accepted that the site is relatively remote although as noted is only a short distance from the St Osyth Beach Holiday Park to the south. The location of the site must again be balanced against the benefit of providing additional tourist accommodation in a tourist area and the removal of an undesirable use.

Issues Raised in Representations

- 6.18 Issues raised in respect of landscaping, highway access, contamination or drainage can all be addressed through detail submitted as part of a future reserved matters application or via planning condition. Matters relating to flood risk have been addressed in detail submitted by the applicant. The Parish Council have noted that the site is within the Coastal Protection Belt where normally new development of this nature would not be supported, however as noted the site is no longer identified as being within the Coastal Protection Belt within the emerging Local Plan.
- 6.19 In summary the proposed development, taking into account the existing site use, is considered acceptable, subject to appropriate conditions. The development will provide additional tourist accommodation in an identified tourist area with any visual impacts mitigated by an appropriate landscape scheme.

Background Papers

None

